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S. HRG. 107–810

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

## HEARINGS

BEFORE THE

## COMMITTEE ON ARMED SERVICES
## UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

NOMINATIONS OF

ADM. THOMAS B. FARGO, USN; LT. GEN. LEON J. LaPORTE, USA; GEN. RALPH E. EBERHART, USAF; LT. GEN. JAMES T. HILL, USA; VICE ADM. EDMUND P. GIAMBASTIANI, JR., USN; GEN. JAMES L. JONES, JR.; ADM. JAMES O. ELLIS, JR., USN; LT. GEN. MICHAEL W. HAGEE, USMC; CHARLES S. ABELL; REAR ADM. THOMAS F. HALL, USN (RET.); AND CHARLES E. ERDMANN

APRIL 26; JUNE 20; JULY 26; SEPTEMBER 27, 2002

Printed for the use of the Committee on Armed Services

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**FRIDAY, APRIL 26, 2002**

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

The committee met, pursuant to notice, at 9:40 a.m. in room SR–222, Russell Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Cleland, Reed, Akaka, Dayton, Warner, and Sessions.

Committee staff members present: David S. Lyles, staff director; and Gabriella Eisen, nominations clerk.

Majority staff members present: Daniel J. Cox, Jr., professional staff member; Richard D. DeBobes, counsel; Evelyn N. Farkas, professional staff member; Creighton Greene, professional staff member; Jeremy L. Hekhuis, professional staff member; Maren Leed, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; and Michael McCord, professional staff member.

Minority staff members present: Judith A. Ansley, Republican staff director; Charles W. Alsup, professional staff member; Edward H. Edens IV, professional staff member; Gary M. Hall, professional staff member; Ambrose R. Hock, professional staff member; Patricia L. Lewis, professional staff member; Thomas L. MacKenzie, professional staff member; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Leah C. Brewer and Andrew Kent.

Committee members' assistants present: Andrew Vanlandingham, assistant to Senator Cleland; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi and Richard Kessler, assistants to Senator Akaka; William Todd Houchins, assistant to Senator Dayton; Arch Galloway II, assistant to Senator

Sessions; and Kristine Fauser and Michael Bopp, assistants to Senator Collins.

**OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN**

Chairman LEVIN. Good morning everybody. The committee meets this morning to consider the nominations for U.S. Military Commands in the Asia Pacific region. Adm. Thomas Fargo has been nominated to be Commander in Chief, U.S. Pacific Command. Lt. Gen. Leon LaPorte has been nominated to be Commander in Chief, United Nations Command/Combined Forces Command/Commander, United States Forces Korea.

I welcome both of you here and congratulate you, on behalf of the committee, on your nominations. I want to recognize each of your family members in advance for the sacrifices that they are going to be asked to make on behalf of this Nation. The members of this committee know the strains that public service can put on a normal family life. None of our nominees would be able to serve in these positions without the support of their families. We thank you in advance for the hardships that you will be putting up with during the service of your loved one in command.

At this time, I would like to ask both of our nominees to introduce family members or guests that you have with you here this morning. Could you do that for us, please?

Admiral FARGO. Mr. Chairman, I have my wife's aunt and uncle, Joan Lewis and Grant Lewis, and my wife's cousin Diane and her husband John Mosher, and they are here from Virginia.

Chairman LEVIN. We have someone else who is very prominent in Virginia who is going to be introducing you in a moment.

Senator WARNER. Mr. Chairman, I think at this point the record should reflect that—if you would stand, Sir—this fine gentleman, Grant Lewis, served in the Battle of the Bulge as a U.S. soldier.

Chairman LEVIN. We are honored to have you. [Applause.]

We are honored that you have joined us here this morning. General.

General LAPORTE. Mr. Chairman, Senators, it is my privilege to introduce my wife, Judy. We have been married 34 years, and grew up in Federal Hill, Providence, Rhode Island.

Chairman LEVIN. We have a proud Rhode Islander here with us this morning.

General LAPORTE. She has been a veteran of 33 moves.

Chairman LEVIN. Well, thank you all for that service and commitment. Our nominees will be assuming command of U.S. military forces stationed from the demilitarized zone (DMZ) in Korea to the furthest reaches of the Pacific Ocean. Both our nominees face significant challenges in their new commands, and they are well-prepared for those challenges.

The Pacific Command region is becoming a new front in the war on international terrorism. At the request of President Arroyo of the Philippines, U.S. Special Operations Forces are helping to train the Philippines Army to more effectively fight terrorists and insurgents. Meanwhile, there is growing concern that international terrorist groups are moving more operations to Southeast Asia.

On the Korean Peninsula, U.S. military forces and their South Korean counterparts must continue to deter conflict along the most

heavily fortified boundary in the world. We should continue to work with our South Korean allies to reduce North Korea's threatening offensive military posture, to stop their proliferation of ballistic missile technology, and to bring them into the world community of nations.

As I said, our nominees are well-qualified for the positions that they will assume. They both have extensive experience in the regions that they will command. Admiral Fargo is currently Commander in Chief, U.S. Pacific Fleet, and therefore already very familiar with the Pacific Command area. Admiral Fargo has extensive command experience at sea, and has also served in important joint and staff assignments, including Director of Operations, U.S. Atlantic Command, and Deputy Chief of Naval Operations for Plans, Policies, and Operations.

Lt. Gen. Leon LaPorte is currently Deputy Commanding General, Chief of Staff, U.S. Army Forces Command. Among other assignments, General LaPorte commanded the National Training Center in Fort Irwin, California, the First Cavalry Division, and the III Corps. He has deployed to Korea many times in the last decade, and has also served as Assistant Deputy Chief of Staff for Operations and Plans, Headquarters Department of the Army.

Our ranking member, Senator Warner, will be introducing Admiral Fargo to the committee this morning, and then two of our colleagues, Senators Cleland and Reed, will be introducing both our nominees.

I would now like to recognize our good friend and distinguished ranking member, Senator Warner.

**STATEMENT OF SENATOR JOHN WARNER**

Senator WARNER. Thank you very much, Mr. Chairman. I am deeply grateful to Admiral Fargo for asking me to make his introduction to the committee today. He proudly reflects that Virginia is the place he has lived for most—how many moves did you make?

Admiral FARGO. Not quite as many as General LaPorte. I have made 26 moves.

Senator WARNER. Fortunately during the course of Admiral Fargo's career much of this time has been spent in Virginia, and who knows, following this distinguished career to which the President has designated you, you may return. I want to pause for a moment to join you, Mr. Chairman, in reflecting on how fortunate we are as a Nation to have two such highly qualified individuals step forward at the request of the President of the United States to assume these important posts.

As we look over their curricula vitae, we see that these gentlemen, together with their families, have devoted more than three decades of service to our Nation, and by that service have gained experience to undertake these two highly sensitive and important positions. So Admiral, I again thank you for allowing a third class petty officer to introduce a four-star admiral.

Mr. Chairman, it is my pleasure to introduce the Admiral to this committee. While Ms. Fargo could not be here, you indicated there are other family members here today, and I share in welcoming them. The summary of assignments indicates the extraordinary career that this fine naval officer has had. We also point out that his

father was a naval aviator during World War II. It is my recollection that at the same period his mother was a nurse in the United States Navy. It is little wonder that he is well-qualified to take on these responsibilities.

After graduating from the United States Naval Academy in 1970—I note that I was then the Navy Secretariat—you responded that you stayed as far away from Washington and the Secretary of the Navy as you possibly could in those days. [Laughter.]

But you passed the test, and I say this with a good deal of knowledge and experience. You passed the test of the late Admiral Hyman Rickover, who reputedly and, indeed, did select only the best and the finest to serve in the Submarine Service, and that service involved service on the attack submarines as well as the ballistic missile submarines.

Admiral Fargo's service culminated in his command of the U.S.S. *Salt Lake City* and Submarine Group SEVEN. He then served with distinction as Commander of the United States Fifth Fleet in Bahrain, where we met again when I visited with various congressional delegations during that period. I believe you were with me, Mr. Chairman, when we visited him in Bahrain.

Admiral Fargo's headquarters tours in the Bureau of Naval Personnel, in the Office of the Chief of Naval Operations, and in the United States Atlantic Command have prepared him well for the duties he will be assuming in the Pacific Command, if confirmed by the Senate—and I think we have every reason to believe that will occur.

Most recently, as Commander of the United States Pacific Fleet, Admiral Fargo has faced some extraordinary challenges—the EP–3 incident with China which resulted in a brave Navy crew being held by the Chinese government for 11 days, and with your work and the work of the President on down, we were fortunate to have their safe return; the tragic collision between the U.S.S. *Greeneville,* a U.S. submarine, and a Japanese research vessel which resulted in the loss of nine young lives; and supporting the Navy's superb performance in Operation Enduring Freedom. I compliment you, Admiral, for your leadership.

Mr. Chairman, I urge that this committee indicate to the full Senate our approval of these two outstanding individuals.

General LaPorte, I will yield to my colleagues here, but I very much enjoyed our extensive visit together, and I join in the observation of the chairman that you are eminently qualified.

Chairman LEVIN. Thank you so much, Senator Warner.

Senator Cleland, let me turn it over to you now.

Senator CLELAND. Thank you very much, Senator Levin, Senator Warner, and fellow members of the committee. Before I formally introduce Lieutenant General LaPorte, I would just like to add my welcome to Admiral Fargo, the nominee for the position of the Commander in Chief, United States Pacific Command. It was my distinct pleasure to meet Admiral Fargo during a previous visit to his command in Hawaii. As we know, for 2½ years, Admiral Fargo has served as the Commander of the world's largest combined fleet command, the Pacific Fleet, so he knows full well the unique challenges that face Pacific Command today.

As a matter of fact, my father was stationed at Pearl Harbor after the attack, and once saluted Admiral Nimitz. I grew up with that whole legend of the CINC in Hawaii being pretty much equivalent to God, and we appreciate you taking on that position today. [Laughter.]

The son of a Navy Captain and a Naval Academy graduate, he served in a variety of sea assignments, to include five assignments in both attack and ballistic missile submarines, and he has commanded the United States Fifth Fleet, the Naval Forces of the Central Command, and served with the U.S. Atlantic Fleet as well. More than any other officer, Admiral Fargo is fully prepared to assume the duties of CINC Pacific Command. I endorse his nomination heartily, and welcome him before the committee.

I would like to now introduce a soldier's soldier, and the nominee for appointment to the rank of general and assignment as Commander in Chief, United Nations Command Combined Forces Command and Commander, U.S. Forces Korea, Lt. Gen. Leon LaPorte.

He is joined today by his lovely wife, Judy. Judy, we welcome you today, and thank you for your years of support both to your husband and to soldiers and families around the world. Mr. Chairman, one of these days we may want to have some awards and recognition for the highest number of moves by a spouse.

As we fight this war on terror, it is critical that we not lose sight of the ever-present danger that still exists on the Korean Peninsula. Command of the United Nations and U.S. forces in the region provides an officer a unique skill and vision as a leader, diplomat, and warfighter. General LaPorte is such a man.

A native of Rhode Island, General LaPorte has enjoyed a long and distinguished career as an Army officer. He is a combat veteran who has led soldiers in Vietnam, in Germany at the height of the Cold War, during Operations Desert Shield and Desert Storm, at the National Training Center, and as Commanding General of the Army's III Corps at Fort Hood, Texas.

As III Corps Commander, he commanded the Nation's elite counteroffensive force prepared to deploy in support of operations around the globe with operational plans, and supported the Korean area of operations.

He currently serves as the Deputy Commanding General of forces headquartered in Atlanta, and it is in this role that I first met General LaPorte. Throughout his distinguished 32 years in uniform, General LaPorte has demonstrated his unwavering commitment to soldiers and their families, and is fully supportive of the initiatives and improvements that have been made and continue to be made, and I think need to continue to be made in Korea, to attract the best and the brightest to serve there.

He is a straight shooter, a man who tells it like it is. I am confident that General LaPorte is the right person to maintain the peace, deter aggression, and improve the quality of life for our servicemen and women in the region.

General LaPorte, again, welcome this morning, a fellow First Cav officer. I appreciate your support for this country and your service of it, and I personally appreciate your continued sacrifice for the Nation.

Thank you very much, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Cleland.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman, and before I join Senator Cleland in formally introducing General LaPorte, let me say a few words about Admiral Tom Fargo.

Admiral Fargo graduated from the Naval Academy in 1970. Despite that, he has——[Laughter.]

Chairman LEVIN. For those few who may not know what the reference is, perhaps we should explain that Senator Reed is a graduate of West Point.

Senator REED. Despite that, Admiral Fargo has accomplished a great deal in his extraordinary career. He is a superb sailor, and I had the occasion to be with Admiral Fargo in Quingdao, China, where I observed firsthand not only his skill as a sailor but his skill as a high-level representative of the United States dealing with representatives of the People's Republic of China. It was an impressive performance. His obvious professionalism and his tact and diplomacy and all those assets which will come into play in your new command were evident there, Admiral, and I commend you for that, and I wish you well. I know you are going to be a superb Commander of the Pacific, and we thank you for your efforts.

Admiral FARGO. Thank you very much, Senator.

Senator REED. Both Lt. Gen. Leon LaPorte and his wife Judy are natives of Providence, Rhode Island. They both graduated from Mount Pleasant High School. I do not want to suggest Rhode Island is a small place, but my father also graduated from Mount Pleasant High School. We are very closely knit in Rhode Island.

General LaPorte went on to graduate from the University of Rhode Island, another great institution in our State, and then he went on to an extraordinary career in the United States Army. He is, as Senator Cleland said, a soldier's soldier, an aviator, cavalry officer, Commander of the Third Brigade of the First Cav, Chief of Staff of the First Cavalry Division in Operation Desert Storm, Operation Desert Shield, and Commanding General of the First Cavalry Division.

He has led with great distinction in every assignment that he has been given. He also taught for 3 years at the Military Academy. He is somebody that represents the extraordinary professionalism of our military forces. The greatest testimony, I think, not only for General LaPorte's professionalism and skill and service comes from his subordinates, who universally praise him as a great leader, as a great developer of other leaders, and as someone who inspires young soldiers to be the best for this great country.

He could not do it without Judy. They have been soul mates and life mates since high school. She represents what is so important to our military services, the fact that there are families that serve the Nation, not just individual soldiers or sailors, and it is a distinct honor and pleasure for me to be here today to recognize this great soldier, this great sailor and their families for what they have done for this Nation, and what they will do in very demanding assignments.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman. I want to thank you for holding this hearing, and for trying to move these nominations as quickly as we can.

I want to welcome the families and friends of our highly qualified nominees, and also their supporters who are here. I want to thank both General LaPorte and Admiral Fargo for spending time with me chatting about your duties in the Pacific area.

I want to tell you, General LaPorte, I was quite impressed to know that you and Judy met in the seventh grade, and since then you have been married and had a family, and you are still together. You have moved 33 times in your career, and that is quite impressive. I am looking forward to working with you as Commander in Chief for the United Nations Command, the Combined Forces Command, and United States Forces in Korea. General LaPorte, I want to wish you well and wish you the best.

It is with great pride that I participate today, Mr. Chairman, in the nomination of Adm. Thomas Fargo to be Commander in Chief of the U.S. Pacific Command. Admiral Fargo has done a tremendous job in his current capacity as Commander of the Pacific Fleet, and I mention this because he has done so well in Hawaii, and with the people of Hawaii.

We have had a number of challenging situations in the Pacific over the past few years. Admiral Fargo, together with Admiral Blair, has done an outstanding job in ensuring our national security. They have both worked well with the community and businesses in Hawaii, and I look forward to continuing to work with Admiral Fargo. I have a deep appreciation for his knowledge and experience with the countries in Asia and the Pacific. I want both of you to know you have my strong support, and I want to congratulate you.

Thank you very much, Mr. Chairman.

Chairman LEVIN. Senator Akaka, thank you very much.

Senator Warner.

Senator WARNER. Mr. Chairman, given the time, I am going to put my opening statement in the record.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I join you in welcoming Admiral Fargo and General LaPorte and their families. Gentlemen, congratulations to you and your families on your nomination.

Mr. Chairman, it's my great pleasure to introduce Admiral Fargo to the committee today. While Mrs. Fargo could not be here today, her aunt and uncle, Josephine and Grant Lewis, and her cousin, Diane Mosher—who, I'm pleased to note, are residents of the Commonwealth of Virginia—are in attendance, and we welcome them.

As Admiral Fargo's summary of assignments indicates, he has had a remarkable career. His father was a naval aviator and his mother a Navy nurse, so it's no surprise he was drawn to a life of naval service.

After graduating from the Naval Academy in 1970, he served under the late Admiral Hyman Rickover in various attack and ballistic missile submarines. Admiral Fargo's submarine service culminated in his command of U.S.S. *Salt Lake City* and Submarine Group SEVEN. He then served with distinction as Commander of the United States *Fifth* fleet in Bahrain, where he hosted the chairman and me in the late 1990s.

Admiral Fargo's headquarters tours, in the Bureau of Naval Personnel, in the Office of the Chief of Naval Operations, and in the United States Atlantic Command have prepared him well for the duties he will be assuming in PACOM, if confirmed by the Senate.

Most recently, as Commander, United States Pacific Fleet, Admiral Fargo has faced some extraordinary challenges—the EP–3 incident with China which resulted in a brave Navy crew being held by the Chinese government for 11 days; the tragic collision between U.S.S. *Greeneville* and a Japanese research vessel, which resulted in the loss of nine young lives; and supporting the Navy's superb performance in Operation Enduring Freedom. I compliment Admiral Fargo on his leadership, and, Mr. Chairman, I urge prompt, favorable action on his nomination .

General LaPorte, you are a "soldier's soldier." Your service in Vietnam with the 238th Aviation Company, with the 1st Cavalry Division in Operations Desert Shield and Desert Storm, and your superb performance as Commanding General, III Corps, makes you eminently qualified for this highly demanding assignment. I'm confident you will build on the inspiring leadership of General Schwartz, and tackle some of the challenging problems you will confront on the Korean Peninsula.

We are fortunate as a nation that the President has nominated such extraordinarily well-qualified individuals for these important assignments. You have my support.

Senator Levin.

Chairman LEVIN. Thank you so much. At this time, I would also like to include Senator Thurmond's statement in the record, as he is not able to be here today.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman:

Mr. Chairman, I join you in welcoming Admiral Fargo and General LaPorte. Both have served our Nation with distinction and they have proven their professionalism in the many command and staff positions they held throughout their careers.

Admiral Fargo, I congratulate you on your nomination to be the next Commander in Chief of the Pacific Command. Your 3 years as the Commander of our Pacific Fleet have been a testing ground to prepare you for the challenges you will face as the CINC. In my view you have ably demonstrated your response to crisis by your actions in response to the tragic sinking of the Japanese fishing boat and the downing of the Navy's EP–3 by the Chinese fighter pilot. I support your nomination and wish you luck.

General LaPorte, I also extend to you my congratulations. Your accomplishments are no less than the Admiral's and your challenges are equal. As the Commander in Chief of forces in Korea, you will command the only theater that still faces the Cold War threat. According to the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, the North Korean threat is as great as ever. Our forces in Korea, along with those in the Republic of Korea, must be ready to meet that threat on a daily basis. In addition, you will face the challenges of improving the quality of life for our soldiers and their families in Korea. This challenge will be immense since the quality of life in Korea is acknowledged to be among the worst in the Department of Defense. I know you are up to the challenge and you can count on my support.

Thank you, Mr. Chairman.

Admiral Fargo and General LaPorte have both responded to the committee's prehearing policy questions, and our standard questionnaire. These responses will be made a part of the record.

The committee has also received the required paperwork on Admiral Fargo and General LaPorte. We will be reviewing that paperwork to make sure it is in accordance with the committee's requirements and, as Senator Akaka and others have said, we will be attempting to move these nominations with dispatch.

Before we begin, there are several standard questions that we ask nominees who come before the committee, which I will ask both of you. Do you agree, if confirmed for your positions, to appear before this committee and other appropriate committees of Congress and to give your personal views, even if those views differ from the administration in power?

Admiral FARGO. Mr. Chairman, yes, I will.

General LAPORTE. Absolutely, Mr. Chairman.

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

Admiral FARGO. Yes, sir, I will do that.

General LAPORTE. Yes, sir.

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

Admiral FARGO. No, I have not, sir.

General LAPORTE. No, sir, I have not.

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

Admiral FARGO. Yes, I will, Mr. Chairman.

General LAPORTE. Yes, sir, I will.

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

Admiral FARGO. Yes, sir.

General LAPORTE. Yes, sir.

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

Admiral FARGO. Yes, sir, they will.

General LAPORTE. Yes, sir.

Chairman LEVIN. Now, any prepared statements that you have will be made a part of the record, but we will call on you to see what comments you would like to make. But before I do that, I see that Senator Sessions is here, and I am wondering whether he might have an opening statement, or any comment at this time.

Senator SESSIONS. Not at this time.

Chairman LEVIN. So let me call on you first, Admiral Fargo.

## STATEMENT OF ADM. THOMAS B. FARGO, USN, NOMINEE FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE COMMANDER IN CHIEF, UNITED STATES PACIFIC COMMAND

Admiral FARGO. Mr. Chairman, I do have a very brief opening statement that I would like to provide the committee.

Mr. Chairman and distinguished members of the committee, I would like to thank you for the opportunity to appear today. I know the committee has important work before them, and has moved with great dispatch to schedule this hearing on a Friday morning. I want you to know it is very much appreciated, and I would also like to thank Senator Warner for his introduction today. Senator, you have been an inspiration not only to the people of Virginia and especially our Navy, but to all of us in the Armed Forces as well.

As Senator Warner indicated, I come from a Navy family. The fact is, as I reflect on it, although I spent a great deal of time both in the Pacific and in Virginia, I have not made 32 moves, but I have never had two consecutive tours in the same location in my 32 years.

As was expressed, my immediate family could not be here today. My oldest son, Tom, is a young sportswriter in the Boston area, and my youngest son, Bill, is a 16-year-old in high school in Honolulu, and as it would be for anyone with a 16-year-old, my wife,

Sarah, remains in Honolulu to provide I guess what I would call her own special form of deterrence. [Laughter.]

But Bill is doing really well, and he is a great kid.

I am pleased to have Sarah's aunt and uncle and her cousin here from Virginia today. They are supportive. Our service has been tremendously important to our family over many years.

Mr. Chairman, I consider it a great privilege to be nominated by the President to assume the leadership of the Pacific Command and to continue to serve my country. I intend to work closely with the Secretary of Defense and the chairman to lead the Pacific Command. To do so, I would set five immediate priorities.

First is sustaining the global war on terrorism, including the trained and ready forces so essential to this important fight. Next is improving the Pacific Command's readiness and its joint warfighting capability. Third is reinforcing the constance in the region, such as our strong bilateral relationships with Japan and Korea, Australia, and our other treaty allies and our many friends. Fourth is improving the quality of service for our soldiers and sailors and airmen and marines that has been so critical to their performance and retention. Last would be promoting the changes so necessary to meet our important Asian Pacific future.

Mr. Chairman, members of the committee, if confirmed, I look forward to both your counsel and our continued dialogue as we address both today's challenges and the issues that face us in the future.

Thank you again, Mr. Chairman, for allowing me to appear today, and I am prepared for your questions.

Chairman LEVIN. Thank you very much, Admiral.

General LaPorte.

**STATEMENT OF LT. GEN. LEON J. LAPORTE, USA, NOMINEE FOR APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER IN CHIEF, UNITED NATIONS COMMAND/COMBINED FORCES COMMAND/COMMANDER, UNITED STATES FORCES KOREA**

General LAPORTE. Mr. Chairman, Senators, I am honored to be asked to serve as Commander in Chief of the United Nations Command, the Combined Forces Command, and the Commander of the United States Forces Korea. For the last 50 years, the United States has held a firm belief that a military presence on the Korean Peninsula was in our Nation's best interest. That presence has brought about a stability and enabled prosperity for the entire region. If confirmed, I intend to build on the work of my predecessors, strengthening our great alliance, keeping our forces trained and ready, and supporting your policies.

My wife and I are excited about the opportunity to serve our Nation in Korea. I want to thank you for making the effort to hold these hearings today. I look forward to the opportunity to appear before the committee. I stand ready to answer your questions. Thank you.

Chairman LEVIN. General, thank you very much. Let us try 6-minute rounds of questions on the basis of the early bird rule.

Admiral Fargo, we currently have about 660 personnel conducting training operations in the Philippines. In addition, there are

340 engineers building roads, also in the Southern Philippines, and 2,650 U.S. military personnel in Central Luzon as part of an annual exercise. In answers to the prehearing policy questions, you stated in connection with the training mission that, "U.S. participants will not engage in combat, in the Philippines, without prejudice to their right of self defense."

Now, I am concerned, and I think others have expressed concerns, that U.S. troops will be drawn into conflict with the Abu Sayyaf Group, or other terrorist insurgent groups operating in the Philippines. During his confirmation hearing before this committee in February, General Myers stated that U.S. troops would conduct training at the battalion level and assured us that if there were a decision for U.S. teams to work at the company level, that this committee would first be notified. Will you notify this committee and Congress if there is any change in the operational guidance or parameters of this mission?

Admiral FARGO. Yes, sir, I will.

Chairman LEVIN. If you are confirmed, will you recommend or authorize training below the battalion level, and if so, on what criteria would you base such a decision? Of course, we would still obviously expect that notification, but what would be the criteria that you would use before you would make any such recommendation?

Admiral FARGO. Sir, I think, as you have pointed out, this is an especially important operation and mission that we are conducting. The Philippines have taken a courageous stand against terrorism. It is very clear our mission is one of training and assisting and advising the Armed Forces of the Philippines. As you point out, it is bounded right now at the battalion level.

Our goal very clearly is to improve the capability of the Armed Forces of the Philippines to build self-sustaining counterterrorism capability. If confirmed, my first trip to the region will include the Philippines, where I can spend time on the ground and talk to our commanders and evaluate and assess this mission, and certainly it will be on that basis that I would make any additional recommendations to the Secretary of Defense on this mission.

The guidelines are very clear. We are not to engage in combat. We are allowed the usual rights of self-defense. Any change to this mission needs to be based on those bounds, and improving the counterterrorism capability of the Armed Forces of the Philippines, because this is very clearly their operation.

Chairman LEVIN. Relative to the question of Taiwan and China and their relationship, you wrote in response to a prehearing policy question that the foundation of the discourse between the United States and China should be the Taiwan Relations Act and the three U.S.-China communiques. Do you believe we need to maintain strategic ambiguity, which has been our policy, deterring both China and Taiwan from taking any rash political or military action to resolve their differences?

Admiral FARGO. Well, I think, Mr. Chairman, as I pointed out in my responses, my actions and my responsibilities really are governed by the Taiwan Relations Act, and there are two fundamental pieces to that. One is, if confirmed, making appropriate recommendations to the Secretary of Defense on the required capability of the Taiwanese to defend themselves, and second, if ordered

by the President and Congress, to take appropriate action in response to such danger. So that governs my reactions, and I am comfortable with the policies that we currently have in place.

Chairman LEVIN. General LaPorte, the U.S.-North Korean Agreed Framework of 1994 remains in effect. Former Secretary of Defense Perry told this committee that if North Korea completed the other nuclear reactors it previously had under construction, that they could have produced enough plutonium for tens of nuclear weapons by now, and many more in the future.

In your judgment, is the Agreed Framework in our security interest? Has North Korea kept its plutonium reprocessing program frozen, as required by the Agreed Framework, as far as you know? Has North Korea complied with the Agreed Framework, as far as you know, to this point, and has the United States complied with the Agreed Framework agreement to this date? Those are three questions, but they are so tightly related I thought I would ask them all at once.

General LAPORTE. Mr. Chairman, I think the Agreed Framework is in the best interest of the United States. It has met its intent in terms of reducing the production of weapons-grade plutonium. I believe North Korea and the United States have met their portions of the agreement. The significant aspect of it is continued verification.

Chairman LEVIN. Thank you. My time has expired.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. The chairman reviewed the situation in the Philippines, and I am very reassured by your responses, Admiral Fargo. We note that the Chairman of the Joint Chiefs of Staff is now in that area of responsibility (AOR). Am I not correct on that?

Admiral FARGO. Yes, sir. He arrived this morning at about 6:45.

Senator WARNER. That is quite an interesting trip for a very busy individual to take at this point in time, so I read into it the significance that we mean business over there to try and stamp out terrorism and assist the Philippine Government and the Philippine military to obtain the skills, the knowledge, and the equipment to do so. That is our basic mission, am I not correct?

Admiral FARGO. Yes, sir. It is to train, advise, and assist.

Senator WARNER. There are factual revelations to the effect that al Qaeda, the same group that operated in Afghanistan, is likely to be connected to this region. Is that correct?

Admiral FARGO. Yes, sir. I believe there have been clear connections between al Qaeda in terms of resourcing in both funds and training of those terrorist forces.

Senator WARNER. The chairman also mentioned Taiwan, and I am again reassured by your responses. Taiwan is a very valued nation in that part of the world, and we have had our ties. It is most unusual for this Nation to have a very special piece of legislation on this subject, and you have expressed your familiarity and support for it.

Fortunately, the tensions which rise and fall in that area seem to be at a relatively low level at this point in time, but I judge that China continues to augment its military forces in that region. Am I correct on that assumption?

Admiral FARGO. Yes, sir. Our analysis is that they are continuing to build military capability. You have seen the purchase of the Kilo submarines from the Russians, and also the development of additional short-range ballistic missiles, those are two examples.

Senator WARNER. Taiwan is continuing to consider the acquisition of certain pieces of military equipment offered by the United States, most specifically the *Kidd* class cruisers. Am I not correct on that?

Admiral FARGO. Yes, sir, that is correct.

Senator WARNER. Those cruisers could provide a deterrent to the use of any naval assets by China.

Admiral FARGO. Yes, sir, and they also have a very significant air defense capability.

Senator WARNER. On the question of China, it was a remarkable chapter in our history when we lost our P–3 there, but I draw your attention to an executive agreement between the United States and Russia referred to as the Incidents at Sea Agreement. Are you familiar with that?

Admiral FARGO. Yes, sir, I am very familiar with it.

Senator WARNER. It was negotiated over a period of several years and executed in—as a matter of fact, it is ironic, it was about this time, May of 1972, and it has been an effective agreement.

At some point in time I am going to recommend to the administration that we look at the possibility of executing a similar type of agreement, or negotiating first and then executing a similar type of agreement with China. Our operations in that area are vital to our strategic responsibilities. We need a clear understanding with regard to how we utilize international waters, international air space, and how our respective military assets operate within those international boundaries.

I think that definition has served us well with Russia over many years now, and could serve us well with China, given the intensity of our operations in that area and the tragedy of this loss of life—a Chinese pilot, and a near loss of life with our own crews in that P–3 incident—so I will be bringing that to your attention and to others in the near future.

Give us your viewpoints with regard to the current level of India-Pakistan tensions and any special requirements that might be placed upon your command.

Admiral FARGO. Well, Senator, the India-Pakistan concerns are, of course, very real. With respect to the fact that we have two nuclear capable powers, we are working very hard to promote constructive dialogue there.

I think that the place where we can best assist, from a standpoint of our combatant commanders, is to develop those kinds of relationships with the senior military leaders that will be productive and can encourage the proper outcomes and the lessening of tension. In that vein we have recently renewed our naval relationship with India, which is the one that I am obviously the most familiar with right now.

The Seventh Fleet flagship *Blue Ridge* has just made a call to Chennai and the carrier *John C. Stennis* embarked with a number of key leadership individuals from India as she left the Central Command area of responsibility, so I think "renewed" is probably

the correct term. We think that those are the proper steps on the path ahead to help lessen that tension.

Senator WARNER. General LaPorte, I have had a long familiarity with your AOR, and you and I have discussed at great length the concerns that I have about the unwillingness of career officers and their families and career enlisted and their families to accept orders to go into your AOR for another tour of service. I do not say that they fear the threats. They are just concerned that they and their families should not endure further rigors of the lifestyle that the men and women of your AOR have to undergo.

Korea is a very cold place, as you and I both well know, and it is remote. We have to help you encourage those people to accept that set of orders rather than resign from military service. It is not well-known, but the seriousness of this problem has forced career individuals to decline their first major command because of the need to take care of their families. Now, that situation has to be rectified. What solutions do you have?

First, you are familiar with the problem, and am I not correct in the sort of general recitation of the problem?

General LAPORTE. Senator, there is a perception on the part of some soldiers and officers that Korea is a very demanding assignment. I do have some thoughts on it, I think, if confirmed: focus on making sure the soldiers, non-commissioned officers (NCOs) and officers, all the servicemen serving understand that I am going to work very hard to improve the conditions in which they live, their housing, their barracks, and the facilities they work in.

Second, I think a major area will be to emphasize to the leaders the great leadership opportunities that are presented to them in an AOR that has some demanding challenges.

Third, if I know of any declinations, or any particular individuals, I intend to follow up with them and find out what the causes are; the underlying reasons why they do not want to serve in Korea, and I am going to tackle them to the best of my ability, Senator.

Senator WARNER. Your predecessor, I think, did his best. You have to pick this up, and I think maybe it requires some special legislation for pay, benefits, and other measures, because a comparable post for marines—not distance—does not have that situation. So I want you to keep this committee advised, and if you desire assistance from Congress, I hope you will inform the committee promptly.

General LAPORTE. Senator, I will do that.

Senator WARNER. We cannot let this problem persist. We cannot lose those highly skilled career individuals.

Thank you.

Chairman LEVIN. Thank you, Senator Warner.

Admiral Fargo, when Senator Warner makes a suggestion about negotiating an Incidents at Sea Agreement or a similar treaty with China, I want you to know he is speaking as the person who negotiated and signed the Incidents at Sea Agreement that he made reference to with the Soviet Union, so he is an expert on the subject. You may want to consult with him during that process.

Admiral FARGO. Yes, sir. I think I have a copy of that picture firmly implanted in my memory chip. It is a fabulous picture of the signing ceremony.

Chairman LEVIN. It was indeed.

Senator Reed.

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

Admiral Fargo, when Admiral Blair was here he pointed out the potential shortfalls in airlift, intelligence capacity, and refueling aircraft in the Pacific, which is a very difficult challenge, given the dimensions of your command, and also the operations in the Philippines and potentials in areas like Indonesia. Can you comment on those issues?

Admiral FARGO. Yes, sir. Senator, I think probably the two areas that we are feeling the press the greatest, as we deal with the global war on terrorism and significant operations worldwide are the intelligence, surveillance, and reconnaissance requirements throughout the world, as well as our lift and refueling requirements. Clearly, those are probably the two most pressing areas where we have a high demand and a limited number of assets to deal with of all of the current requirements.

Senator REED. In your capacity as a CINC for the Pacific, you would be responsible for resupplying and supporting General LaPorte if operations in Korea took place?

Admiral FARGO. Yes, sir, that is true.

Senator REED. General LaPorte, your comments in terms of the perception of the critical shortfalls, or at least areas of concern similar to airlift and intelligence, anything in that regard?

General LAPORTE. Senator, I have not had an opportunity to look at that in depth. I will tell you when I get on the ground, if confirmed. I will look at those areas, because the reinforcement of those assets is absolutely critical for success in the peninsula.

Senator REED. It strikes me, General LaPorte, that you have an interesting position, since you are confronting a traditional large-scale military force across a fixed line, which requires legacy equipment and legacy forces, where at the same time there is a great push throughout the Department of Defense to transform the military into something else to confront different threats. In that situation, could you comment on some of the requirements you see that are necessary to maintain legacy systems for you?

General LAPORTE. Senator, because of the proximity of North Korea to the South Korean border and the significant capabilities they have, we are required to fight with what we have on hand. I think the Department of Defense transformation plan would give us increased capabilities, especially in terms of command and control and reconnaissance, as well as precision fires.

Those are significant capabilities that we would need in the peninsula, so although we have some legacy equipment, I am certain that the transformation efforts will give us a great capability.

Senator REED. Thank you. Admiral Fargo, one of the areas that is always of great concern in the region is Indonesia. We have just reinstituted military contacts with Indonesia. Why don't you give us your perception of the potential challenges we face with respect to Indonesia.

Admiral FARGO. Senator, Indonesia is clearly a place that is tremendously important to the stability of Southeast Asia. I had the opportunity to visit Indonesia last September and talk to their key leadership. We are also concerned from the standpoint of, as we continue to put pressure on terrorists throughout the world, in Afghanistan in particular, that Indonesia could potentially become a haven for terrorists. So we do see a clear interest in improving Indonesia's ability to deal with the terrorist threat in Southeast Asia. I think it is an important priority for us.

Senator REED. Thank you, Admiral.

A final question, General LaPorte. The political leaders of South Korea have made a consistent effort over the last several months, if not years, to reach a better accommodation with North Korea. To what extent have you had discussions with the military leaders of South Korea with respect to their perceptions, or their views?

General LAPORTE. Well, Senator, I have not had in the recent past an opportunity to discuss that particular question with the military leaders. The South Korean Government's objectives obviously are very favorable. My job, along with the senior leadership of the South Korean military, will be to ensure a stable environment so that those negotiations and discussions can continue.

Senator REED. Thank you, General LaPorte and Admiral Fargo. Again, I think the President has made an extremely wise choice in selecting you to discharge your duties in these very critical locations. It is a tribute not only to his judgment but your great service and dedication to the Nation. Thank you very, very much.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman. I, too, would join Senator Reed in expressing my pleasure at the nominations the President is making, your capabilities of handling this office. We know you will do a great job in this critical area of the world, so we thank you for that, and we hope, as Senator Levin has indicated, that you will be candid and honest with us about the challenges you face, because it is a critical area, where misjudgments could be very costly in the long run.

Admiral Fargo, just briefly, I was in Korea and in Japan and we went on the *Spruance* class destroyer, the *O'Brien* and the *Kitty Hawk*. We saw them, and we know how well they performed in the latest war in Afghanistan. Those ships are scheduled for decommissioning. We are not maintaining the shipbuilding rate we need with the decommissioning rate we have to maintain the quadrennial defense review (QDR) level of combatant ships. I think we are already about eight ships below the QDR level, I think 108 instead of 116, or we will soon be there. Is there a role for these older ships?

For example, the *Spruance* class are 35-year ships, I believe, and they are talking about decommissioning them at 25 years. Is there a way that you could use those, or is it too expensive or unwise to try to keep those in the fleet to help you meet your mission?

Admiral FARGO. Senator, I think that one of the significant decisions that we always have to make in this business in terms of providing modern military capability is the balance between modernization and recapitalization. A ship like *Kitty Hawk*, for example, that is scheduled to decommission right now in 2008, we have

modernized her many times over and put in the best information technology, for example, the command and control on that platform, to continue to make her effective. The same thing has been true with the *Spruance* class.

But there also gets to be a point where you cannot adjust to the technology that is available today. Things like hull forms, for example, new catapult technologies that would be very important to us cannot be fielded without a newer platform. So that balance between modernization and recapitalization is a very important one, and one we have to continually assess as we move forward.

Senator SESSIONS. I would just ask that you review those issues. Senator Kennedy, the chairman of the Seapower Subcommittee on which I am ranking member, and I have written to the Chief of Naval Operations (CNO) to ask him to review this question of whether or not for an interim period it may be advisable to try to maintain some of the older ships. We have a shipbuilding budget that is not where we would like it to be, and that may be one solution.

So you have a big area to cover, and at some point you have to have a ship. No matter how modern or unmodern, a ship has to be on the scene, and I hope you will wrestle with that and help the CNO prepare a response.

Admiral FARGO. Yes, sir. I will take a very close look at that, Senator.

Senator SESSIONS. With regard to the war on terrorism in the Philippines and other areas that may occur, I hope that we have a full understanding that our goal is to put pressure on terrorists wherever in the world they are. It is not necessary that our troops be engaged in combat, and I believe we can keep that line distinct and separate. But do you understand that our mission in the Philippines, for example, is to put pressure on and help the Philippine Government defeat these terrorists, who are not only threats to the Philippines but to other places in the world?

Admiral FARGO. Yes, sir. Our mission in the Philippines I think is very clear. It is to train, advise, and assist the Armed Forces of the Philippines so that they can develop a sustainable counterterrorist capability—so that they can do precisely as you have mentioned, put continual pressure on those terrorist organizations and ultimately root them out. Our role is not to be engaged in combat there. As a matter of fact, it is specifically prohibited.

We do have the normal protection of self-defense, and that is the manner in which we will move forward.

Senator SESSIONS. General LaPorte, I had a good visit in Korea in January of this year, and you mentioned housing and barracks quality. I saw some very fine soldiers in some very poor conditions. The environment and the weather are not good there. There was a plan moving forward to consolidate some of the bases to improve the quality of life on the bases we have. Is that something you would support?

General LAPORTE. Senator, absolutely. I think General Schwartz has done a masterful job of developing this plan and reducing the number of installations, tremendous economies of scale. Once I get on the ground, if confirmed, I will take a thorough look at it, but I fully support the program.

Senator SESSIONS. I would mention one more thing on that subject. Senator Dayton and I have been wrestling with this problem of the seeming unfairness of a hardship duty like Korea on families and soldiers.

We propose legislation that would provide the base pay being tax exempt for people at hardship assignments such as Diego Garcia, or Korea, or Okinawa, and others. I think that may be a step in the right direction. It would not provide the same benefits for a combat area, but would be somewhat of an enhancement over the current benefit for a hardship area. Do you think something like that would be beneficial?

General LAPORTE. Senator, I do, and I really appreciate your support for dealing with that issue for all the service members and their families who are serving on the peninsula.

Senator SESSIONS. Well, I made the commitment to do something while we were there, and I think this would be a significant step in that direction. It would not micromanage your life with some sort of directions, but would allow direct benefits to the men and women who are assigned there.

Senator Akaka.

Senator AKAKA. Thank you very much.

Admiral Fargo, the U.S. Pacific Command has addressed and has a responsibility for homeland security for the State of Hawaii and the Pacific Territories. What impact, if any, do the changes in the UCP, the Unified Command Plan, have on Pacific Command's (PACOM) efforts regarding homeland security, and what type of coordination, if any, do you foresee with Northern Command (NORTHCOM) regarding this issue?

Admiral FARGO. Yes, sir, thank you, Senator. I think the Unified Command Plan and the development of NORTHCOM is a very positive step toward our homeland security and our homeland defense. Certainly as we move toward implementation we will work out the appropriate command arrangements between the Pacific Command and the Northern Command.

One point on the defense of Hawaii and the Territories, what Admiral Blair has done which I think has been very effective is, he has stood up a Joint Rear Area Command (JRAC) in Hawaii, and Lt. Gen. Ed Smith has been placed in charge of that JRAC. Their responsibilities are to develop those relationships with the State and local government officials to ensure we have proper coordination throughout the State of Hawaii. Additionally, he has built intelligence exchanges between national and domestic intelligence within that local area and made sure that we could disseminate that information clearly to all involved, as well as exercise both the military forces and the State and local forces, along with the National Guard, together to be sure we had an appropriate response capability. This particular model, it appears to me, has worked very well. We have applied it also to Guam, and it is effective. I think it is something we ought to keep in mind as we move forward in homeland security.

Senator AKAKA. General LaPorte, you said in response to your prehearing questions that the land partnership plan (LPP), which improved training management and training areas for U.S. ground forces, serves as a model for potential enhancements to air training

on the peninsula. Does this mean that you intend to pursue a similar type of integrated approach to protecting and improving key air training assets, including air space, with the Korean Air Force? If so, when might you approach them with a proposal?

General LAPORTE. Senator, I think the LPP program that was devised by General Schwartz has really been a win-win situation for the Korean military and government, as well as U.S. forces. I intend to pursue that and build on that, and work with them to allow the fullest capabilities for our service members who are serving there to be able to conduct the training required to maintain their readiness, so that will be one of my initial priorities, Senator.

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

Chairman LEVIN. Thank you very much, Senator Akaka. Let me call on Senator Dayton. I am wondering, Senator, if it would be all right perhaps in a minute or 2 if Senator Warner and I interrupted you so that we can perhaps ask one additional question each, because we have to leave. The two of us have an obligation we must attend to, then we would turn it over to you to either close or to call on other Senators who have additional questions.

Senator DAYTON. Why don't you proceed now, Mr. Chairman?

Chairman LEVIN. Thank you.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. We have had an excellent review. Fortunately, each of you have such a distinguished background of accomplishment, we have, as we say in the law, a prima facie case for the Senate to confirm both of you, and I am optimistic it will be done.

The question of ship levels is a major issue in our military maritime policy, and this committee is concerned by the dwindling number of ships, Admiral Fargo, and that is going to hit your command very much.

We ask for the personal views of senior members of the military when they come before this committee, and that was an obligation when you were elevated to four stars, to advise Congress on your personal views. What is your personal view on opportunities to increase the number of ships that are stationed in the forward home ports, the theory being that by placing more ships in a home port beyond the continental limits of the United States, that lessens the need for this constant rotation policy. Do you have any views on that?

Admiral FARGO. Yes, sir. I think that it is very clear to me that the forward-deployed naval forces that we currently have stationed primarily in Japan are a huge advantage to the Pacific Command and the Nation. Since they are forward-based they are able to respond rapidly. They benefit tremendously from the host nation support of the host government, and that presence has been key to the relative peace we have had in the Pacific for the past 50 years.

As the Commander of the Pacific Fleet, I have initiated an effort to take three submarines and move them to Guam, and the first submarine move will happen in a few months, in fact will change its home port to Guam, and the other two will follow shortly thereafter. This was done to reinforce precisely those needs, to be able to put very capable forces forward where they could respond to any

crisis in a rapid manner and, of course, it relieves some of the operating tempo concerns, because they are closer.

Senator WARNER. You are taking into consideration the hardship, so to speak, on families having to uproot here in the continental limits of the United States and move to a place like Guam, which is fairly remote?

Admiral FARGO. Yes, sir. I think that is a key consideration. I mentioned the advantages of moving forces forward, and I think the balance that you have to achieve is very important. There is a limit to what we can do in that regard. I said three in Guam is about right.

We also need to remember, as we do these things, that we have a very significant investment in training facilities and maintenance facilities in the continental United States that we have to leverage, so those are the kinds of particulars you have to balance to make those decisions.

Senator WARNER. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much.

Before I call on Senator Dayton, let me just announce we will be voting to report these nominations after the 6 p.m. vote on Monday in the President's Room.

Senator Dayton, thank you.

Senator DAYTON. Mr. Chairman, do you have questions?

Chairman LEVIN. We are all set.

Senator DAYTON. Just following up, when I was out of the room I believe Senator Sessions referenced as well, apropos of what Senator Warner has raised, the pay and incentives.

Our legislation, which we are going to pursue very actively, actually emanated out of a conversation I had with General Schwartz—a good Minnesota native—not that he suggested this in particular, but he raised the same concerns, or I raised them, and then we discussed them, that Senator Warner had identified.

So hopefully this legislation, if it becomes such, will provide an exemption from taxation for base pay for everyone in places like Okinawa or Korea, in part a way of providing—at least taking or removing some of the disincentive from these long-term tours, and the additional cost, separation of family and the like. I would welcome any comments you have on that—we had a chance to visit, Admiral.

But how about the terms of the dispersal of our forces, the idea of a foreign base realignment and closure (BRAC) not in reducing our forces, but consolidating in terms of the housing conditions. I understand in Korea some of them are in excess of 50 years. Is there a way that we can modernize our bases there so that we can consolidate efficiencies, but also modernization to make it a better environment? I have not been there, but I would like to go soon so I can see it myself.

General LAPORTE. Senator, a couple of points. First, thank you for your support on behalf of all the service members in the peninsula. Second, we would love to have you come and visit so we can show you first-hand the conditions in which our service members live. General Schwartz has done a masterful job of developing a Land Partnership Program with the Korean military and the Korean Government.

We will reduce many of the installations, a nearly 50 percent reduction, to get at these economies that you talk about so we can improve the quality of life and concentrate resources. It is better for force protection, better for training opportunities, so there are initiatives, and they do use the term, Korean BRAC.

I will get involved with the details of it, and I look forward to being able to have a dialogue with you at a later date.

Senator DAYTON. I may have misspoken. I meant to say foreign BRAC, not to single out Korea, but certainly I would ask the same of you, Admiral, in terms of some of the areas like Okinawa and Japan. Is there a way that we can consolidate our bases, not reduce our presence or our force and modernize at the same time?

Admiral FARGO. Senator, I think one of the things that we need to continually assess is whether we can be more efficient in terms of our base structure. It is clear to me that the presence of our combat capability right now should not be diminished. But that should not restrict us from looking at what kinds of efficiencies we might be able to garner while providing that combat capability forward.

Senator DAYTON. I want to make clear for the record that I do not want to suggest or imply that a reduction in force is a desired goal, and not in part for any available cost savings but, as I say, for what I understand the need to be—to modernize and improve living conditions and operating conditions.

The other question I have, and you are both superbly well-qualified, and I certainly look forward to supporting your confirmations—but there is the old saying, we are always preparing for the last war. Although the lessons from the current war in Afghanistan are obviously not yet complete and not yet processed, it seems—I wonder with particular reference to Korea whether, General, you see—it seems the lessons one would draw, at least at my level of expertise from Afghanistan are lightweight, very mobile forces, small forces, which I would not think would be applicable to combat in Korea.

Is there a danger that we could go too far into this realm of, as I say, lighter weight, smaller units, and not be ready for the kind of war we might encounter there?

General LAPORTE. Senator, I think it is important to draw the correct lessons from our current operations that could be applied in other areas, and we should do that. As you are well aware, there is a significant conventional threat, in excess of 1 million soldiers north of the DMZ, within 50 kilometers of the DMZ, 10,000 or more weapons systems that can rapidly attack South Korea and over 500 long range artillery systems that range on Seoul. So there is a credible threat. We need to have the capability that can counter that, and counter that very rapidly. I think we have the basis of that with our current forces and the Republic of Korea (ROK) forces. We have a great alliance with Korea.

What we need to continue to look at is that transformation is more than just hardware, it is also doctrine and it is also education, so if we take a comprehensive approach to it, I think we will get to the end state we want to get to.

Senator DAYTON. Are there any of the new systems that are being proposed, or where procurement is beginning, that you think are particularly significant there?

General LAPORTE. Senator, I do. I think any precision munitions and precision weapons systems that allow you to kill immediately is something that always benefits service members.

Senator DAYTON. Admiral, from your perspective.

Admiral FARGO. I think, Senator, the combatant commanders, including the Pacific Command, are all going to work very closely with Joint Forces Command on transformation, but there are a number of things we can do from the operating forces. I would list three from the Pacific Command standpoint.

I think first is developing a spirit of innovation and prototyping. In my career I have seen a number of systems that have essentially been birthed by the operating forces that can be tried in operational environments with very little risk, and that is a good, smart way to bring capability to a wide range of our force very quickly to prototype. Try it out, and pick those that work, and then move them through the acquisition system.

The second immediate contribution we can make is developing new operating concepts, and that includes things like rapidly fielding Joint Task Forces in the Command and Control and Communications that are so important to them.

The third I think is, we need to take a look at what you referred to earlier, and what efficiencies can we build as we further define our Asian Pacific future.

Senator DAYTON. Thank you. My time has expired. Senator Sessions, I guess it is you and me. Gentlemen, I want to thank you both for your dedicated service to the country, and wish you well in your new assignments.

Senator SESSIONS. I have enjoyed working with Senator Dayton on this legislation he proposed that fits very well with my concern. We are hopeful that we will make progress, although I have learned progress is not often very fast around here.

In visiting Korea, it was a stunning thing to me to see the vitality of South Korea, Seoul, and the constant building. The automobiles and the progress and technology that country has is remarkable. When you think that 50 years ago it was totally devastated, and then you go to the DMZ and you look over and see one of the most oppressed groups of people the world has ever known in North Korea, where there is no electricity and food has to be shipped in. They are the same people on the same peninsula. It just goes to point out, I think, what the advantage is of having a free and democratic country like South Korea.

It was really remarkable to see in the last few months Korea talking about building a $1 billion automobile plant in the United States, and all the States were looking to have them invest in their State. Alabama won in the last few weeks, so we are happy right now that 4,000 Alabamians will be employed, probably over a period of years, and they will build 300,000 automobiles. What a remarkable example of what American military force has been able to do.

I just wanted to share that and ask, General LaPorte, what do you think can be done to help change this regime in the North? Some say you cannot get in competing messages. They say you cannot get the truth in to the people, but I believe something needs to be done.

I do not believe that we are condemned to have the people of North Korea so oppressed in the way they are, when you can look right across the border and see what progress and freedom can bring. We need to figure out some way to encourage change there. It does not appear that just offering concessions will work. Do you have any ideas, and do you consider that a part of your mission?

General LAPORTE. That is a very, very demanding challenge, as you are well aware, because of the closed nature of their society. I think you are exactly right, Senator. Because of the tremendous alliance we have had with South Korea, the economy and the democracy there has flourished. If confirmed as the senior military representative, my job would be to set the conditions that allow the State Department to have dialogue with North Korea and South Korea to ensure we can come to a peaceful end state.

Senator SESSIONS. I do not know if dialogue is going to do it. I think the great leader in the North has concluded that if the people have a little freedom, and if they know more about what is going on in the world, he is going to be in big trouble, and that may be true. So I do not know how we do it, but I am not satisfied that there is a sufficient effort through something like Radio Free Europe, or something like that, to help change that circumstance.

To follow up on Senator Dayton's excellent thoughts, I would like to ask both of you about our smart weapons, precision-guided munitions. Admiral Fargo, you will be leading the warfighting effort in the Pacific and General LaPorte on the peninsula, if we got to that point.

I know we sort of live with the environment that we are in. We tend to accept things as they are today as a given. I would like to ask you if you would review anew the challenges you face in your specific areas, and that you will ask aggressively whether or not, in the event of hostilities, you would need more smart munitions than you have today, and whether or not those could be critically important in helping you be successful.

Admiral Fargo, have you thought about that, or do you feel like you have the most, and will you continue to review that and let the Secretary of Defense and this Congress know if you need more smart munitions?

Admiral FARGO. Yes, Senator, I certainly will. I think it is something that has to be assessed on almost a daily basis in the Pacific area of responsibility, because the events going on in other parts of the world obviously affect the precision ammunition supplies throughout the world. So I think it is something we have to monitor and assess continually to ensure that we can make the appropriate recommendations to the Secretary of Defense as to what we need to buy and build.

Senator SESSIONS. I just feel like you need the best bullets you can get, and for the weaponry systems and platforms we have that can be delivered, and we do not need to have our military effort stifled because we do not have sufficient munitions. In Korea you have the same situation. We know that there is a problem with the storage areas. You are familiar with that, General LaPorte, the defects in the storage areas for some of our precision-guided munitions?

General LAPORTE. I am not totally aware of the situation you are talking about, Senator.

Senator SESSIONS. Well, it was distressing to see some of the defects in the buildings that had been built. Ultimately they are going to have to be rebuilt. They may still be able to be used to some degree, but if we are going to have more precision-guided munitions on the peninsula ready to be used, we have to have the storage to do it. I do not consider it a matter of "just willy-nilly, we will get around to that." I think you need them now. I think you need them stored there where you can use them. I think this government needs to make sure we have enough of these weapons in each area of the world for ready utilization if need be, and I am not sure we are there yet.

Will you review your warfighting plan on the peninsula and be aggressive and creative in your study about how to use precision-guided weapons, and will you ask for sufficient numbers to be successful?

General LAPORTE. Senator, I assure you that I will make a thorough assessment, once confirmed, and have an opportunity to review the war plans, and I also assure you that I will always be aggressive in soliciting any resources that the service member in Korea needs in order to accomplish their mission.

Senator SESSIONS. Well the deal is, you say assembly lines are at full capacity, and we will get you your weapons in 3 years, or in 2004 we will be up there pretty close to speed. So I am not sure that that is a good enough answer.

In World War II we had more than one assembly line. I mean, we can open up new plants for the production of precision-guided weapons. We could quadruple the number in production if we want to, and if that makes all of our other platforms lethal and effective. Without them they are not nearly as lethal and effective. We need to get some priorities straight. So we need to hear, I think, from the warfighting area where you are going to be—do you need more, and if you say you have to have it and you need it, and it is unjustified not to spend the relatively small amount necessary to produce those weapons, then we need to know that and find the money to help, I think.

Senator Dayton, you are the chair, I believe.

Senator DAYTON. I think we have covered all I need to cover. Thank you both very much.

[Whereupon, at 11:04 a.m., the committee adjourned.]

[Prepared questions submitted to Adm. Thomas B. Fargo, USN, by Chairman Levin prior to the hearing with answers supplied follow:]

## QUESTIONS AND RESPONSES

### DEFENSE REFORMS

*Question.* More than 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of those reforms, particularly during your tenure as Director of Operations, U.S. Atlantic Command and Commander in Chief, U.S. Pacific Fleet.

Do you support full implementation of these defense reforms?

Answer. I fully support the implementation of the Goldwater-Nichols Act. These reforms have clearly strengthened the warfighting readiness and operational performance of our Armed Forces.

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

Answer. I believe the Department has embraced these reforms in both spirit and intent and we have vigorously pursued their implementation.

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

Answer. In my view, strengthening civilian control and the chain of command along with the clear delineation of the combatant commander's responsibilities and authorities as they relate to the execution of his assigned missions are the most important aspects. These reforms have also led to vastly improved synergy between the services and the combatant commanders in the strategic planning process, in the development of requirements, and in the execution of our operations during numerous contingencies in the last decade-and-a-half.

We have made significant strides in joint training and education as well. Our forces expect to be employed in a joint operational construct and hence, train and prepare accordingly.

*Question.* The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, these goals have been critically important to the development of a more truly joint capability.

*Question.* Recently, there have been articles that indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the National strategy.

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

Answer. In the simplest sense, the Goldwater-Nichols Act was fundamentally implemented to build a more joint military capability. It is important to assess how we might improve upon what's been accomplished these last 15 plus years, and if needed, address the need for possible changes.

Our experience to date, the evolving strategic environment and the need to transform our joint force capabilities continually may call for examinations, and if needed, proposed course corrections. If confirmed, I intend to work closely with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff on such matters and will convey my views to Congress.

DUTIES

*Question.* What is your understanding of the duties and functions of the Commander in Chief, United States Pacific Command?

Answer. The duties, functions and responsibilities of all the combatant commanders, and the U.S. Pacific Command commander specifically, are delineated by statute, regulation and directive. These include exercising command authority over all commands and forces assigned to the Pacific Command, and prescribing, organizing and employing the subordinate commands and forces within the Pacific Command to carry out Pacific Command's assigned missions. Fundamentally, that mission is to deter attacks against the U.S. and its territories, possessions and bases, protect Americans and American interests and, in the event that deterrence fails, fight and win.

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

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

Answer. My previous experience as a naval officer and commander engaged in joint and combined operations, particularly in the Pacific, East Asia and in South-

west Asia, has prepared me to serve as the Commander in Chief, U.S. Pacific Command. My command assignments include the U.S. Pacific Fleet, Commander, Naval Forces U.S. Central Command/Commander, Fifth Fleet in the Arabian Gulf, Task Force SEVEN FOUR/ONE FIVE SEVEN/Submarine Group SEVEN in Yokosuka, Japan, and the U.S.S. *Salt Lake City* (SSN 716) in the Pacific.

I have served in two joint-qualifying (JDAL) tours as a flag officer. First, as the Director for Operations (J–3) at the U.S. Atlantic Command from 1993–1995, planning and directing operations for Operation Uphold Democracy in Haiti in 1994 and as indicated above, as the Commander, Naval Forces U.S. Central Command/Commander, Fifth Fleet in the Arabian Gulf from 1996–1998. Additionally, I have had extensive joint interaction in my duties as both the Navy's Deputy Chief of Naval Operations for Plans, Policy and Operations (N3/5) from 1998–1999, where I served on the panel of Operations Deputies (or "OpsDeps") for the Joint Staff; and also as the Navy representative to the Joint Requirements Board while serving as the Director, Assessment Division (N81) on the Navy Staff in 1995–1996.

My present assignment as the Commander of the U.S. Pacific Fleet and as the U.S. Pacific Command's naval component commander has helped me develop important relationships throughout the region, familiarized me with joint, combined and naval planning efforts and operations, and has introduced me to the key U.S. Pacific Command military leadership.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Commander in Chief, United States Pacific Command?

Answer. I believe I am well prepared to assume these duties if confirmed. I have been in contact with Admiral Blair, his other component commanders and key leadership within the Department as part of my current duties as the Pacific naval component commander and commander of a joint task force in the region. I'm sure there is a great deal more to learn and as with any new assignment I intend to pursue every opportunity to expand my knowledge and understanding.

*Question.* In carrying out your duties, how will you work with the Secretary of Defense, Deputy Secretary of Defense, the Under Secretaries of Defense, the Assistant Secretaries of Defense, the Chairman of the Joint Chiefs of Staff, the Vice Chairman of the Joint Chiefs of Staff, the Assistant to the Chairman of the Joint Chiefs of Staff, the Director of the Joint Staff, the Secretaries of the Military Departments, the Chiefs of Staff of the Services, and the other combatant commanders?

Answer. If confirmed, I plan to work with them in the same fashion I've found effective throughout my career: clear, forthright and frequent communication. Further, my relationship with these leaders would be in accordance with the established laws, regulations and traditional practices and conducted in a manner that provides my best military advice, supports the execution of our duties and responsibilities, and ensures the preparedness of my assigned forces. Specifically:

*The Secretary of Defense*

The chain of command flows from the President to the Secretary of Defense to the combatant commanders. The Secretary is my immediate supervisor and I will report directly to him and provide the best possible military advice to execute my duties and responsibilities in the Pacific. As is custom and traditional practice, I will communicate with the Secretary through the Chairman of the Joint Chiefs of Staff.

*The Deputy Secretary of Defense*

The Deputy Secretary of Defense, on occasion, serves as the acting Secretary in the absence of the Secretary. During these periods my relationship with the Deputy Secretary will be essentially the same as with the Secretary. I will endeavor to provide him with the best possible military advice and the same level of support as I would the Secretary. Otherwise, I will support, consult with, and coordinate with him in those areas and issues that the Secretary has assigned him to lead for the Department.

*The Under Secretaries of Defense*

Under current DOD Directives, Under Secretaries of Defense coordinate and exchange information with DOD components, to include combatant commands, in the functional areas under their purview. If confirmed, I will respond and reciprocate. I will use this exchange of information as I formally communicate with the CJCS and provide military advice to the Secretary of Defense.

*The Assistant Secretaries of Defense*

With three exceptions, Assistant Secretaries are subordinate to one of the Under Secretaries of Defense. Therefore, any relationship U.S. Pacific Command would

have with subordinate Assistant Secretaries would be working with and through the applicable Under Secretary of Defense. Since the Assistant Secretaries of Defense for $C^3I$, Legislative Affairs, and Public Affairs are principal deputies to the Secretary of Defense, the relationship with them would be conducted along the same lines as with the various Under Secretaries.

*The Chairman of the Joint Chiefs of Staff*

The Chairman is the principal military advisor to the President, National Security Council, and Secretary of Defense. Title 10, Sec. 163 allows communications between the President or the Secretary of Defense and the combatant commanders to be transmitted through the Chairman. I anticipate this policy will continue to be directed by the President in the forthcoming Unified Command Plan. If confirmed, I intend to keep the Chairman fully involved and informed by providing appropriate recommendations regarding requirements, strategy, doctrine, tactics, techniques, and procedures for the joint employment of Pacific Command forces.

*The Vice Chairman of the Joint Chiefs of Staff*

When functioning as the acting Chairman, the Vice Chairman's relationship with the unified commanders is exactly that of the Chairman. Title 10, Sec. 154 gives the Vice Chairman rights and obligations as a member of the Joint Chiefs of Staff. Therefore, I would exchange views with the Vice Chairman on any general defense matter considered by the Joint Chiefs of Staff. The Vice Chairman also heads, or plays a key role on many boards and panels that affect readiness and programs, many of which directly impact the preparedness of Pacific Command. An important example is the Joint Requirements Oversight Council (JROC). I would anticipate exchanging views on matters before these boards and panels as they affect the Pacific Command.

*The Assistant to the Chairman of the Joint Chiefs of Staff*

The Assistant to the Chairman represents the Chairman in the interagency process and works closely with the leadership of the Department of State. Combatant commanders and their staffs also work in an interagency setting and maintain a heavy focus on international relations as they relate to politico-military concerns. While there is no command relationship between the Assistant to the Chairman and a combatant commander, informal exchanges of views are of mutual benefit. If confirmed, I would expect to engage in such exchanges.

*The Director of the Joint Staff*

The Director of the Joint Staff is generally the Joint Staff point of contact for soliciting information from all the unified commanders when the Chairman is developing a position on any important issue. On a day-to-day basis, the Pacific Command Deputy works with the Director of the Joint Staff to exchange positions and clarify direction. However, on occasion it is important for the Commander to deal directly with the Director of the Joint Staff to ensure that the Director correctly understands his position.

*The Secretaries of the Military Departments*

Title 10, Sec. 165 provides that, subject to the authority, direction, and control of the Secretary of Defense, and subject to the authority of combatant commanders, the Secretaries of Military Departments are responsible for the administration and support of the forces assigned to combatant commands. This responsibility is routinely exercised within service lines via the subordinate service component commander. On occasion it is important to exchange views personally and directly with a Service Secretary on issues involving the preparedness of forces and their administration and support.

*The Chiefs of Staff of the Services*

The Service Chiefs are responsible, in accordance with Goldwater-Nichols, to organize, train, equip, and provide trained and ready forces for combatant commanders to employ in their area of responsibility. The full support and cooperation of the Service Chiefs is important to the preparedness of assigned combat forces and the missions directed by the Secretary of Defense. Also, as members of the Joint Chiefs of Staff, the Service Chiefs have a lawful obligation to provide military advice to the Secretary of Defense and President. Individually and collectively, the Joint Chiefs are a source of experience and judgment that can and should be called upon. If confirmed, I intend to conduct a full dialogue with the Chiefs of all services.

*The other combatant commanders*

If confirmed, my relationship with the other combatant commanders will be one of mutual support, continued dialogue, and frequent face-to-face interaction. In to-

day's security environment, with special regard to the global campaign against terrorism, an atmosphere of teamwork, cooperation, and sharing is critical to executing U.S. national policy. As a supporting commander, I will do my utmost to assist other commanders in the execution of their assigned missions. As a supported commander, I would expect the same from fellow combatant commanders.

MAJOR CHALLENGES AND PROBLEMS

*Question.* In your view, what are the major challenges that will confront the next Commander in Chief, United States Pacific Command?

Answer. The basic challenge facing any combatant commander is to maintain the readiness of his assigned forces and employ them in a manner that deters our enemies and dissuades potential strategic competitors from seeking military advantage, reassures Americans and our friends and allies abroad, and in the event deterrence fails, fighting and winning.

In the Pacific, I believe there are a number of fundamental challenges that need to be addressed. These include:

1. North Korea. The place where the stakes are highest continues to be on the Korean Peninsula. North Korea poses a significant conventional threat on the peninsula and continues to be a major exporter of ballistic missiles and associated technology. As such, North Korea poses a risk not just on the peninsula, but also throughout the region, and across the globe.

2. Terrorism. There is real concern that Southeast Asia could become a haven for international terrorists as they are forced out of their current locations. It will take a concerted effort to find ways to help the region address this threat. The Pacific Command also supports other combatant commanders in the larger Global War on Terror.

3. Miscalculation. The potential for accelerated military competition or worse, gross miscalculation between India and Pakistan, China and Taiwan, or some other strategic rivals.

4. Potential instability. A regional instability caused by a fractured or failed nation state which has come apart because of its own internal instability, ideological crisis or failed government or economic system. This also includes instabilities caused by piracy, international drug smuggling, illegal immigration, environmental catastrophe and similar transnational concerns.

5. Readiness. Maintaining a trained and ready force, the command and control, and the relationships capable of dealing with the range of missions that could result from the foregoing.

6. Transformation. Institutionalizing a culture of experimentation and innovation that recognizes the unique nature of the Pacific's geography, the evolving threats and the robust capability that technology brings the U.S. Armed Forces.

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

Answer. In many respects, meeting the challenges above is dependent upon the readiness of Pacific Command forces and the service, joint and combined training exercises that enhance our ability to operate in a complex environment and execute our operations and contingency plans. More importantly, it means *reinforcing the constants* within the region and *promoting change.*

1. Reinforcing constants. The foundation for stability in the region has been our long-standing bilateral *alliances,* of which our alliance with Japan is most important. This relationship is the cornerstone for U.S. security interests in Asia and is fundamental to regional stability and security. Australia remains our oldest ally and a special partner in the Pacific. They have worked hard to eliminate the potential technology barriers between our forces and have taken a lead role in East Timor's security, and in the security and democratic development of nations in the South Pacific. Our relationship with the Republic of Korea has served as the keystone for security on the Korean Peninsula for 50 years. The Philippines and Thailand remain important allies and key to stability throughout Southeast Asia. These critical alliances have served us well not only within the Pacific area of responsibility, but in the Global War on Terrorism as well. If confirmed, I will continue to reinforce these important alliances and friendships.

The *presence* of U.S. forces is another constant that remains a force for stability and security throughout the region as well. Our forward capability brings great flexibility to the United States and deters and dissuades military competition in East Asia. A forward combat capability transcends any movement on the Korean Peninsula and, if confirmed, I would continue to work to ensure their readiness, training and access to those areas vital to U.S. security in the region.

Lastly, we have long-standing relationships in the region, friendships like those with Singapore and Malaysia, that recognize our shared security interests and provide critical assistance in efforts like the Global War on Terror as well. I would seek to fortify these long-standing friendships.

2. Promoting change. There is much we can do to improve our security in this region we all recognize as critically important to the Nation's future.

*Changing our operating patterns;* to include a balance of time in Northeast Asia and the East Asia littoral. We should leverage the opportunity our growing military cooperation with India provides as well. Additionally, I would seek more frequent joint operating opportunities such as those recently conducted by the Navy and the Air Force in the South China Sea that exercise our long-range strike and expeditionary capabilities.

*Reviewing our force posture for the future* that includes the kind of forward deterrence enhanced by a forward Theater Missile Defense capability, the Aerospace Expeditionary Force (AEF), Nuclear-Powered Cruise Missile Attack Submarine (SSGN) and others, the utilization of strategic assets like Guam, and the efficiencies gained by initiatives like the Land Partnership Plan (LPP) agreement in Korea. Our goal should be to improve our combat capability forward while achieving the necessary efficiencies in our support structure.

*Maturing Joint Task Force operations;* to include rapid activation and minimum reinforcement, a clear and accurate operational picture, a secure, collaborative coalition network, and effective training in complex operational situations.

*Question.* What do you consider to be the most serious problems in the performance of the functions of the Commander in Chief, United States Pacific Command?

Answer. The ability to command, organize and employ modern joint and/or coalition forces effectively within the vast Pacific Command area of responsibility is dependent upon robust, collaborative information technology. Pacific forces require more bandwidth, higher speed, and frankly, better availability for command, control, communications, computers, intelligence, surveillance, and reconnaissance ($C^4$ISR) systems in a more timely manner. We are a long ways from a common operational picture for our joint forces and we are ISR poor overall. Additionally, interoperability with our allies or in a coalition environment is an even bigger challenge.

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

Answer. As Pacific Command's executive agent for development of the Coalition Wide Area Network (COWAN), and having seen the Asia Pacific Area Network (APAN) during my tenure as Commander of the Pacific Fleet, we are beginning to make strides in availability. However, we need to continue to acquire modern capability in a rapid manner. If confirmed, I will continue to work with the Secretary, the Chairman, the Joint Forces Command and the Service Chiefs on efforts to improve our acquisition of timely, robust communication and collaborative technology. I will also continue to emphasize the development and efficient and effective use of appropriate ISR assets.

PRIORITIES

*Question.* If confirmed, what broad priorities will you establish in terms of issues that must be addressed by the Commander in Chief, United States Pacific Command?

Answer. If confirmed, I have five broad priorities for Pacific Command in the near-term:

1. Sustaining and supporting the Global War on Terrorism.
2. Improving the readiness and joint warfighting capability of Pacific Command forces.
3. Reinforcing the strong relationships the United States has with our key allies, friends and partners in the region.
4. Improving the quality of service for our sailors, soldiers, airmen, and marines.
5. Promoting change and improving our Asia-Pacific defense posture.

READINESS

*Question.* Do you believe that training constraints for Outside Continental United States (OCONUS) units are growing? If so, how important is it to develop a theater-wide strategy to protect military training opportunities? Will you develop and implement such a strategy?

Answer. Training constraints are growing for OCONUS units and are a fundamental readiness issue; after all, if we cannot train, we have no ability to defend the Nation. I think it is important that a theater-wide strategy be developed to permit all services to conduct training in and/or around their assigned stations/ports.

This strategy must not rely solely on the support of our allies, but also include our need to train in and around Hawaii, Guam, Alaska and the continental United States. I know both the Department and Congress are actively engaged on this issue.

The past decade has seen steady erosion to the ability to train at our OCONUS training ranges and operating areas. Our need for sufficient training ranges and basic operating conditions for our forward forces based overseas—the forces the Nation needs to be most ready—are critical. While the most visible loss of training infrastructure resulted from the loss of the Philippine training complex, other incremental losses are beginning to jeopardize our ability to maintain ready forces. Urban sprawl has significantly reduced the maneuvering and artillery training areas for both our Army and Marine forces in Japan and Korea. Civilian development has encircled our Naval Air Station in Atsugi, Japan; this "encroachment" restricts U.S.S. *Kitty Hawk's* Carrier Air Wing Five ability to conduct night operations and to carry ordnance for training missions. Most recently, we have been sued and found to be in violation of the 1918 Migratory Bird Treaty Act (MBTA) over our training operations on the small (1.7 mile long), uninhabited island of Farallon de Medinilla in the Marianas. This could potentially halt Air Force, Marine, and Navy training at the only overseas U.S. owned training range in the Western Pacific. These are but a few examples of issues that are impacting us across the Pacific.

As Commander of the Pacific Fleet, I instituted Enhanced Readiness Teams (ERT) to address these kinds of encroachment issues within the Navy. These teams consist of operators, base infrastructure personnel, environmental lawyers, and facility planners brought together for coordinated action on these encroachment issues. My counterpart in the Atlantic and our marine commanders in both AORs also adapted the concept—we now have a combined charter that establishes these teams across both the Pacific and Atlantic Fleets. Additionally, I have conveyed my concern with respect to encroachment to members of Congress and to appropriate Cabinet members. If confirmed, I intend to review the range of encroachment issues across all the Pacific component commands, and will assist the Department as necessary on its sustainable range initiatives efforts.

FORWARD PRESENCE

*Question.* Do you believe that our current forward presence in the United States Pacific Command area of responsibility is appropriate? What, if any, changes would you recommend in basing and agreements to promote access?

Answer. Our forward presence in the region is demonstrative of our commitment to its security and our interests abroad; deters aggression in areas like the Korean Peninsula; reassures our friends and allies; provides a ready force capable of responding to security crises with credible combat power; facilitates security cooperation and coalition operations through periodic, combined training exercises; and preserves or enhances our access in critical areas.

The most important element of this forward deployed force is undoubtedly our combat capability; I don't see any near-term reduction to that capability forward. In fact, during my tenure as the Commander of the Pacific Fleet, I have taken action to enhance our forward combat capability by proposing and preparing for the forward basing of three attack submarines in Guam and preserving some of the infrastructure that supports our forward readiness. So in this sense, our combat capability may continue to evolve with the strategic environment in the region.

Of course, this combat readiness is dependent upon sufficient logistic infrastructure and access. My view is there are probably efficiencies we can gain in how we support this front line capability. Initiatives like the Land Partnership Program in Korea are important to both the U.S. and our allies in this regard. If confirmed, I intend to work with the Department and our friends and allies to ensure we provide the requisite logistic infrastructure and access in a way that leverages all that our information technology brings us and optimizes both our capability and our overseas support and tenant commands.

JOINTNESS AND TRANSFORMATION

*Question.* What steps do you believe can and should be taken by the regional combatant commanders to enhance jointness and transformation? Are there opportunities in this area that are unique to the United States Pacific Command?

Answer. All of the Nation's operating forces expect to be trained, prepared and employed in a joint operational construct. One of Admiral Blair's important transformational efforts during his tenure has been the development of the Joint Mission Force (JMF). It leverages existing Pacific Command component commander infrastructure and relationships with the responsiveness and readiness of the Pacific's

forward deployed forces through web-centric technology. Its key objectives are to improve a Pacific Joint Task Force's speed of response, precision and effectiveness across the full spectrum of missions should such force be required. I believe we can make early gains in both transformation and jointness by continuing to examine our operating concepts, force packaging, command and control and joint connectivity.

As the Navy's component commander in the Pacific Command for the last 2½ years I have seen this effort embedded in our operations planning, wargames, and exercises. There is more to be learned from this successful effort. If confirmed, I intend to continue this unique opportunity through the Pacific Command exercise program, leverage the lessons into our operations and planning, and improve the web-centric technology and networking that makes this command-staff-force model effective and enduring.

JOINT EXPERIMENTATION

*Question.* U.S. Pacific Command (PACOM) has taken an active role in experimentation, especially with regards to U.S. Navy fleet battle experiments.

In your view, what is the role of the combatant commands with regards to joint experimentation?

Answer. Every combatant commander has a need to continuously assess his own combat capabilities, the development of regional threats and the unique characteristics of his assigned area of responsibility (AOR) to ensure he is fostering the right operating concepts and validating requirements for the future. Most importantly, experimentation gives the Pacific Command's warfighters an opportunity to validate experimental doctrine, technologies and joint tactics, techniques and procedures (TTP) in the unique operating environment and geography in Pacific Command's area of responsibility. We need to foster innovation and prototyping in the field and then take the best of these ideas to Joint Forces Command and the services for rapid implementation.

Joint Forces Command (JFCOM) has been designated as the Department's executive agent for joint force experimentation. Our obligation in the Pacific Command is to support the larger goals of JFCOM and the Department by providing opportunities and venues to experiment and a constant stream of new thought on warfighting capability and concepts.

The Pacific Command has a legacy of innovation and experimentation; if confirmed, I intend to continue to pursue those operating concepts and technologies that will ensure the Nation's readiness to deter attacks against the U.S., its territories, possessions and bases and, should that deterrence fail, preserve our capability to fight and win.

*Question.* What type of relationship should exist between PACOM and U.S. Joint Forces Command, with regards to joint experimentation?

Answer. If confirmed, I will coordinate joint experimentation efforts with JFCOM in its role as the Department's executive agent for Joint Warfighting Experimentation and will share the pertinent lessons to be drawn from the Pacific Command's experimental efforts and JFCOMs as well.

JOINT REQUIREMENTS

*Question.* In your view, what is the role of the Commander in Chief, U.S. Pacific Command in the formulation of joint warfighting requirements and the development of capabilities for the future?

I believe it is important the combatant commanders assert a strong role in defense requirements. The Joint Requirements Oversight Council (JROC) strives to ensure that individual service systems are interoperable and that choices among individual service systems are made based on their value to joint warfighting. If confirmed, I will support JROC efforts in the requirements process. The vast geography of the Pacific, the absence of a broad treaty organization and the fundamentally expeditionary context of many of the region's security scenarios make Pacific Command input to the requirements process an important voice in the development of our future force capability. As a combatant commander, I would have a number of venues available to influence joint warfighting requirements:

1. Review of joint requirements documents such as Mission Need Statements, Operational and Capstone Requirements Documents, and Command, Control, Communications, and Computers, and Intelligence ($C^4I$) Support Plans for joint applicability and interoperability.

2. Development of an annual Integrated Priority List (IPL) to influence service and defense agency Program Objective Memoranda (POMs) and the Future Years Defense Plan. The IPL provides Pacific Command's personal assessment of capabilities and requirements needed to execute operations in Pacific Command. It is not

all-inclusive but focuses on those significant theater shortfalls that require funding. Concentrating on major shortfalls provides a more meaningful and useful product.

3. Staff participation in JROC and Defense Resources Board (DRB) meetings to provide Pacific Command views on joint requirements and programs. Additionally, Pacific Command hosts the Joint Staff's Joint Warfighting Capability Assessment (JWCA) team visits and prepares for JROC meetings. Combatant commander recommendations are incorporated into the Chairman's Program Recommendations (CPR) to influence Defense Planning Guidance (DPG) and into the Chairman's Program Assessment (CPA) memo to influence Program and Budget Review as well.

4. Participating in all phases of the Department of Defense Planning, Programming and Budgeting System (PPBS), including providing input to the DPG and reviewing POMs during Program and Budget Review cycles to determine if they meet Pacific warfighting requirements and IPL priorities. Program Review considers issues raised by the combatant commanders and the Joint Staff. Joint concerns may be reflected in Program Decision Memoranda (PDMs) or Program Budget Decisions (PBDs) as the President's Budget is finalized.

5. Joint Experimentation and Advanced Concept Technology Demonstrations (ACTDs). While the venues mentioned above usually address more mid- to-long-term issues, joint experiments and the ACTD process provide shorter-term approaches to joint requirements and capabilities. Joint experiments and ACTDs allow the warfighter to "try before they buy" in operational demonstrations and ensure new capabilities are "born joint." If successful, warfighters can readily apply the technologies in actual operations while acquisition programs refine their use and develop their long-term support infrastructure. My understanding is Pacific Command is currently engaged in 18 active ACTDs, which along with experimentation serve as a cornerstone of theater transformation.

KOREA

*Question.* If confirmed, what do you anticipate your relationship will be with the Commander in Chief, United Nations Command/Combined Forces Command and United States Forces Korea?

Answer. This relationship is unique and vital. The Pacific Command commander's responsibilities are regional in nature and include the security situation on the Korean Peninsula. The Commander in Chief, U.N. Command/Combined Forces Command's primary focus is on deterrence of a North Korean attack specifically on the Korean Peninsula, and should that deterrence fail, the ability to fight and win against that threat. He is also a subordinate unified commander to Pacific Command in his role as the Commander of U.S. Forces Korea.

The magnitude of this enduring threat both to the peninsula, and throughout the region requires close coordination. If confirmed, my relationship with the Commander in Chief, United Nations Command/Combined Forces Command (CINCUNC/CFC) and United States Forces Korea (USFK) will be one of mutual support, continued dialogue on key issues, and frequent face-to-face interaction during periodic conferences and other meetings, as required. In today's security environment, an atmosphere of teamwork and cooperation is critical to executing U.S. national policy. In each of my supporting and supported relationships with other combatant commanders, I will do my utmost to assist them in the execution of their duties and responsibilities.

*Question.* What is your assessment of the 1994 Agreed Framework and the role that it plays in promoting stability on the Korean Peninsula?

Answer. The Agreed Framework (AF) is an important mechanism to stability on the peninsula. Although not a perfect agreement, conflict has been averted and the Democratic People's Republic of Korea has remained at least a nominal party to the Nuclear Nonproliferation Treaty (NPT).

North Korea's long-standing aggression and proliferation of weapons of mass destruction makes it imperative that we obtain a verifiable end to their nuclear weapons program. If there are ways to improve upon the Agreed Framework to that end, we should consider them.

*Question.* To what extent is North Korea complying with the Agreed Framework and with other agreements it has entered into to reduce the WMD threat on the peninsula, such as the 1991 Joint Declaration on Denuclearization of the Korean Peninsula?

Answer. North Korea is complying with some aspects of the Agreed Framework. The freeze on plutonium production and separation facilities appears to be holding and the construction on the graphite-moderated reactors (GMR) is halted. However, North Korea is not yet in full compliance with all International Atomic Energy Agency (IAEA) accountability standards; the AF makes clear that key components

for the Light Water Reactors (LWR) will not be delivered until North Korea complies fully with its IAEA obligations.

*Question.* What is your assessment of the threat posed by North Korean ballistic missile developments and exports to U.S. forces and allies?

Answer. Significant. North Korean development and export of missile technology and components is pervasive and continuous; its exported technology is a threat not just within Pacific Command's area of responsibility, but throughout the world. Additionally, it has been estimated that North Korea could have the capability to strike the continental United States with ballistic missiles within 5 years.

CHINA

*Question.* How would you characterize the U.S. security relationship with China?

Answer. Too often, they perceive the relationship as a zero-sum game—our perceived advantage is their disadvantage. We should develop areas where there is common ground, but the foundation of this discourse should continue to be the Taiwan Relations Act and the three U.S./China communiqués. It is clear to me a frank, constructive discourse that's clearly aimed at preserving peace and stability throughout the region should be the way ahead.

*Question.* Do you believe that we should re-establish normal military-to-military ties with the Chinese military? If so, why?

Answer. Normal military-to-military contact with the Chinese military is dependent upon our laws and the interests of the United States. In general, such contact should be both transparent and reciprocal in nature. Under these guidelines, I am supportive of a modest military-to-military relationship. As the Commander of the U.S. Pacific Fleet, I have noted a lack of reciprocity with respect to the variety and types of ports Pacific Fleet ships have been allowed to visit in China as compared to the types and variety of ports the U.S. has allowed PLA(N) ships to visit in the United States. While this is just one example, I believe it is an indicator that our contacts are presently proceeding at an appropriate level and pace.

TAIWAN

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

Answer. In my view, we should continue to focus our assistance on modernizing Taiwan's command, control, communications, computers, intelligence, surveillance and reconnaissance ($C^4ISR$) capability, improving their integrated sea and air defense capability, and assisting them in the integration of their components into an effective joint defense.

INDIA/PAKISTAN

*Question.* What initiatives or actions do you believe that the Commander in Chief, United States Pacific Command can and should take to help try to reduce military tension between India and Pakistan?

Answer. Maintaining frequent and frank communications with military leaders in India is the most important action the Pacific Command can take to help reduce military tensions in South Asia. It is important for the Pacific Command to know and understand the senior Indian military leaders. Through these contacts and professional friendships, the Pacific Command can candidly discuss the results and repercussions of conflict with Pakistan. Along with this, Pacific Command should continue its coordination with U.S. Central Command to monitor actions along the international boundary and the Line of Control in Kashmir.

SOUTHEAST ASIA

*Question.* How do you plan to engage the states in Southeast Asia to cooperate in the international war against terrorism?

Answer. The Philippines, Thailand, Singapore and Malaysia have all taken steps in the war on terrorism, with Singapore and Malaysia in particular successfully disrupting terrorist operations.

If confirmed, I will incorporate the wide range of theater security cooperation activities designed to help each nation, as permissible by our laws, develop the skills necessary to defeat current terrorist threats and deter future ones. This will require coordinating our military activities with the myriad of international, interagency, diplomatic and economic initiatives to ensure we are providing the right level and mix of capabilities. These activities range from our current assistance program in the southern Philippines to combined seminars and exercises incorporating counter-

terror themes to humanitarian assistance activities that dissuade the development of terrorism and terrorist support bases.

PHILIPPINES

*Question.* How does the U.S. training mission in the Philippines enhance U.S. national security?

Answer. The Abu Sayyaf terrorist group (ASG) is a threat to stability in the Philippines, has ties to al Qaeda, and has targeted U.S. citizens. The Armed Forces of the Philippines (AFP) are challenged by both logistic problems and a lack of adequate training in the Southern Command in dealing with what has become an enduring ASG threat. The U.S. training mission is there to provide training and advice to the AFP on counter-terror tactics, techniques and procedures and to assist the AFP with the maintenance of their equipment and the logistic infrastructure needed to defeat this threat.

If the Philippine Government and military can train with U.S. forces, and develop improved future military capabilities, our National and international security interests are served. Further, relevant security cooperation with the Philippines, a treaty ally and member of the Association of Southeast Asian Nations (ASEAN) and the ASEAN Regional Forum (ARF), contributes to our security posture in Southeast Asia both for regional stability and for addressing transnational security issues.

In the long-run, the AFP's ability to conduct self-sustaining counter-terror operations will help protect U.S. citizens abroad and will discourage al Qaeda elements from seeking safe haven in the region as they are forced out of their current locations.

*Question.* Do you believe that the agreement the United States has entered into with the Philippines on this mission clearly distinguishes training missions from combat operations?

Answer. Yes.

*Question.* Are combat operations a part of this agreement?

Answer. No. U.S. participants will not engage in combat, without prejudice to their right of self-defense.

*Question.* If confirmed as Commander in Chief, United States Pacific Command, do you anticipate taking any additional steps to minimize the likelihood that U.S. troops become drawn into combat, including as part of a medical evacuation or search and rescue mission, with the Abu Sayyaf Group or other terrorist or insurgency groups operating in Mindanao?

Answer. Our commanders in the Philippines and the intelligence community are continually assessing the threat to our troops, and if I am confirmed, my first trip will include a personal review of our counter-terror effort in the Philippines.

*Question.* Will you ensure that Congress is informed in a timely fashion of any changes to the training mission (from battalion to lower echelons) or to the rules of engagement?

Answer. Yes.

INDONESIA

*Question.* Do you believe that we should resume military-to-military engagement with Indonesia?

Answer. The Armed Forces of Indonesia (TNI) is important to the stability, unity and future of Indonesia as it transitions toward democracy. In turn, Indonesia's continued democratic development is important to U.S. interests in combating terrorism and the security and stability of Southeast Asia. In that sense, it would benefit our interests to interact with the generation of TNI officers so important to Indonesia's future.

*Question.* How would you balance our interest in developing closer ties with the government of Indonesia with concerns about past and future human rights abuses by the Indonesian military?

Answer. Clearly our military-to-military contacts with the TNI must be in accordance with our laws. Pacific Command activities like senior officer visits, subject matter information exchanges, and the annual Cooperation Afloat Readiness and Training (CARAT) exercise phase that focuses on humanitarian assistance and anti-piracy is a start. The new Regional Defense Counter-Terrorism Fellowship Program may be another way to an effective balance. If confirmed, I will examine these means carefully and give my best advice to the Secretary and the Chairman and will continue to explore the possibilities with Congress.

*Question.* Is the Indonesian government fully cooperating with the United States in the Global War on Terrorism?

Answer. Indonesia has condemned terrorism and has approved overflight rights for U.S. aircraft supporting the war on terror. However, Indonesia has not aggressively investigated those domestic elements that are sympathetic to the objectives of al Qaeda.

INCIDENTS AT SEA TREATY

*Question.* In light of the problems encountered during the EP–3 incident with China last year, would you recommend that we pursue with China an agreement—to cover operations of ships and aircraft—similar to the Incidents at Sea Agreement with the Soviet Union?

Answer. See below.

*Question.* In your view, has the Military Maritime Consultative Agreement been useful in resolving such issues?

Answer. Unlike the U.S./USSR situation in 1972, the U.S. already has the 1998 Military Maritime Consultative Agreement with China, which established a forum for promoting safe maritime practices, communication procedures when ships encounter each other, and ways to avoid accidents at sea. This bilateral agreement provides an existing, functioning framework for reaching common understandings on the international legal principles governing the operations of maritime and air forces. I think the Military Maritime Consultative Agreement with China can work as a vehicle for the two militaries to discuss and promote issues relating to safety and navigation at sea and in the air without adding an INCSEA-type agreement between the U.S. and China.

UNIFIED COMMAND PLAN CHANGES

*Question.* The Department of Defense is currently reviewing the Unified Command Plan and considering recommending the establishment of a "Homeland CINC."

Please share with the committee your views with regards to the proposed changes to the Unified Command Plan.

Answer. It is an important step for our future. I support the creation of the proposed Northern Command and its assignment as the Commander for homeland defense planning and consequence management. Additionally, the refinement of the Joint Forces Command mission of joint transformation, experimentation and integration will be important to the continued development of our joint capability for the future. Lastly, the assignment of all countries to the regional unified commanders helps clarify our security cooperation efforts.

CONGRESSIONAL OVERSIGHT

*Question.* In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

RELATIONS WITH VIETNAM

1. Senator THURMOND. Admiral Fargo, Southeast Asia and the South China Sea continue to be potential flash points, especially the Spratley Islands. With the loss

of naval facilities in the Philippines, Vietnam offers an ideal location for a forward operating base, especially now that Russia has pulled out of Cam Ranh Bay. What are our military relations with Vietnam and would Cam Ranh Bay be a suitable facility for the Pacific Fleet?

Admiral FARGO. Since 1975, U.S. and Vietnamese military relations have grown slowly, following the development in diplomatic relations. The military relationship with Vietnam follows at a controlled, measured pace of initiatives designed as confidence building measures that include high-level visits, attendance at multilateral conferences, and humanitarian aid. Our primary national objective continues to be Prisoner of War/Missing in Action (POW/MIA) efforts. Additionally, we encourage Vietnam to participate in regional multilateral programs and activities to support Theater Security Cooperation. U.S. Pacific Command will continue to seek access to various ports in Vietnam for potential port visits to enhance our Theater Security Cooperation efforts in the near and far term.

During his visit to Vietnam in January 2002, Admiral Blair discussed the status of Cam Ranh Bay with Vietnamese officials. The government of Vietnam has made it clear that it will not allow the base to be used by any foreign military and hopes to develop Cam Ranh Bay into a commercial port. Cam Ranh Bay would require substantial upgrades for the U.S. Pacific Fleet to make use of it. At this time the U.S. Pacific Fleet does not see a need to pursue the use of Cam Ranh Bay as a forward operating base.

EN ROUTE STRUCTURE

2. Senator THURMOND. Admiral Fargo, the key to our ability to defend South Korea and the Far East is strategic lift, both by air and sea. Although both Congress and the Department have focused on air and sea lift, we have not heard much about the infrastructure to support these lift capabilities. How do you rate the strategic deployment infrastructure in the Pacific region and what are the critical choke points in terms of infrastructure?

Admiral FARGO. The strategic deployment infrastructure in the Pacific region requires improvements to increase our capacity to deploy forces to Korea and the Far East. Compared to airlift, the long legs and flexibility of sealift transportation make sealift less dependent on en route infrastructure. Airlift throughput, however, is very dependent upon en route infrastructure. Throughput capacity for airlift is characterized as maximum (aircraft) on ground (MOG), fuel storage and delivery, and/or ammunition storage andhandling capabilities.

In the Pacific, there are two paths for airlift throughput to the Korean Peninsula and the Far East. The two routes are described as Northern Pacific (NORTHPAC) and Mid-Pacific (MIDPAC).

The NORTHPAC route consists of the great circle route going through Alaska and Japan. [DELETED]. Projects improving MOG and fuel infrastructure at Elmendorf are programmed through fiscal year 2005 for $132.4 million.

The MIDPAC route consists of Hickam AFB Hawaii, Andersen AFB Guam, and Wake Island. Projects improving MOG and fuel storage and refueling capability in each of these locations are identified through fiscal year 2005. Of these, my biggest concern is with the ability of [DELETED] to support the required throughput. In addition to strategic airlift, the MIDPAC route is the primary route for self-deployers such as tactical aircraft. Pavement surfaces and fuel systems on Wake Island are over 40 years old. The fuel system repair plan consists of 15 Maintenance, Repair, and Environmental (MR&E) projects estimated to cost $19.2 million from fiscal year 2002 to 2004. In fiscal year 2002, five of the projects were approved with funding of $5.9 million. In fiscal year 2003, an additional three projects are programmed for $12.6 million. The remaining seven projects will be programmed for fiscal year 2004.

We rely heavily on Japan access and strategic lift infrastructure for both NORTHPAC and MIDPAC routes. Recent security cooperation with Japan has increased the available MOG in Japan's civilian airfields. The construction projects with the most impact on throughput capacity are at Misawa. Projects programmed through fiscal year 2005 include MOG, fuels, and ammunition capabilities. Projects are identified through fiscal year 2006 for Iwakuni to address the runway, MOG, and fuel storage.

We continue to identify infrastructure constraints on airlift and sealift throughput capabilities for the two primary U.S. Pacific Command Operation Plans (OPANs) and proactively address them in our infrastructure improvement priorities and Theater Security Cooperation strategy.

LIVE FIRE TRAINING

3. Senator THURMOND. Admiral Fargo, the March 2002 judicial decision applying the Migratory Bird Treaty Act to training activities at the Farallon de Medinilla range effectively precludes further live fire on the island. If the impact of the judicial decision is not mitigated, what other live fire ranges are available to the Pacific Fleet?

Admiral FARGO. Senator, closure of the Farallon de Medinilla (FDM) range primarily impacts U.S. Pacific Command (USPACOM) forward-deployed forces. Forces based in the continental U.S. (CONUS) have access to ranges with training support capabilities. The continued operation of the FDM range, however, is a priority training requirement.

For our forward-deployed Navy, Marine, and Air Force units, Farallon is the only U.S.-controlled live-fire range in the Western Pacific. Farallon is also the best live-fire range in the USPACOM AOR. The combination of live-fire support and point targets for precision guided munitions training is unique. [DELETED].

The loss of the Farallon range will also affect CONUS-based Air Force operations in USPACOM. [DELETED].

While each has unique operational and host nation limitations, the other ranges and type of training potentially available in the forward-deployed PACOM area of responsibility are:

| Range | Location | Available Training |
|---|---|---|
| Warning Area | Guam | ship-to-ground |
| Delamere | Australia | air-to-ground, ground |
| Lancelin | Australia | ship, sub, all air |
| Northern | Australia | ship, sub, air to air, limited air-to-ground, ground |
| Shoal Water Bay | Australia | air-to-ground, ground, ship-to-shore |
| Warning Areas | Diego Garcia | ship, air-to-surface |
| Koon-Ni | Korea | air-to-ground |
| Pil Sung | Korea | air-to-ground |
| Chik-Do | Korea | air-to-ground |
| Military Op Area | Korea | air-to-ground |
| Fuji Area | Japan | ground, limited air-to-ground |
| Restricted Areas | Japan | air-to-air, air-to-ground, ship surface and sub-surface |
| Warning Areas | Japan | air-to-air, air-to-ground |
| Warning Areas | Okinawa | ground, air-to-air, ship, limited air-to-ground |
| Ft. Magsaysay | Philippines | air-to-ground, ground |
| Crow Valley | Philippines | air-to-ground |
| Ban Chan Khrem | Thailand | limited air-to-ground, ground |

While we use these ranges in Korea and Japan/Okinawa and, less frequently, the ranges of other nations such as Thailand, Australia, etc., durinq exercises, these ranges do not fully support our training requirement. More importantly, we do not have assured access to these other ranges. FDM is leased to DOD and we enjoy ensured scheduling priority. [DELETED] Farallon range allows units to train live-fire skills while remaining at their deployed on-station locations.

We exercise every opportunity to use other nations' ranges when available. However, Farallon remains the best facility with access to maintain the level of readiness required by forward-deployed forces.

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[The nomination reference of Adm. Thomas B. Fargo, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*March 21, 2002.*

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

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

*To be Admiral*

Adm. Thomas B. Fargo, 9953.

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[The biographical sketch of Adm. Thomas B. Fargo, USN, which was transmitted to the committee at the time the nomination was referred, follows:]

**TRANSCRIPT OF NAVAL SERVICE FOR ADMIRAL THOMAS BOULTON FARGO U.S. NAVY**

| | |
|---|---|
| **13 JUN 1948** | Born in San Diego, California |
| **29 JUN 1966** | Midshipman, U.S. Naval Academy |
| **03 JUN 1970** | Ensign, U.S. Navy |
| **03 SEP 1971** | Lieutenant (junior grade) |
| **01 JUL 1974** | Lieutenant |
| **01 JUL 1979** | Lieutenant Commander |
| **01 OCT 1984** | Commander |
| **01 SEP 1990** | Captain |
| **JUL 1993** | Designated Rear Admiral (lower half) while serving in billets commensurate with that grade |
| **01 NOV 1994** | Rear Admiral (lower half) |
| **01 FEB 1996** | Rear Admiral |
| **03 JUL 1996** | Designated Vice Admiral while serving in billets commensurate with that grade |
| **01 AUG 1996** | Vice Admiral |
| **20 SEP 1999** | Designated Admiral while serving in billets commensurate with that grade |
| **01 DEC 1999** | Admiral, Service continuous to date |

| ASSIGNMENTS AND DUTIES | FROM | TO |
|---|---|---|
| Fleet Anti-Submarine Warfare School, San Diego, CA (DUINS) | JUN 1970 | OCT 1970 |
| U.S. Naval Nuclear Power School, Mare Island, Vallejo, CA (DUINS) | OCT 1970 | APR 1971 |
| U.S. Naval Nuclear Power Training Unit, Idaho Falls, Idaho (DUINS) | APR 1971 | NOV 1971 |
| U.S. Naval Submarine School, Groton, CT (DUINS) | NOV 1971 | JAN 1972 |
| USS GURNARD (SSN 662) (Sonar/Machinery Officer) | JAN 1972 | MAR 1974 |
| U.S. Naval Submarine School, Groton, CT (DUINS) | MAR 1974 | SEP 1974 |
| USS SKATE (SSN 578) (Weapons Officer) | SEP 1974 | AUG 1976 |
| Office of the CNO (Aide to the Deputy CNO, Submarine Warfare) (OP-02) | SEP 1976 | JUL 1977 |
| Office of the CNO (Aide to VCNO) (OP-09) | JUL 1977 | SEP 1979 |
| USS G. W. CARVER (SSBN 656) (Gold) (Engineering Officer) | SEP 1979 | JUN 1982 |
| U.S. Naval Submarine School, Groton, CT (DUINS) | JUN 1982 | JUL 1982 |
| Commander, Submarine Force, U.S. Pacific Fleet Pearl Harbor, HI (DUINS) | JUL 1982 | SEP 1982 |
| XO, USS PLUNGER (SSN 595) | SEP 1982 | AUG 1984 |
| Naval Military Personnel Command (Placement Officer for Nuclear Submarines) | AUG 1984 | SEP 1986 |

| ASSIGNMENTS AND DUTIES (CONT'D) | FROM | TO |
|---|---|---|
| U.S. Naval Reactor, Department of Energy, Washington, DC (DUINS) | SEP 1986 | DEC 1986 |
| COMSUBPAC (DUINS) | JAN 1987 | APR 1987 |
| CO, USS SALT LAKE CITY (SSN 716) | DEC 1987 | JUL 1989 |
| Office of the CNO (Naval Warfare, Executive Assistant) (OP-07) | JUL 1989 | DEC 1990 |
| CINCLANTFLT (Executive Assistant) | DEC 1990 | JAN 1992 |
| Commander, Submarine Group SEVEN | JAN 1992 | JUN 1993 |
| USACOM (Director for Operations, J-3) | JUN 1993 | MAY 1995 |
| Office of CNO (Director, Assessment Division) (N81) | MAY 1995 | JUL 1996 |
| Commander, FIFTH Fleet/ Commander, Middle East Force/ U.S. Naval Forces, Central Command | JUL 1996 | AUG 1998 |
| Office of CNO (DCNO for Plans, Policy, and Operations) (N3/N5) | AUG 1998 | SEP 1999 |
| Commander, U.S. Pacific Fleet | OCT 1999 | TO DATE |

## MEDALS AND AWARDS

Distinguished Service Medal
Defense Superior Service Medal
Legion of Merit with two Gold Stars
Meritorious Service Medal with two Gold stars
Navy and Marine Corps Commendation Medal
Navy and Marine Corps Achievement Medal with one Gold star
Joint Meritorious Unit Award
Navy Unit Commendation
Meritorious Unit Commendation
Navy "E" Ribbon
Navy Expeditionary Medal
National Defense Medal with one Bronze Star
Vietnam Service Medal with one Bronze Star
Sea Service Deployment Ribbon with two Bronze Stars
Navy and Marine Corps Overseas Service Ribbon
Expert Rifle Medal

## SPECIAL QUALIFICATIONS

BS (Naval Science) U. S. Naval Academy, 1970
Harvard Advanced Management Program, 1995
Designated Joint Specialty Officer, 1998

## PERSONAL DATA

Wife: Sarah Cannon of Wachula, Florida
Children: Thomas Boulton Fargo, Jr (Son)
Born: 4 November 1972
William Cannon Fargo (Son)
Born: 4 June 1986

## SUMMARY OF JOINT DUTY ASSIGNMENTS

| Assignment | Dates | Rank |
|---|---|---|
| USACOM (Director for Operations, J-3) | JUN 93 - MAY 95 | RDML |
| Commander, Middle East Force/ Commander, U.S. FIFTH Fleet | JUL 96 - AUG 98 | VADM |

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Thomas Boulton Fargo, Thomas Arthur Boulton (Changed on legal adoption by stepfather).

2. **Position to which nominated:**
Commander in Chief, U.S. Pacific Command.

3. **Date of nomination:**
March 21, 2002.

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

5. **Date and place of birth:**
13 June 1948; San Diego, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Sarah Cannon Fargo (Sarah Lee Cannon).

7. **Names and ages of children:**
Thomas Boulton Fargo, Jr. (29).
William Cannon Fargo (15)

8. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

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

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
The Naval Institute.
U.S. Naval Academy Alumni Association.
Naval Submarine League.

Member, Board of Directors Hawaii State Chapter American Red Cross.
Japan-American Society of Hawaii.
Board of Directors, Army-Navy Country Club (1996).

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

VADM James Bond Stockdale Award for Inspirational Leadership.

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

Yes.

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

Yes.

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

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SIGNATURE AND DATE

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

THOMAS B. FARGO.

This 21st day of March, 2002.

[The nomination of Adm. Thomas B. Fargo, USN, was reported to the Senate by Chairman Levin on April 29, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 29, 2002.]

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[Prepared questions submitted to Lt. Gen. Leon J. LaPorte, USA, by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

*Question.* More than 15 years has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of those reforms during your tenure.

Do you support full implementation of these defense reforms?

Answer. The reforms of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 have significantly streamlined the chain of command and strengthened the role of our theater Commanders in Chief. I fully support implementation of the reforms.

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

Answer. From my perspective, the Department of Defense has aggressively pursued the provisions of the Goldwater-Nichols Act and the provisions of section 167 of Title 10, U.S. Code.

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

Answer. I have seen and experienced enormous improvements in joint training and professional education, joint experimentation, and joint operations as a result of these defense reforms. The strong advisory role of the Chairman, JCS is invaluable, both to the President and to the Secretary of Defense, as well as to the com-

batant commanders. Very important to me as a warfighter, and to the readiness of U.S. and allied forces in Korea, is the clarity of responsibility and authority for execution of assigned missions. Simplification of the chain of command improves rapid and clear communications, and ultimately saves lives in times of crisis.

*Question.* The goal of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes I do. Tremendous progress has been made regarding clarification of combatant commander responsibilities and authority, focused strategy formulation and contingency planning, and more efficient use of defense resources. In short, the overall effect of Goldwater-Nichols is a vastly improved joint warfighting capability.

*Question.* Recently, there have been articles that indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy. Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. Goldwater-Nichols has provided the necessary flexibility to allow us to conduct our business jointly. Over time, there may be areas which merit a fresh review; however, none come to my mind at this time.

DUTIES

*Question.* What is your understanding of the duties and functions of the Commander in Chief, United Nations Command/Combined Forces Command/Commander, United States Forces Korea?

Answer. The Commander in Chief, United Nations Command is responsible for maintaining the Armistice Agreement, as well as executing missions and functions in Korea as directed by the Secretary of Defense. Additionally, Commander in Chief, UNC is required to maintain the coalition embodied by the United Nations Command, facilitate acceptance of UNC member nation forces during contingencies, and facilitate access to the seven UNC bases in Japan.

As Commander in Chief, Combined Forces Command, we have two essential missions inherent in U.S. presence in Korea: deterring hostile acts of external aggression against the Republic of Korea, and, should deterrence fail, defeat an external armed attack. In this position, we would be responsible for receiving strategic direction and missions from the ROK–U.S. Military Committee; exercising wartime operational control (OPCON) over all forces provided, both ROK and U.S.; conducting combined exercises; equipping and planning for the employment of those forces; providing intelligence; recommending requirements; researching, analyzing, and developing strategic and tactical concepts; complying with the armistice affairs directives of CINCUNC; and supporting CINCUNC in response to armistice violations by North Korea.

The Commander, United States Forces Korea, as a sub-unified commander of the U.S. Pacific Command, is responsible for all duties and functions associated with Title 10, United States Code, and the Unified Command Plan. It is in this capacity that we support the ROK–U.S. Mutual Defense Treaty. In that position we represent USCINCPAC. This position provides us the channel for providing forces to CINC UNC/CFC, and supporting those forces with the required logistical, administration and policy initiatives necessary to maintain readiness.

*Question.* What background and experience, including joint duty assignments, do you possess that you believe qualifies you to perform these duties?

Answer. I have extensive experience in joint and combined operations. Within the Korean AOR, my duties as a brigade, division, and corps commander who trained and exercised with numerous Republic of Korea forces and U.S. component units, gave me significant, on-site leadership perspectives that provided specific insights into the unique challenges associated with combined and joint operations on the Korean Peninsula. Outside the Korean AOR, command of the National Training Center and experiences during Vietnam directly supporting our ROK allies, coupled with my experiences in Operation Desert Storm in training and fighting side-by-side with coalition forces has provided me the opportunity to exercise joint and combined warfighting doctrine. Command of III Armored Corps provided me the opportunity

to develop operational plans in support of the Korean AOR which employed joint and combined warfighting strategy and tactics on terrain unique to the Korean Theater of Operations. In training and exercising those tactics, I was able to work side-by-side with Republic of Korea counterparts who imparted to me their unique and invaluable perspectives on warfighting in defense of their homeland. The experiences I have discussed here required me to work joint and combined reconnaissance, intelligence, infrastructure, and logistical concepts.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Commander in Chief, United Nations Command/ Combined Forces Command/Commander, United States Forces Korea?

Answer. I intend to conduct in-depth discussions and assessments with key personnel and analysts from relevant ROK and U.S. Government agencies and non-government specialists. Throughout my time in command I will need to continue this dialogue with ROK and U.S. leaders to constantly improve understanding of all aspects of the current situation within the Korean Theater of Operations. This will enable me to stay abreast of the dynamic political-military environment of the Korean Peninsula.

*Question.* In carrying out your duties, how will you work with the Secretary of Defense, Deputy Secretary of Defense, the Undersecretaries of Defense, the Assistant Secretaries of Defense, the Chairman of the Joint Chiefs of Staff, the Vice Chairman of the Joint Chiefs of Staff, the Assistant to the Chairman of the Joint Chiefs of Staff, the Director of the Joint Staff, the Secretaries of the Military Departments, the Chiefs of Staff of the Services, and the combatant commanders, especially the Commander in Chief, U.S. Pacific Command?

Answer. CINCUNC reports directly to the U.S. Secretary of Defense and through him to the President. A bi-nationally validated ROK–U.S. document provides further guidance on CINCCFC's unique relationship with the ROK National Command Authority and the U.S. Secretary of Defense. The relationship with all of the officials listed above is critical to accomplishing our National and bi-national goals and objectives. We must be able to work closely with all levels of leadership, civilian and military, in both joint and combined leadership environments to ensure that a teamwork approach accomplishes the strategic goals and objectives of our National leadership. Commander, United States Forces Korea reports directly to USCINCPAC on matters directly pertaining to USFK areas of responsibility.

MAJOR CHALLENGES AND PROBLEMS

*Question.* In your view, what are the major challenges confronting the next Commander in Chief, United Nations Command/Combined Forces Command/Commander, United States Forces, Korea?

Answer. The major challenges include readiness, deterrence, maintaining stability, transformation and supporting the Global War on Terrorism. Readiness of U.S. and allied forces will be my primary near-term focus if confirmed for this position. The ROK–U.S. alliance must be "ready to fight tonight" due to the proximity and lethality of the threat. A highly trained, ready force provides stability and mitigates risk. Sustaining readiness requires tough realistic training; appropriate levels of manning and modern equipment; training infrastructure, and finally, a quality of life which supports and sustains our people. I am personally committed to ensuring that readiness is at the highest level and that our people know they have the support of the Nation behind them.

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

Answer. As Commander in Chief, United Nations Command/Combined Forces Command/Commander United States Forces, Korea, I will ensure that my forces remain vigilant and well-prepared. Training and readiness will be my watchwords. If confirmed I will immediately review these elements to ensure that we are as strong and as ready as we can possibly be. I will devote myself to strengthening the alliance between the United States and the Republic of Korea. A strong healthy alliance can meet the challenges I discussed above. Should deterrence fail, alliance forces must, and will be ready to defeat North Korea.

*Question.* What do you consider to be the most serious problems in the performance of the functions of the Commander in Chief United Nations Command/Combined Forces Command/ Commander, United States Forces Korea?

Answer. I have combined my answer below.

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

Answer. As a general statement, the United States and the Republic of Korea have been successful in maintaining the armistice and deterring aggression on the

Korean Peninsula for almost 50 years. The command structure that has evolved over time works well, but as in any organization, there is always the requirement to continue to grow and improve. Pending my opportunity to conduct a personal "on the ground" assessment, I intend to stay the course established by General Schwartz. I would consider my tour to be very successful if I am able to emulate his accomplishments as well as to build on the strong foundation of all the previous CINCs in Korea.

PRIORITIES

*Question.* If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Commander in Chief, United Nations Command/Combined Forces Command/Commander, United States Forces Korea?

Answer. I will ensure that our units are trained and ready. I will devote maximum effort to maintain our deterrence through a strong united alliance between the ROKs and the U.S. In addition, I will support the UNC in helping to maintain the armistice. Equally important is my commitment to improving the quality of life of our servicemen and women. All the above will enable our support of reconciliation.

FORWARD PRESENCE

*Question.* Do you believe that our current forward presence on the Korean Peninsula is appropriate? What, if any, changes would you recommend?

Answer. For over 50 years U.S. forces have provided stability in a critical region to U.S. interests. Physical U.S. presence provides peace of mind to the democratic nations of the region and tangible deterrence against North Korea. These superbly trained forces provide the much-needed technological superiority, information dominance capabilities and warfighting prowess that complement the ROK military in ensuring the region's stability. It is this visible forward presence that means the difference between devastating war on the peninsula and the continued peace, growth and prosperity for the South Korean people and its many trading partners. If confirmed, I will look at various recommendations on how best to modernize and transform our forward presence U.S. forces to support DOD transformation initiatives, while maintaining interoperability and improved alliance capabilities with our ROK allies.

CAPABILITIES OF U.S. FORCES KOREA

*Question.* Based on your experience as both the III Corps Commander and the Army's Assistant Deputy Chief of Staff for Operations and Plans, you have firsthand knowledge of both the threat on the Korean Peninsula and readiness conditions of our forces in Korea. Based on this experience, what do you consider to be the most critical shortfalls in the capabilities of our forces stationed in Korea?

Answer. I will thoroughly review our peninsula-wide requirements and capabilities. That assessment is key to understanding any existing critical shortfalls. I would ask that the committee allow me to discuss this with you in a continuing dialogue.

JOINTNESS AND TRANSFORMATION

*Question.* What steps do you believe can and should be taken by the regional and sub-regional combatant commanders to enhance jointness and transformation? Are there opportunities in this area that are unique to U.S. Forces Korea?

Answer. If confirmed as a combatant commander, it is imperative that I work to enhance jointness and accelerate transformation at every opportunity. My Korean deployments have taught me that jointness must be our culture to provide the most valuable training opportunities. Korea is unique in that we have ongoing laboratories for joint and combined operations as we execute our mission. We need to train as we would fight. As the CINC, my role would be to promote the cross-flow of lessons learned that would make us better joint and combined warfighters. That is a solid initial step in the realization of the Quadrennial Defense Review's objective of making our alliances stronger, and ever more capable. The Korean operational environment and training areas serve as superb classrooms for innovation, combined operations and future capabilities.

JOINT EXPERIMENTATION

*Question.* U.S. Pacific Command (PACOM) has taken an active role in experimentation, especially with regard to U.S. Navy fleet battle experiments.

In your view, what is the role of the combatant and subordinate commands with regard to joint experimentation?

Answer. An effective joint experimentation program requires the active participation and support of the combatant commanders working with the services to identify key requirements and efficiencies that can be obtained by new capabilities, organizations and doctrine. I am enthusiastic about the PACOM initiatives and experimentation efforts. USFK and CFC will actively support both individual service and JFCOM-led joint experimentation. We have some unique opportunities in Korea to be able to support such experimentation, including: 1) large numbers of forces deployed to their fighting AOR, 2) routine joint/combined operations, 3) an active, vibrant operations plan (OPLAN) that warfighters understand and train to daily, 4) a combined allied partner committed to the goals and progress of our defensive preparedness, and 5) robust large scale exercises. These Korean-specific characteristics provide superb joint experimentation opportunities.

*Question.* What type of relationship should exist between U.S. Forces Korea, PACOM, and Joint Forces Command with regard to joint experimentation?

Answer. In Korea, the CINC wears multiple hats that offer a unique perspective. As USFK, we should work directly with PACOM as a subordinate command and identify/support joint experimentation that has a regional focus and impact. As CFC, we need to recognize our role as a command ready to execute the OPLAN and "fight tonight" on the Korean Peninsula. This offers the opportunity to directly sponsor and develop warfighting concepts. I envision an active relationship with JFCOM and PACOM as we work to increase our capabilities.

1994 AGREED FRAMEWORK

*Question.* What is your assessment of the 1994 Agreed Framework and the role that it plays in promoting stability on the Korean Peninsula?

Answer. The 1994 Agreed Framework has proven successful in freezing North Korea's nuclear program. In the absence of the Agreed Framework, North Korea could have produced weapons-grade plutonium for dozens of nuclear weapons. This would have been destabilizing to both the peninsula and the entire Northeast Asian region. Consequently, the Agreed Framework has contributed to the stability of the Korean Peninsula in a substantial way.

*Question.* To what extent is North Korea complying with the Agreed Framework and with other agreements it has entered into to reduce the WMD threat on the peninsula, such as the 1991 Joint Declaration on Denuclearization of the Korean Peninsula?

Answer. President Bush's policy of focusing on North Korean compliance with its responsibilities under the Nuclear Non-Proliferation Treaty is the right approach to stemming this threat. North Korea has yet to comply with the safeguards inspections of the International Atomic Energy Agency. Compliance with these inspections is necessary to verify North Korea's intent with regards to its nuclear program and fulfill its responsibilities under the Safeguards Agreement that North Korea signed with the International Atomic Energy Agency in 1992. To date North Korea has shown no positive intent in complying with the Joint Declaration on Denuclearization of the Korean Peninsula agreed to jointly by North and South Korea in 1991.

BALLISTIC MISSILE PROGRAM

*Question.* What is your assessment of the threat to U.S. forces and allies posed by North Korean ballistic missile developments and missile exports?

Answer. North Korean ballistic missile development remains a significant threat to U.S. forces and their allies on the peninsula. Their ballistic missile inventory includes over 500 SCUDS of various types that can threaten the entire peninsula and they continue to produce and deploy No Dong missiles capable of striking Japan and our U.S. bases there. Pyongyang is also developing multi-stage missiles capable of striking the continental United States. Over the past 2 years, North Korea has upheld its self-imposed moratorium on flight testing long-range missiles, but has not halted research and development. Their continued proliferation of missiles throughout the Middle East provides North Korea powerful diplomatic and political leverage, while providing the regime hard cash with little regard for technology transfers or the instability that this proliferation could cause.

DEMILITARIZING OF OLD MUNITIONS

*Question.* What is the long-term plan for demilitarizing outdated munitions of the Korean Peninsula?

Answer. Currently, the only means of demilitarizing munitions on the peninsula is open detonation. This capability is extremely limited (approximately 1,000 short tons per year) and does not keep pace with demilitarization requirements. The com-

prehensive long-term plan for demilitarizing munitions calls for partial retrograde of unserviceable/obsolete munitions to the U.S. for demilitarization by the U.S. Army. In addition, we are in negotiations with the Republic of Korea Ministry of National Defense to establish an enhanced demilitarization capability on the peninsula beyond our current open-detonation capability.

*Question.* Are there adequate funds to support disposal of old munitions so that sufficient space is available for more modern ammunition? If not, how will you address this problem?

Answer. As I understand it, within the past several years sufficient funds to support disposal and retrograde have not been available. I understand the command is currently working with the services to identify these funding requirements.

STATUS OF FORCES AGREEMENT

*Question.* What is your assessment of the current Status of Forces Agreement with South Korea? What, if any, changes to the agreement would you recommend?

Answer. The current Status of Forces Agreement was updated in 2001. My current assessment is that the SOFA is working well for both alliance partners and is perceived as balanced and fair. This is an issue that I will continually assess if confirmed to ensure it remains fair and equitable for both the U.S. and ROK.

LAND TRANSFERS

*Question.* What is your assessment of the Land Partnership Plan to consolidate U.S. facilities, and improve living conditions for U.S. forces in Korea and their dependents? If confirmed as Commander in Chief, United Nations Command/Combined Forces Command/Commander, United States Forces Korea how would you further these objectives?

Answer. I believe the Land Partnership Plan (LPP) is the right investment, at the right time for Korea. LPP improves combined readiness, increases force protection, enhances public safety, and improves quality of life for U.S. forces in Korea. LPP will reconfigure and protect training areas while consolidating our forces around enduring training installations. It will also allow us to make sound investments, enhance force structure, gain efficiencies and return valuable land to the second most densely populated country in the world. It meets the requirements specified in the Overseas Basing Requirements Study and gives us a comprehensive approach to positioning USFK forces to meet security requirements well into the future. It makes our alliance stronger because it is "win-win" situation for both the Republic of Korea and the United States.

*Question.* Will you, if confirmed as Commander of United States Forces Korea, pursue a comprehensive strategy to protect and improve air training on the peninsula? How would you go about such an effort?

Answer. I am dedicated to ensuring that USFK/CFC/UNC forces receive the best possible training to ensure that readiness and our ability to deter is at the highest possible level. Our success with the Land Partnership Plan will serve as a model for improving training management and training areas throughout the peninsula. The methodology used with LPP was based on maximizing joint use of ranges, ensuring that U.S. problems were identified at the appropriate level with ROK counterparts and that a process was established which enhanced training. This is the recipe for success to protect and improve air training on the peninsula. If confirmed, training and readiness will be my highest priority.

FAMILY HOUSING

*Question.* General Schwartz, the current Commander, United States Forces Korea, proposed to increase the number of personnel in Korea on accompanied tours from 10 percent today to 25 percent by 2010 and to 50 percent by 2020.

What are your views on the advisability and affordability of this proposal, and how would you rank increased housing in Korea against other priorities in the theater?

Answer. As many of the committee members have seen first-hand, the housing situation in Korea must be addressed. The near-term focus on improving housing for the currently authorized 10 percent accompanied tours fixes a long-standing problem. The decision point for increasing the number of accompanied personnel to 25 percent occurs around the 2006 timeframe. Affordability remains dependent on stable military construction funding lines as programmed in the Future Years Defense Plan. I will continually assess the viability of this plan.

*Question.* Have the services and United States Forces Korea estimated the additional requirements this would create not only for family housing, but also for in-

creased medical and child care facilities and services and for force protection, and what would be the additional cost of those requirements?

Answer. It is my understanding that the command consulted the stakeholders to comprehensively review key issues associated with this action. This group included senior people from within the community, from the Department of Defense Dependent Schools, the Army and Air Force Exchange Service, the Defense Commissary Agency, the Medical Command and the component base agencies responsible for family support services. The financial plan leverages the Korean private sector, while maximizing the use of Host Nation Funded Construction.

*Question.* To your knowledge, has the Republic of Korea agreed to finance any of this increased cost under the Land Partnership Plan (LPP), or would such a proposal constitute a separate initiative funded solely by the United States?

Answer. The Land Partnership Plan and Long Range Housing Plans are two separate initiatives. Consolidation of facilities under the Land Partnership Plan enables us to consolidate our housing investments. Under the Land Partnership Plan, the Republic of Korea will pay for 45 percent of the cost of new land and facilities. Another 41 percent will be funded from the Host Nation Construction Program, and 14 percent will be funded from already programmed military construction projects that will be redirected from a closing installation to an enduring installation.

*Question.* To what extent do you believe the cost of additional housing and support facilities would be funded within current levels or as part of the LPP, and to what extent will additional U.S. funding be required?

Answer. My goal will be to accomplish the increased housing and support facilities without new military construction funding other than what is programmed in the Future Year Defense Plan.

SPECIAL PAYS AND ALLOWANCES FOR U.S. FORCES IN KOREA

*Question.* The current Commander, United States Forces Korea, General Schwartz, has expressed his view that the pay and allowances for troops assigned to units in South Korea are insufficient. He has noted, for example, that troops assigned to units in Japan receive more money than their peers in Korea and expressed his opinion that soldiers in his AOR should receive higher pay and allowances in recognition of the hardships they encounter.

What are your views regarding the adequacy of pay and allowances for soldiers stationed in Korea?

Answer. Serving a tour in Korea imposes additional individual costs for our unaccompanied personnel. Married servicemembers accepting a Korean assignment are faced with the decision of either establishing a second household and paying out of pocket expenses or bringing their family unaccompanied to Korea and enduring even more unreimbursed expenses. The great men and women who work in Korea are motivated by more than money, but we have to recognize the linkage between fair pay and morale. Service members desire nothing more than a level playing field for pay and benefits. Besides the hidden costs of a second household, an Army Sgt serving in Korea knows his counterparts in other hardship theaters earn approximately $500 more per month. Servicemembers believe that duty in Korea imposes a financial hardship.

DECLINATION OF ASSIGNMENTS TO DUTY IN KOREA

*Question.* In his testimony before the committee in March of this year, General Schwartz stated that the "no show" rate for soldiers assigned to Korea was unacceptable high, including those who could command units in Korea.

What aspects of duty in Korea, in your opinion, account for decisions by Army officers to decline command of units in Korea?

Answer. It has been my experience that officers decline command duty in Korea for two reasons. First, they do not want to be separated from their families for 2 years to command. Rather than be separated for this time period, they decline to take the command assignment. Second, many times these same people have had previous tours in Korea, and they remember the poor living conditions that existed from their prior tours. Unfortunately, in some cases, these conditions still exist. Consequently, they decline to come to Korea to command rather than face living in sub-standard conditions.

*Question.* What actions do you plan to take, if confirmed, to address this problem?

Answer. First, I plan to make it clear to the soldiers, sailors, airmen and marines serving in Korea that I am dedicated to providing their families the best possible housing, infrastructure and support facilities. Next, we will emphasize that Korea is an important theater with a real world mission and service that is a challenging

and rewarding experience. I will follow in General Schwartz's footsteps in mentoring our future leadership on the advantages of a Korean assignment.

CONGRESSIONAL OVERSIGHT

*Question.* In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

*Question.* Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander in Chief, United Nations Command/Combined Forces Command/Commander, United States Forces Korea?

Answer. Yes.

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

Answer. Yes.

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[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

ARMY TRANSFORMATION IN KOREA

1. Senator THURMOND. General LaPorte, although Congress supports the Army's transformation effort to lighten its forces and enhance deployability, there is concern that it will reduce the Army's ability to respond to the massive formations facing our forces in Korea. What do you see as the positive aspect of the Army's transformation regarding your responsibilities in South Korea?

General LAPORTE. The Army's capability to deter and defeat any North Korean attack on the Korean Peninsula is imperative to the overall success of the United Nations (UNC)/Combined Forces Command (CFC) operations plan (OPLAN). Our mix of forces, which include light, heavy, and special operations forces (SOF) will ensure success in any campaign in the Korean Theater of Operations (KTO).

The Army's transformation plan will improve core warfighting capabilities from the individual soldier level through heavy armor fighting systems. In the long-term, we will experience an exponential increase in ease of deployment by transforming all Army combat forces into air-transportable objective formations. In the near-term, the Army will transform some light units apportioned to OPLAN 5027 into Interim Brigade Combat Teams (IBCTs). The IBCT will enhance strategic options by reducing overall deployment times and providing an increased $C^4I$ capability. The IBCT is ideal for deployment and combat operations in the KTO.

The Army's ultimate goal for transformation is the Objective Force. The Objective Force will be a more lethal force capable of surviving in all spectrums of conflict. The Army will build an Objective Force with suites of new integrated combat systems that achieve the capabilities outlined in the Army vision. Meanwhile, the Interim Force, designed to be the bridge between the Legacy and Objective Force, is being developed and fielded to provide enhanced strategic options. Simultaneously, the Legacy Force will continue to guarantee near-term warfighting readiness with enhanced combat aviation systems and inserted digital technologies, thereby ensuring our current capabilities until final transformation into the Objective Force beginning in fiscal year 2008.

THREAT CONDITIONS IN KOREA

2. Senator THURMOND. General LaPorte, the United States has maintained forces in South Korea for more than 50 years due to the hostility of the North Korean Government and the threat posed by the North Korean forces. Although the intelligence agencies continue to warn of the North Korean threat, there has been a steady increase in the number of command-sponsored tours in Korea. In fact, General Schwartz is requesting an increase in the number of families in Korea. What are

your views on the threat facing our forces in Korea and how do you rationalize your views of the threat with the increase in the number of family members in Korea?

General LAPORTE. North Korea continues to pose a dangerous threat to the stability and security on the Korean Peninsula. North Korea maintains a large, capable, and forward deployed conventional military force, as well as substantial ballistic missile capabilities, special operations forces, and weapons of mass destruction. The North Korean threat is formidable and real; however, I am confident that we can successfully implement our Noncombatant Evacuation Operations (NEO) plans, which are designed to get our families off the Korean Peninsula in the event hostilities become imminent. We exercise the NEO plan frequently with our colleagues from the American Embassy—Seoul. A full scale NEO would represent a serious challenge, but we would be successful in evacuating our family members out of Korea. A North Korean attack on the ROK would result in the end of the regime due to the strength of the U.S.-ROK alliance. Our strong presence in the ROK has maintained stability for 50 years and will continue to do so.

A major factor driving my request for an increase in accompanied tours is the effect that a nearly 95 percent annual turnover has on this command. It is a documented fact that 1-year tours significantly hurt our warfighting capability, effectiveness, and cohesion. A 1-year tour in Korea does not allow a soldier, sailor, airman, or marine to gain the necessary appreciation of the terrain, the doctrine, or the threat. Personnel rarely have the overlap necessary to ensure a seamless transition and this negatively impacts our warfighting capability. I am convinced that an increase in accompanied housing will significantly lessen the personnel turbulence, which will improve our long-term readiness.

The quality of life of the soldiers, airmen, sailors, and marines and their family members who serve in Korea is very important to me. A Korea assignment today involves some of the poorest living and working conditions of any permanent change of station assignment in the military. Substandard facilities, living, and working conditions in Korea take their toll on the force as a whole.

ROLE OF THE UNITED NATIONS

3. Senator THURMOND. General LaPorte, although least known but critical will be your role as Commander in Chief, United Nations Command. In your opinion, what will be your most important responsibility as Commander in Chief, United Nations Command?

General LAPORTE. My most important role as CINCUNC is to maintain this multinational coalition that has maintained peace and stability in Northeast Asia since 1953. My staff and I do that through daily contact with the liaison officers from the other 14 member nations and through our daily Armistice maintenance functions. It is the UNC, not the U.S. or the ROK, that is responsible for the Korean Armistice Agreement because a previous CINCUNC, General Mark Clark, was the sole Armistice signatory on our side. As CINCUNC, I am responsible for everything that happens in the southern half of the demilitarized zone; a responsibility that cannot be abandoned until the two Koreas reach a political settlement and replace the Armistice.

North Korea has clearly identified the elimination of the UNC is an important step on the road to their final goal of unification under their system. At the initial Armistice meeting on July 10, 1951, they demanded the removal of all foreign troops from Korea. In 1975, they were able to get passage of a UN General Assembly resolution that called for the disbanding of the UNC. In the mid-1990s, they attempted to get bilateral meetings (KPA–U.S.) and trilateral (KPA–ROK–U.S.) meetings at Panmunjom after their withdrawal from the Military Armistice Commission. In 2000–2001, they established relations with 11 UNC member nations bringing the total to 19 of the original 21 and begged each of those nations to withdraw from the UNC. In September 2001, they attempted delivery of a letter to all of the UNC member nations' embassies in Beijing. This letter declared the UNC to be an illegal organization and that all of those countries must withdraw their flag from Panmunjom.

If the UNC coalition is disbanded, the Armistice agreement will be voided, a potentially dangerous and chaotic situation, and we will lose the eight UNC bases in Japan that play a vital role to the defense of the ROK, should deterrence fail. The UNC remains vital to stability and peace in Northeast Asia and we must make all steps to preserve this important coalition.

[The nomination reference of Lt. Gen. Leon J. LaPorte, USA, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*April 11, 2002.*

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

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

*To be General*

Lt. Gen. Leon J. LaPorte, 0933.

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[The biographical sketch of Lt. Gen. Leon J. LaPorte, USA, which was transmitted to the committee at the time the nomination was referred, follows:]

# *United States Army*

## Lieutenant General LEON J. LAPORTE

**Deputy Commanding General/Chief of Staff**
**United States Army Forces Command**
**Fort McPherson, Georgia 30330**
**since September 2001**

SOURCE OF COMMISSIONED SERVICE ROTC

MILITARY SCHOOLS ATTENDED
Armor Officer Basic and Advanced Courses
United States Army Command and General Staff College
United States Army War College

EDUCATIONAL DEGREES
University of Rhode Island - BA Degree - Biology
University of California - MS Degree - Administration

FOREIGN LANGUAGE(S) None recorded

| PROMOTIONS | DATES OF APPOINTMENT |
|---|---|
| 2LT | 5 Jun 68 |
| 1LT | 5 Jun 69 |
| CPT | 5 Jun 70 |
| MAJ | 3 Apr 79 |
| LTC | 1 Feb 85 |
| COL | 1 Jan 91 |
| BG | 1 Sep 93 |
| MG | 1 Oct 96 |
| LTG | 7 Aug 98 |

MAJOR DUTY ASSIGNMENTS

| FROM | TO | ASSIGNMENT |
|---|---|---|
| Jan 69 | Sep 69 | Platoon Leader, A Company, 3d Battalion, 64th Armor, 3d Infantry Division, United States Army Europe, Germany |
| Sep 69 | Feb 70 | Assistant S-3 (Operations), 1st Brigade, 3d Infantry Division, United States Army Europe, Germany |
| Feb 70 | Nov 70 | Student, Officer Rotary Wing Aviator Course, Fort Wolters, Texas, later Fort Rucker, Alabama |

| | | |
|---|---|---|
| Feb 71 | Dec 71 | Section Commander, later Executive Officer, and later Platoon Leader, 238th Aviation Company (Aerial Weapons), United States Army, Vietnam |
| Dec 71 | Jun 73 | Director of Instruction, Recondo School, 4th Infantry Division, Fort Carson, Colorado |
| Jun 73 | Aug 74 | Commander, B Company, 6th Battalion, 32d Armor, 4th Infantry Division, Fort Carson, Colorado |
| Aug 74 | May 75 | Student, Armor Officer Advance Course, United States Army Armor School, Fort Knox, Kentucky |
| May 75 | Jun 77 | Student, University of California, Irvine, California |
| Jun 77 | Jun 80 | Instructor, later Assistant Professor, Behavioral Science and Leadership Department, United States Military Academy, West Point, New York |
| Jun 80 | Jun 81 | Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas |
| Jun 81 | Oct 82 | Squadron Executive Officer, 2d Squadron, 9th Cavalry, Fort Stewart, Georgia |
| Oct 82 | Apr 84 | S-3 (Operations), 2d Brigade, 24th Infantry Division, Fort Stewart, Georgia |
| Apr 84 | Jun 86 | Assignment Officer, Colonel's Division, United States Army Personnel Command, Alexandria, Virginia |
| Jun 86 | Jun 88 | Commander, 3d Battalion, 64th Armor, 3d Infantry Division, United States Army Europe, Germany |
| Jun 88 | Jun 89 | Student, United States Army War College, Carlisle Barracks, Pennsylvania |
| Jun 89 | Jun 90 | Assistant Chief of Staff, G-3 (Operations), 1st Cavalry Division, Fort Hood, Texas |
| Jun 90 | Oct 91 | Chief of Staff, 1st Cavalry Division, Fort Hood, Texas and OPERATIONS DESERT SHIELD/DESERT STORM, Saudi Arabia |
| Oct 91 | May 93 | Commander, 3d Brigade, 1st Cavalry Division, Fort Hood, Texas |
| May 93 | Apr 94 | Chief of Staff, III Corps and Fort Hood, Fort Hood, Texas |
| Apr 94 | Jul 95 | Commanding General, National Training Center and Fort Irwin, Fort Irwin, California |
| Jul 95 | Jul 97 | Commanding General, 1st Cavalry Division, Fort Hood, Texas |
| Aug 97 | Aug 98 | Assistant Deputy Chief of Staff for Operations and Plans, United States Army, Washington, DC |
| Aug 98 | Aug 01 | Commanding General, III Corps and Fort Hood, Fort Hood Texas |

| SUMMARY OF JOINT ASSIGNMENTS | Dates | Grade |
|---|---|---|
| * Chief of Staff, 1st Cavalry Division, OPERATIONS DESERT SHIELD/DESERT STORM, Saudi Arabia | Jun 90-Oct 91 | Colonel |

* Full Joint Duty Credit

US DECORATIONS AND BADGES
Distinguished Service Medal
Legion of Merit (with 2 Oak Leaf Clusters)
Distinguished Flying Cross
Bronze Star Medal
Meritorious Service Medal (with 2 Oak Leaf Clusters)
Air Medals with "V" Device
Army Commendation Medal with "V" Device (with Oak Leaf Cluster)
Army Achievement Medal
Parachutist Badge
Army Aviator Badge
Ranger Tab

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Leon J. LaPorte.

2. **Position to which nominated:**
Commander in Chief, United Nations Command/Combined Force Command/Commander, United States Forces Korea.

3. **Date of nomination:**
April 11, 2002.

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

5. **Date and place of birth:**
May 5, 1946; Providence, RI.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Judy Ann Conca.

7. **Names and ages of children:**
Ryan J. LaPorte, 30 years.
Robbie S. LaPorte, 28 years.

8. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

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

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Association of the U.S. Army (AUSA).
Armor Association.
1st Cavalry Division Association.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

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

Yes.

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

Yes.

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

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SIGNATURE AND DATE

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

LEON J. LAPORTE.

This 26th day of March, 2002.

[The nomination of Lt. Gen. Leon J. LaPorte, USA, was reported to the Senate by Chairman Levin on April 29, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 29, 2002.]

# NOMINATION OF GEN. RALPH E. EBERHART, USAF, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMBATANT COMMANDER, UNITED STATES NORTHERN COMMAND/COMMANDER, NORTH AMERICAN AEROSPACE DEFENSE COMMAND

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**THURSDAY, JUNE 20, 2002**

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

The committee met, pursuant to notice, at 9:41 a.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Akaka, Bill Nelson, E. Benjamin Nelson, Warner, Inhofe, Allard, and Bunning.

Also present: Senator Burns.

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

Majority staff members present: Richard D. DeBobes, counsel; Evelyn N. Farkas, professional staff member; Maren Leed, professional staff member; and Michael McCord, professional staff member.

Minority staff members present: Judith A. Ansley, Republican staff director; Charles W. Alsup, professional staff member; Edward H. Edens IV, professional staff member; William C. Greenwalt, professional staff member; George W. Lauffer, professional staff member; Thomas L. MacKenzie, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Leah C. Brewer, Daniel K. Goldsmith, and Thomas C. Moore.

Committee members' assistants present: Andrew Vanlandingham, assistant to Senator Cleland; Davelyn Noelani Kalipi and Richard Kessler, assistants to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator Ben Nelson; Benjamin L. Cassidy, assistant to Senator Warner; John A. Bonsell, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard; and James P. Dohoney, Jr. and Michele A. Traficante, assistants to Senator Hutchinson.

**OPENING STATEMENT OF SENATOR DANIEL K. AKAKA**

Senator AKAKA. This hearing will come to order. The committee meets this morning to consider the nomination of Gen. Ralph Eberhart for the position of Commander in Chief, United States Northern Command. I want to welcome you, General, and your lovely bride to the hearing. Congratulations on your nomination. On behalf of this committee I want to recognize you, and are there any other members of the family here?

General EBERHART. No, sir, none are with us today.

Senator AKAKA. The members of this committee know the strains that public service can put on family life. General Eberhart would be unable to serve in the positions he has held without the support of his family. We thank you very much for the hardships that you put up with through his service.

At this time, General Eberhart, I would like to ask you to introduce to the committee your lovely bride.

General EBERHART. Thank you, Senator. It is my pleasure to introduce my best friend, my bride of nearly 34 years, who has been on this remarkable journey with me as we have had the opportunity to serve this great Nation, Karen Eberhart. Karen was born in Pennsylvania, and although many years behind me, we went to high school together in St. Louis, Missouri, so thank you, Karen. [Applause.]

Senator AKAKA. If confirmed, General, you will be assuming command of the United States Northern Command, a new command charged with defending the United States and its territories, and with providing assistance to the U.S. authorities in the event of natural disasters or attacks using weapons of mass destruction. The command will have responsibility for the continental U.S., Canada, Mexico, and adjoining waters to approximately 500 nautical miles, including Puerto Rico, the U.S. Virgin Islands, Cuba, and the Bahamas.

The mission statement of the Northern Command underscores the critical mission of this new command. The United States Northern Command will conduct operations to deter, prevent, preempt, and defeat threats and aggression aimed at the United States and its territories within the assigned area of responsibility. It will provide military assistance to civil authorities, including consequence management operations.

As Congress takes up legislation to establish the Department of Homeland Security, the committee is concerned about how the Department of Defense and the Northern Command will interact with this new department. Frankly, the committee is concerned that the department has still not designated a single office within DOD to coordinate homeland defense, and to combat terrorism.

In October 2000, we directed the Secretary to do just that in the fiscal year 2001 National Defense Authorization Act. After September 11, Army Secretary White was designated interim coordinator of activities relating to combatting terrorism. His term has since lapsed, and there is no individual in the Defense Department fulfilling this important function right now. We urge the Department to remedy this situation as soon as possible.

Our nominee this morning is well-qualified for the position he will assume. General Eberhart is currently Combatant Com-

mander, North American Aerospace Command (NORAD), a position he would retain as Combatant Commander of the Northern Command, and he is also Combatant Commander, United States Space Command. He also serves as the Department of Defense Manager for Manned Space Flight Support Operations at Peterson Air Force Base, Colorado.

General Eberhart has extensive command and staff experience, including serving as Commander of the Air Combat Command in Langley, Virginia, and as the Vice Chief of Staff of the Air Force.

I would like to recognize at this time the ranking member, Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. Mr. Chairman, I am going to ask that I say a few words following those of my colleague, the Senator from Oklahoma, who has to depart for a meeting.

Senator INHOFE. Thank you, Senator Warner. Mr. Chairman, I appreciate it. I will be very brief.

I have to do something downtown so I will not be able to stay here, although we did have a chance to talk extensively in my office. I can think of no one in the military I hold in higher regard than General Eberhart. When I think of you introducing your wife, when I think of my wife and my four kids and my 11 grandkids—that does not quite compete with Jim Bunning—but I cannot think of one person I would rather have in this command than you, because you are going to be directly responsible for the security of us here at home, and I think it is a huge responsibility.

There is only one thing that I would ask if I could stay. I am sure you will find some way to cover this. I hope you will. It is the concern that I expressed to you about our Guard and Reserve. We have 84,000 right now. We are overworking. Our tempo of operations is too high. We are losing some of the critical MOSs, and it is something that I think needs to be addressed, and maybe we can talk about that.

But I congratulate you, and I would like to think also of you and Karen as being Okies. You spent a long time there at Vance and Enid, and also in Mayes County, and so we will claim you, and we look forward to serving with you in this new capacity. In your previous capacities I have been by to see you at every one. I remember going down to Langley and talking over the future of some of our systems, and so I look forward to continuing that close relationship, and to congratulating you at the proper time.

Thank you, Mr. Chairman, and thank you, Senator Warner.

Senator WARNER. Mr. Chairman, I wonder if we might inquire of our colleagues here whether they wish to have a word or two.

Senator AKAKA. Do you have any statement to make?

Senator BEN NELSON. No, I do not have an opening statement, thank you.

Senator AKAKA. Senator Allard.

Senator ALLARD. Mr. Chairman, if you will indulge me just a moment, I do have an opening statement, and I would join in the comments that Senator Inhofe made. He wants to claim you for Oklahoma. I am going to claim you for Colorado. He went to the Air Force Academy there and has had an impeccable career, so I just wanted to personally welcome General Eberhart to this committee

and thank him for coming here and testifying before us. I want to congratulate you, General Eberhart, on your nomination to serve as Combatant Commander of the Northern Command and Commander of NORAD. I think your qualifications for this important position are impeccable, and I have absolutely no doubt that you are the right person for this job.

Before you depart U.S. Space Command for your new job, I want to thank you for your steadfast advocacy of military space capabilities over the past 2 years. That has been an important program as far as I am concerned. Your visionary leadership and dedication as the Combatant Commander of U.S. Space Command and until recently, the Air Force Space Command has truly brought military space into a new era.

When you took command of the U.S. Space Command in February of 2000, our country had just completed Operation Allied Force in Kosovo. At that time, we recognized the value that space-based capabilities bring to the fight. GPS-guided weapons were the perfect munitions and satellite communications provided double the bandwidth available from Operation Desert Storm.

Since Operation Allied Force, you were able to increase the effectiveness of these very same capabilities by pressing for the integration of space capabilities with air, maritime, and land assets. U.S. Space Command's contributions are the hallmark of Operation Enduring Freedom. When military historians look back on Operation Enduring Freedom, they will note the extreme effectiveness of bombs delivered with pinpoint accuracy within minutes of being requested by soldiers on the ground. They will note persistent surveillance and near real-time threat information beamed to cockpits. These capabilities would not be possible were it not for the U.S. Space Command. Space-based capabilities are an enabler of not just the Air Force's transformation but also the Navy, and the Army.

Your leadership of NORAD during Operation Noble Eagle is equally impressive. After September 11 you went from having 14 aircraft on alert to more than 100. You faced the challenges of supporting continuous combat air patrols, including all the supporting logistics such as tankers and integrating NATO Airborne Warning and Control Systems (AWACS).

The change in focus of NORAD since September 11 is not, unfortunately, temporary, and points to our Nation's need for unified command to address threats to the United States as well as operations in North America. Your new position as Commander of Northern Command is crucial to our national security. I am very happy, personally, that we will get to keep you in Colorado, and sincerely look forward to continuing working with you. It is a pleasure to work with someone of your high caliber, whom I also consider a friend.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you.

Senator Bunning.

Senator BUNNING. Mr. Chairman, I have a very short opening statement.

Good morning, General Eberhart. Thank you for your service and your testimony before this committee here today. The tragedy of

September 11 is unlike any the Nation has ever faced. Never before have our citizens suffered such catastrophic events. I believe this hearing to consider your appointment to Combatant Commander, U.S. Northern Command, is absolutely critical to the security and the defense of our Nation, and I am very happy that you have been nominated.

Senator AKAKA. Thank you very much.

Senator Warner.

**STATEMENT OF SENATOR JOHN WARNER**

Senator WARNER. Mr. Chairman, I ask unanimous consent that my full statement be placed in the record. I will just reminisce for a minute with this very fine man, accompanied today by his lovely wife.

As I look back over this biography, I think it is every young person's dream to have a career such as yours, a career in which your lovely wife is an equal partner. How many times have you had to pack up and move to these assignments over that period of time, and with over 4,000 hours in the cockpit—that is extraordinary. Now, welcome to the world of politics, General, because in this post, which is at the moment just conceptual, you are going to have to interface with the governors of the 50 states, the Guard units, all types of people. You will be interfacing with the hoped-for newly-created Cabinet position for homeland defense, and you are going to write your own ticket, as you say in the air service, as you go along.

There will not be a navigational chart that will take you directly to your goal. You have to sit down and devise it, together with your staff. You are going to fly by the seat of your pants for a while, but I do not know of anybody better qualified than you to do that.

So we will see you back here before this committee, and at your next hearing when you report to us as part of our oversight functions I would be interested to what extent my comments may have come true.

I have another personal recollection. I, together with another Senator, went out to Walter Reed here 4 or 5 weeks ago to visit some of the youngsters who were wounded in the Battle of Anaconda, and we sat around, shooting the breeze after I expressed appreciation on behalf of the United States for their service. Several were helopilots. Ironically, one of the pilots flew Senator Levin and myself when we made our visit to that region at Thanksgiving time. They looked at this old Senator and asked, "how have things changed? You have seen this evolution of our Nation and been involved with the men and women of the Armed Forces for a half-century."

I said, well, first and foremost I go back to World War II. I said, I remember vividly the battles in those days. Take the Battle of the Bulge. Some 41,000 Americans killed, wounded, and missing. In the Afghanistan operation, while we had serious problems, over 100 or so were wounded. I said, but all those casualties were on the battlefields, whether it was in the Pacific or Europe, the same in Korea, and followed by Vietnam. The casualties were there, very severe casualties.

Today the battlefield has been brought to America. No longer do these oceans give us protection. No longer do our friendly nations to the north and the south give us protection. All of this you understand quite well, but you have to constantly impress this upon the citizens of this country as we undergo the burdens of further security, and the costs associated with protecting ourselves here at home. Unfortunately, the battlefield we have known throughout our history is now here at home, and you are an integral part of first deterring, and then responding, if that would be necessary, to anyone who tries to bring harm to our citizens, our cities, our towns, or our villages here in the United States.

So you are embarking, sir, on an extraordinary flight. Good luck.

Thank you.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Mr. Chairman and thank you for your leadership in arranging to conduct this most important hearing in a timely manner.

I strongly support the President and Secretary Rumsfeld in the establishment of this new unified command to oversee the coordinated land, sea, and air defense of our Nation, and to be the focus of Department of Defense support to local first responders and civil authorities. I think it is very important that this command be operational as soon as possible, and getting General Eberhart confirmed as the first Commander of U.S. Northern Command, or USNORTHCOM as it will be called, is an important first step in that direction. The American people and the men and women in uniform need to know that we are doing everything possible to help win this war on terrorism and to protect our Nation and our citizens from current and future threats.

I join Senator Levin in welcoming General Eberhart back before the committee. I also extend my personal welcome to his wife, Karen, who is with us today, and thank her for her contributions and sacrifices on behalf of our servicemen and women. I also understand the Eberharts have a daughter, Erika, working for the Air Force and another daughter, Jessica, married to an Air Force lieutenant, so we have an entire family in service to our Nation—thank you.

The Senate confirmed General Eberhart to be Commander, U.S. Space Command (USSPACECOM), 2½ years ago. Little did we know at that time that his concurrent responsibility as Commander, North American Air Defense Command (NORAD), would take on such a central role. Who would have predicted a year ago that General Eberhart's forces would be actively patrolling the skies over the United States with orders—under certain extreme circumstances—to shoot down civilian airliners?

We all recognize that the world changed on September 11—when evil forces attacked our Nation in such an indiscriminate manner.

Homeland security is now, without a doubt, the highest priority of our Nation. As a candidate and as President, George W. Bush promised our Nation that homeland security was his most urgent priority. The events of September 11 and continuing concerns about credible threats against the United States emphasize the need to put the right structures in place, as quickly as possible, to ensure that the Department and our Armed Forces are properly focused on this vital mission, and trained and ready to respond.

I fully support the decision made by the President with regard to the establishment of USNORTHCOM. I also note that corresponding changes are being considered in the Department of Defense civilian organizational structure to provide proper oversight and control in this most important area. I look forward to continuing discussions and consultation about recommendations and decisions on these critical subjects, and assisting in providing the resources and authorities necessary to ensure we have the right organization with the required resources.

Much has been done since September 11 to improve the security of our homeland, but much remains to be done. There is consensus in Congress, in the administration, and among the American people that significantly increased investment in defense and national security is necessary and prudent. September 11 was a sobering lesson, of which we must be forever mindful. We all know the war against terrorism and the defense of our homeland are urgent, long-term endeavors.

We had great confidence in confirming you as Commander, SPACECOM. You have performed your duties in an outstanding fashion. I want to associate myself

with Chairman Levin's remarks that acknowledged your remarkable career in service to our Nation. We are indeed fortunate to have someone of your talents and experience to take on this new, daunting task in this critical struggle to protect our homeland.

I am confident we have found the right leader, at the right time to "stand up" this new homeland defense command. We wish you Godspeed in this most urgent and important endeavor

Thank you.

Senator AKAKA. Thank you, Senator Warner. At this time, I would like to insert in the record the statement of Senator Thurmond, who is not able to be here today.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman, I join you and the members of the Armed Services Committee in welcoming and congratulating General Eberhart on his nomination to be the Commander in Chief of the soon-to-be-formed Northern Command. Only 2½ years ago, General Eberhart appeared before the committee on his nomination to be Commander in Chief, North American Aerospace Command and United States Space Command. At that time, none of us could have imagined the tragedy that would strike this Nation on September 11, but we did expect General Eberhart to be nominated for positions of greater responsibility.

General Eberhart, I have the highest regard for your abilities to meet the challenges of standing up the United States Northern Command, and protecting the United States against external threats. My trust in you is based on the reports I received from your many friends in Sumter, South Carolina, where you served as the Commander of the 363rd Tactical Fighter Wing at Shaw Air Force Base. I respect their faith in you and have no doubt that you will live up to their expectations. I intend to support your nomination and wish you and your family the best.

Thank you, Mr. Chairman.

Senator AKAKA. General Eberhart has responded to the committee's prehearing policy questions and our standard questionnaire, and without objection these responses will be made a part of the record.

The committee also has received the required paperwork on General Eberhart and will be reviewing that paperwork to make sure that it is in accordance with the committee's requirements. Before we begin, there are several standard questions that we ask all nominees who come before the committee.

General, do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress and to give your personal views, even if those views differ from the administration in power?

General EBERHART. Yes, sir, I do.

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

General EBERHART. Yes, sir, I have.

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

General EBERHART. No, sir, I have not.

Senator AKAKA. Will you ensure that your command complies with deadlines established for requested communications including prepared testimony and questions for the record in hearings?

General EBERHART. Yes, sir, I will.

Senator AKAKA. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General EBERHART. Yes, sir, I will.

Senator AKAKA. Will those witnesses be protected from reprisal for their testimony?

General EBERHART. Yes, sir, they will.

Senator AKAKA. General Eberhart, thank you very much for your responses. As you can tell, this committee has a high regard for you and your family. We send our best wishes to you and your family and all you will be doing for your country. We know you have a job that is very serious and very difficult, and it is a new kind of job, because in a way it is developing. It is placing a new infrastructure into our country to secure it, and in a way it is exciting, and in a way it is a serious and difficult position. I want to tell you that we certainly are happy that you are the one that is here today.

General Eberhart, if there are no other remarks, may I ask you to begin with your statement to the committee.

**STATEMENT OF GEN. RALPH E. EBERHART, USAF, NOMINEE FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMBATANT COMMANDER, UNITED STATES NORTHERN COMMAND/COMMANDER, NORTH AMERICAN AEROSPACE DEFENSE COMMAND**

General EBERHART. Yes, sir. With your permission, I will summarize my opening remarks. First of all, it is an honor to appear before this committee once again. We have had several such opportunities over the last 7 years, and what is most striking, obviously, is your continued support during that time of those magnificent men and women who serve this great Nation from all of our services, Guard and Reserve, and our civilians.

Senator Warner alluded to those wonderful people, to those people out there in the far corners of the world, doing what this Nation asked them to do, counts on them to do, and they do it very selflessly, through your help. You ensure that they are properly educated, trained, equipped, provisioned, and led. I would offer to you, and I know the members of this committee agree that there has never been a better fighting man or fighting woman than we see out there today involved in this global war on terrorism, in the Operation Noble Eagle at home, and Operation Enduring Freedom away. Whether it is a home game or away game, we will be victorious, there is no doubt in my mind.

I thank you, given your busy schedule, for taking time to consider this nomination today. Many might ask, "Why do we need a Northern Command?" I think Senator Warner captured that very succinctly. Another way to put it is, this is a construct that has served us superbly around the world as we protect our interests and the interests of our friends and allies.

We have a Pacific Command, we have a European Command, we have other commands out there with areas of responsibility. In many ways Northern Command will be just like those commands, protecting the interests of this Nation and our friends and allies in the area of responsibility, and doing, when charged, security assistance and military-to-military contacts in that area of responsibility. What makes it markedly different is that we live in this area of responsibility. This is, in fact, our homeland, so that is why the mission statement is slightly different and talks to assistance when

charged to do so, assistance to civil authorities. That will, in my view, redefine jointness as this command moves forward, not only jointness as we have looked on it since the Goldwater-Nichols bill. I think we have made great strides, but now the relationship with the Coast Guard, the Guard, the Reserve, other Federal agencies, first responders at the local and state levels will, in fact, redefine jointness. Those are things that we must do, that we have to do to deal with these emerging threats.

Time is short. We are on a tight time line as we move forward. The President has approved the Unified Command Plan, and he intends to stand up this new command on 1 October of this year with the confirmation of the nomination. We will then be able to make recommendations and take actions that will answer a lot of the questions that Senator Warner has alluded to. We hope to have Initial Operational Capability this October, with full operational capability the following October.

As this command evolves and matures over time, one thing is key, as Senator Inhofe said—our militia. Our Guardsmen and our reservists will play a very important role in this new command. The cooperation, the training, the exercising, and the proper equipage of those organizations will be key to our success. Information-sharing will be key to our success. Information-sharing across the Government to make sure that we have timely and, as often is referred to, actionable intelligence, will be very important.

What I would like to do is close with a quote that I think is very appropriate from a great statesman who had deep and abiding respect for this Nation. He made this statement during World War II. I think it was very appropriate during World War II. We saw this statement in action during the Cold War: "America is like a gigantic boiler. Once the fuse is lighted under it, there is no limit to the power it can generate."

With your help, the fuse has been lighted, and we must keep it lit as we move forward and achieve victory on this global war on terrorism.

Thank you very much, Mr. Chairman.

Chairman LEVIN [presiding]. Thank you, General Eberhart. I am sorry I could not be here earlier, but I very much appreciate Senator Akaka taking over this chair so that he and Senator Warner and others could get this hearing underway.

Governor Ridge is appearing before the Governmental Affairs Committee this morning, and that is where I was, since I am a member of that committee as well. I just want to add my welcome to you and your family. As I know Senator Akaka and Senator Warner would have pointed out, they are instrumental for you to be able to do what you do, and we are grateful for their support—the Nation is grateful, not just our committee.

General, on the mission of the new command, there are a number of final decisions which still need to be made. According to your answers to the prehearing questions of the committee, we still need to make final decisions on some of the following issues:

Whether USNORTHCOM is going to have component commands; the staff structure; whether it will be based on a traditional staff model, or a transformational concept, such as the standing Joint Force Headquarters.

As to USNORTHCOM's forces, decisions have to be made as to whether specific forces will be assigned, or placed under your operational control; your role with respect to counterdrug support, to Federal, regional, state, and local law enforcement agencies; your relationship to the National Guard Bureau and to individual State National Guard Headquarters.

On those and other similar issues, will final decisions be made prior to your assuming command on October 1?

General EBERHART. Sir, we hope to take decisions on many of these relationships prior to 1 October. Where those decisions are not taken by 1 October, the current relationships will exist until such time as we are able to redraft those relationships. That is very important to us. I know you realize the importance of those relationships that exist and are working today. We do not want to unravel those until we clearly understand this new relationship, this new way of doing business.

Chairman LEVIN. Thank you. In your responses to the prehearing policy questions, you stated that prior to employing forces in the continental United States you would need a specific request and a specific appropriate authorization by the President or the Secretary of Defense. Does that mean that in a situation similar to the September 11 attack, you would not be able to use U.S. forces to stop a terrorist attack using a train or a plane or a truck in the continental United States without first obtaining approval or authorization from the President or the Secretary?

General EBERHART. Sir, what we are alluding to is that there would be some standing rules of engagement like we have today as we use the NORAD forces, where I am authorized under my operational control to launch an intercept and take the action we think is required. We do not have to ask for those forces to be assigned and to use them, unless we are going to use them in a different way than what we have been authorized to do.

So that is what it is referring to. To do anything other than what we are charged to do day-in and day-out specifically, given the rules of engagement, we would request forces, have those forces assigned, and then we would execute those forces as the Secretary of Defense and the President directed.

Chairman LEVIN. In effect, the rules of engagement preauthorize you to act under certain circumstances which are defined, and that would continue?

General EBERHART. Exactly, sir.

Chairman LEVIN. In your responses to the committee's prehearing policy questions, you indicated that Cuba, the Bahamas, the Turks and Caicos Islands in the Gulf of Mexico are included in USNORTHCOM's area of responsibility only for the purpose of deterring and defending against threats emanating from or through these geographic areas. Does that mean that USSOUTHCOM will be responsible for countering drug trafficking in and through these geographic areas, or is drug trafficking one of the threats that USNORTHCOM will be defending against?

General EBERHART. Sir, that will be one of the threats that we will be involved in defending against, but right now, the Joint Interagency Task Force (JIATF) East construct will continue to exist, and we will work with the Coast Guard and USSOUTHCOM.

So there are more avenues of approaching threats other than, in this case, drug enforcement, but when additional military support for the drug mission out of the continental United States is needed, then we will provide that support.

Chairman LEVIN. There are currently 32 weapons of mass destruction civil support teams that cover approximately 97 percent of the U.S. population. It is our understanding that the Department is currently reviewing the mission, doctrine, organization, and equipping of those teams. Do you believe that the teams need more robust capabilities to not only detect but to clean up, or manage, weapons of mass destruction attacks?

General EBERHART. Sir, as you alluded to, there is an ongoing review in terms of (1) do we need more teams, and (2) do these teams need to have a different capability, a different capacity than they currently have? I have not seen that analysis. I can tell you in general terms philosophically I think these teams should be as capable as possible so that we can deal with any of those events should they occur, but I have not looked at the Army's analysis of exactly where we should head. I can assure you that will be one of the things at the top of our list as we proceed.

Chairman LEVIN. Thank you very much, General.

Now, I assume Senator Warner is next, but I have received an unusual note. It says Senator Allard is next, instead of my ranking member.

Senator WARNER. He got here before I did. Senator Allard, why don't you go ahead?

Chairman LEVIN. Even under the early bird rule we usually call on the ranking member.

Senator ALLARD. I was going to say, if Senator Warner wanted to go ahead——

Senator WARNER. I am going to defer to you, because I will stay throughout the hearing.

Senator ALLARD. Thank you very much. I appreciate that.

I know you have been visiting with our ally to the north, and we have in my view a very good relationship as far as NORAD is concerned. I am interested to hear your comments as to whether you anticipate any changes in how NORAD operates, or whether there will be any reorganization there, and any comments you have as to what might happen to NORAD as a result of change in mission because of Northern Command. There has always been a pretty close relationship between U.S. Space Command and NORAD, but do you expect some transfer of authority there between U.S. Space Command and Northern Command?

General EBERHART. First of all, I was visiting in Ottawa yesterday and the day before with my North American Aerospace Defense Command hat on. In this hat, I report through the Chairman to the Secretary of Defense to the President on the U.S. side, and through their Chief of Defense staff, the Prime Minister on the Canadian side, two lines of reporting, two lines of authority, if you will. So I was up there with my NORAD hat on, not with the USNORTHCOM hat on, obviously, pending confirmation, hopefully.

Second, there were questions about what the establishment of a USNORTHCOM might mean for NORAD. My answer is that that is a decision that needs to be taken by the leaders of our two gov-

ernments. Frankly the spectrum ranges from leaving NORAD just exactly as it is today, to having NORAD follow the model that we are following in USNORTHCOM, where we are looking for centralized control, decentralized execution in all media, not just in air and space, as we have in NORAD today, but possibly in maritime and land or anything in between that seems to be right for our two nations.

It is a binational agreement, and we sit down and revise this agreement every 5 years. As we speak, both of our nations are considering whether or not to revise it out of cycle. So, I can't tell you, Senator Allard, at this point what effect it might have. I think that the President realizes, and the members of this committee realize how important it is to dual-hat that position to make sure we are not disconnected as we look at air and space defense and maritime and land support to civil authorities.

Second, it is a very special relationship between U.S. Space Command and NORAD that exists today. It is based on the mission of threat warning, attack assessment that occurs as we use satellite systems, ground-based radars, and the characterization of an attack, whether it is in a theater mode or more of a global type attack. Many of you have seen those demonstrations at Cheyenne Mountain, so whatever we do as we move forward here with it, this UCP or any other modifications to the UCP, we have to ensure that in fact we do not unravel that mission of threat warning attack assessment. There is no doubt in my mind that we realize the importance of that, and we will preserve that and make sure that we do not take a step backwards and that we continue to move forward. I would offer to you it has additional importance as we move to a missile defense capability.

Senator ALLARD. Thank you for your comments.

Also, in visiting with some of the people in the Colorado Springs area, one common question that comes up is, how many people, both military and civilian, would you anticipate being transferred with your command, and when would you expect transitioning those people?

General EBERHART. As the chairman has said, we are still trying to right-size this organization by looking at different organizational constructs that might be more transformational in nature. I think the number will be someplace between 400 and 500 people in terms of the headquarters as we stand-up the command. We will have a transition team arriving shortly, and that will be on the order of 100 strong. Add another 100 or so by 1 October for the stand-up. Hopefully we will be fully manned the following October.

Senator ALLARD. Now, on the Northern Command, we are going through an environmental impact statement (EIS) review. Would you review with me just exactly where we are on that? Has that been delayed? Is that correct?

General EBERHART. Senator, that is, in fact, on track. The environmental analysis has found that there are no show stoppers. There are no situations that would preclude us from standing up the headquarters in Colorado Springs. It has to—this is my word, not the proper legal term—incubate for a few weeks so other people can challenge this finding, if they want to.

That period is up on the 24th of this month. After the 24th of this month, if there are no challenges—and to my knowledge there have been none to date—we could move on with this transition team. According to the law we cannot move the transition team until that environmental analysis is complete.

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

Chairman LEVIN. Thank you, Senator Allard.

Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman. General, it is a pleasure to see you today. We had a nice visit earlier, and I very much appreciate your willingness to accept the responsibilities of this new command. I am both envious and also understanding of what a challenge this is going to be. Envious because any new challenge can be exciting, but also understanding that there are probably some frustrations ahead as you try to begin developing a relationship, and continuing a partnership between, the military and the governors, involving the National Guard.

I wish you well in that. Not that I expect it not to work for you, but there are 50, and you are going to have different opinions along the way. This is sort of a double header today with Governor Ridge appearing and you appearing here today, and so this may be homeland defense day in an official sense.

As you work through the relationships that have been developed with Canada and Mexico, do you anticipate that Mexico could be involved in contingency planning for defense, much like Canada is involved with respect to NORAD? Is that a possibility as you take on this area of responsibility? A lot of territory, and a lot of particular challenges. Do you think that Mexico can play an important role in strengthening our defense?

General EBERHART. Sir, my view is that over time the answer to that question is yes, but first I would like to caveat that. As we look at Northern Command I believe at this point that should remain a U.S. Unified Command just like Pacific Command, just like European Command. If other arrangements are struck, they are struck under NATO, NORAD, or by national type agreements.

Senator BEN NELSON. You wouldn't come under USNORTHCOM then, necessarily?

General EBERHART. Sir, under my view at this time that is not appropriate. If our nations decide to do that, then we can certainly make that work. We think USNORTHCOM is right for this area of responsibility—that includes our homeland except for Hawaii and the territories in the Pacific. Eventually either a binational arrangement or possibly taking NORAD and making it trinational, if everyone was agreeable, would probably make sense because of the common borders, the avenues of approach, and all of those types of things.

So although hypothetical at this point, I think that is certainly best.

Senator BEN NELSON. So really at this point we would have the responsibility on a uninational basis as opposed to binational, but that is a possibility. If we do look toward that, that would be more in the purview of a NORAD type of relationship or other organizational relationship.

General EBERHART. Yes, sir.

Senator BEN NELSON. In moving into a more formalized relationship and a new one with the states, one of the challenges that you are going to face is making sure the states still have the capacity of the National Guard, and I say this as a former governor with the National Guard being available for other types of emergencies that the states are facing from time to time. They are usually natural disasters as opposed to a war disaster or a terrorist attack, so I would hope that protocols can be put in place so that that is clear.

It is not inconceivable that you could have two disasters at once, of different kinds, and then the question is, how do you resolve that difference? But I can anticipate that you are going to get a lot of questions, if you have not already, such as what if there is a flood and a threat of a terrorist attack, how are you going to make the resources stretch, or work for both incidents?

General EBERHART. Yes, sir.

Senator BEN NELSON. So I wish you well.

General EBERHART. Thank you.

Senator BEN NELSON. Good luck to you. We are very grateful to you, and I think our Nation is also grateful for your willingness to take this command.

General EBERHART. Thank you, sir. Thank you very much.

Senator BEN NELSON. Thank you very much.

Chairman LEVIN. Thank you. Senator Warner, as always, is very gracious to yield to a colleague. Senator Bill Nelson.

Senator WARNER. We like our Nelson twins. [Laughter.]

Senator BILL NELSON. This is the full Nelson over here. [Laughter.]

Senator WARNER. Are you the half Nelson?

Senator BILL NELSON. No, actually, between the two of us I am the full Nelson, because my mother was a Nelson before she married my father. [Laughter.]

Senator BEN NELSON. I guarantee you I cannot top that.

Senator BILL NELSON. General, you and I talked about this in our personal meeting, and I appreciate it very much. I just wanted to put it on the record here, because I have to do something in the appropriations bill this year to improve the dilapidated headquarters building down there at Tyndall. Major General Arnold's headquarters is running all of the air defense and running the CAPS and so forth, and we have to get funds in the appropriations bill. It is about a $25 million item to put planning and design funds in so that they would go on in the next appropriations cycle to start the construction.

This is one of my top priorities. I have been to that facility. I have seen it. They have done a tremendous job since September 11, and of course Major General Arnold is directly in the chain of the command that goes through you all the way up to the President in the determination of whether or not you would shoot down an airliner, so I have to move one way or another. I am anticipating the question that will arise, which is, well, there is talk that they are going to move this headquarters to Langley or to Peterson.

What should I offer the Appropriations Committee when they make that statement?

General EBERHART. Sir, as we discussed in your office, and as I have checked since, I am not aware of any plans to move that headquarters to Langley or to Peterson or to anywhere else. I would also underscore that for over a decade we have been debating the relevance of the continental NORAD region, North American Aerospace Command, many viewing it as a Cold War relic.

I think we proved on 11 September, and the aftermath thereof, that it is not a Cold War relic, that it in fact can be used to deal with emerging threats. Therefore, what we have put off in terms of improving facilities, and even more importantly what we put off in terms of command and control systems for this command now needs to be brought to the forefront, addressed, and funded.

Senator BILL NELSON. Of course, down there in the Southeastern United States is where you get a lot of that traffic, you have to observe a lot of drug traffic that we are concerned about coming in.

Mr. Chairman, I would just add, the other thing that we spoke about at length in our personal meeting was the necessity for the General's present command, which is CINCSPACE, to work with NASA on having assured access to space. On the follow-on launch vehicles, I have put some language into the bill that is on the floor right now about the Air Force and NASA working together in the development of the technologies for the future reusable vehicle, but I think that the cooperation has to go further.

In this new command, with the background that you have had, you are going to be in a very pivotal position of offering advice, as you are part of the team and the leadership of the Air Force, on the question of the robustness of our stable of horses in the barn on the expendable launch vehicles (ELVs) and the new evolved expendable launch vehicles (EELVs), which were planned because it was thought that the manufacturers were going to be able to produce a lot of these that would be used in the commercial satellite market.

That market is somewhat diminished, and therefore we need to make a reasoned judgment as to what is going to be in the interest of the United States Government in having the horses when we need to call on them to get us to space, given the fact that we are not going to be producing as many as we thought we were for the commercial vehicles. I am trying to get some kind of language attached as an amendment to our DOD authorization bill that is on the floor right now. I would just offer that for your consideration, as we have talked about it privately as well.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Nelson.

Senator Warner.

Senator WARNER. Mr. Chairman, once again, I would like to yield to my distinguished colleague from Montana, and long-time friend. He has come as a matter of personal courtesy, but most important, this man controls the purse. We are powerful authorizers, but in the end, here is the money man.

Chairman LEVIN. In that case, he can take all the time he needs. The 6-minute rule will not apply. [Laughter.]

Senator BURNS. It is surprising how much power you can just gather up. Well, I thank the chairman and the ranking member this morning. I do come down and thank you for just a little per-

sonal privilege here. The selection of General Eberhart to head this command is an excellent selection by the President, and I just want to offer my support. We are dealing with an enemy now for whom we do not know what resources we are going to need. He is a different kind of enemy. We are in a different kind of a situation. They are faceless. They operate in the shadows, and in order to protect our homeland and the people who live here it will take a person that has an imagination and maybe a better one than they have on the other side, and I think we have made a selection here. He understands his command, he also understands the mission, and it is a very difficult one.

We live in a state where we have almost 700 miles of border with Canada. Most of it is in lands where there are not a lot of people. There is quite a lot of dirt between light bulbs up there, and we are porous. We have farmers that farm on both sides, and he will have to take that into account. That is something that military people have never had to take into account before—whenever we start talking about homeland defense, and defending our borders, and carrying out a mission that will be very difficult.

So we are aware of General Eberhart and his capabilities and his talents, and I just came to support him. Knowing that the enemy is different, we are going to have to operate differently. Our resources will be different. We will use different ways of completing the mission than we have ever used before, and so I congratulate the President on his selection, I congratulate you and offer my support.

General EBERHART. Thank you, Senator Burns. You are still not going to get any strokes. [Laughter.]

Senator WARNER. These are golfing partners. [Laughter.]

Chairman LEVIN. I am still trying to figure out the dirt between light bulbs. [Laughter.]

Senator BURNS. It would really help if you could just come up to speed there, Mr. Chairman. You have to work at it.

Senator WARNER. He is the master of the metaphor over here, he really is. This man appears to be just some old cowboy out of Montana, but he can pick up the *New York Times* crossword puzzle and knock it out in 30 minutes.

Senator BURNS. On Mondays, Mondays only. [Laughter.]

Senator WARNER. I am going to pick up on what my colleagues said here, because it goes to my central concern, and that is what you have outlined here—you are building this organization, and on 1 October you stand it up. I have been unrelentingly pounding the Secretary of Defense personally in our one-on-one opportunities to get this going, because America would be intolerant if we were to be hit tomorrow and we still do not have you in business.

You made the statement, and maybe I misheard it, you will be standing this up 1 October, and by the following October you will be full-up. You and I know what that means in military parlance. I cannot accept that. I have to think that you have to be full-up before that.

Now, this is a little gratuitous advice from one member of the Senate. While this country looks like we are going along very methodically in our old ways of putting together another command and so forth, we are living day by day, threat by threat, and we

simply cannot wait for that period of time. So I would hope to the extent that there are people in the government, whether it is the President on down, who are putting restraints on you—come to Congress.

I remember when I was Secretary of the Navy, one of the most extraordinary men I ever knew in my life was Admiral Hyman Rickover. He would never have been able to create the nuclear deterrent that we had in those submarines had he not gone to Congress and raised h-e-l-l and got what he wanted when he wanted it. I would like you to take that lesson to heart, because in the final analysis you are accountable to the American people. You have their homeland to defend.

It brings me to the next question. We awakened this morning to the news that one of our most respected and valued intelligence collection agencies had a message, for whatever reason that was not deciphered or brought to anyone's attention until 24 or 48 hours after the tragic events of September 11. Yet I am sure that men and women of good conscience were dealing with this situation.

To what extent are you going to set up your own separate intelligence? You are going to, of course, get an enormous amount from the existing collection agencies, but our Nation has been very proud of the fact that we have had, since the Constitution, the Bill of Rights, and the Declaration of Independence, laws which have been extremely protective of our privacy, and as such we have had a quality of life enjoyed by no other nation. In fact, we have been the beacon of hope for others to come here from abroad to share in America's bountiful, wonderful life, and at the core of that life is our privacy as individuals. The FBI has been the sole agency, together with the disparate police departments to some extent in the 50 States, but the sole agency to gather facts and information that could warn America against some group here at home has been the FBI.

Now, of course, so much of this originates abroad, and then it is brought here, but nevertheless, the operatives that do come here to inflict harm upon us, they are enjoying this framework of laws of privacy to a certain extent. Now, we are making some modest changes in that area, but time will tell whether we have to do more.

Are you going to set up any organic intelligence gathering system yourself, because you might suddenly begin to look at the crosshairs, as they say in aviation, or the military, and it suddenly focuses in on one individual or some person in a hotel somewhere in the United States who could be planning to perpetrate a situation. Are you going to rely entirely on the indigenous intelligence gathering of the FBI and such that is in the local police departments, or are you going to have some of your own people who could maybe go into court and file for a writ to intercept communications, or whatever you think might be necessary? How are you going to go about this?

General EBERHART. Sir, right now, as we look at our intelligence organization, we are looking at a more classic military organization, but it will be different as you alluded to. Because it is our homeland, it is very important to us to protect the civil liberties of

our people and at the same time make sure we have the processes and the information sharing in place so that we know about those things, whether they emanate from a local organization, another law enforcement organization, or another military organization.

I do not know the details on the article I read this morning, but to me it is the classic processing, exploitation, dissemination issue. If it is in fact true, that is what it boils down to, we need to make sure that we have the processes in place.

Right now, for example, in U.S. Space Command and NORAD, it is very important to us, as you well know, to have people out there from the NSA. We have liaison out there from the CIA. In my view, in this new command, we will have additional liaison that would make sure that we get the threat and intelligence information we need to conduct the mission that is assigned to us in the UCP.

Senator WARNER. Well, the typical CINC has component commands, Army, Navy, Air Force, and Marines. I guess you will have some situation comparable to that, but let me just give you another bit of advice, again from one man. I would put on an equal level a component commander of the FBI and the CIA, because when you sit around your conference table conferring with your component commanders, as you do at least once or twice a week, they should be at that table. That is my view, because you can be no stronger than your weakest link, and that intelligence gathering assessment, going back out to get more intelligence if you feel it is necessary, that cannot be your weakest link. You are on a start-up curve on that situation.

So again, we are not pinning you down on a lot of critical questions. We know you are well-qualified and, as I said in the beginning, you are without a road map now.

The other thing that has always been of concern to me—and I think it is shared by other members of the committee—in assessing the likely targets of the terrorists, I have to believe that on their target list are our military bases. Basically the level of force protection on a military base is left to the individual services to figure out as to how they want to handle it.

It seems to me that your office should have some coordination of that level so that if one is not invoking or putting in place all of the necessary available means to protect itself, that you could step in and say, we believe you have to come up and be just as strong as the naval base down the road, or whatever it may be. What are you going to do in that area?

General EBERHART. Sir, you are exactly right. In the continental United States, the services are in charge of setting what we refer to as the Force Protection Condition. Overseas you have the standardized approach that you are talking about, where Pacific Command or European Command sets it for their area of responsibility. I think that, as this command evolves, we will address what role it will play in setting those conditions in its area of responsibility.

You could argue that the reason the services set those today in this area of responsibility is because there has not been a commander responsible for this area of responsibility before, so that is one of those things that is under review right now, to decide, in fact, what role Northern Command plays.

I can assure you, I understand exactly what you mean, because I do that today as Commander of NORAD and Commander of U.S. Space Command. If I do not think one of our U.S. Space Command facilities is getting the protection it needs, whether it is in Joe Ralston's AOR or Tom Fargo's AOR, I pick up the phone and say, hey, we need some help here. I would do that regardless of the assignment of this responsibility in this area.

Senator WARNER. When this committee begins to review the final charter, you can be sure that I am going to see what we can do to give you the authority, and if not the authority, the responsibility for reviewing each commander's plan for the protection of that military installation, and if you feel it is inadequate, you have the authority to move in and make the decisions.

Now, the last subject is a favorite that I bring up from time to time, and this is the doctrine of posse comitatus. It emanated from politicians I think wrongfully using the U.S. military in the 1850s or 1860s, somewhere along in there, when certain politicians wanted to call the Army in to do certain things at the polls. So it emanates from the very roots of our democracy, and it was a good doctrine for those years in which here at home we were safely protected by our oceans and our neighbors.

No longer does that exist. Yes, there are some exceptions in the posse comitatus doctrine to allow certain things to take place when unexpected contingencies happen, but we cannot have a situation where some weapons of mass destruction, whether they are biological, chemical, or whatever the case may be, are unleashed among our civilian communities, and then everybody with the best of intentions is coming in, and no one can figure out who is going to take charge and whether or not the local military commander who might have a base with a lot of assets can begin to let his assets be brought to bear in full measure, whether it is trying to contain law enforcement, the shock and panic that would be associated with it, that has to be clarified.

So it will take a little time for you to get in and snap up, as we say, but if you think that has to be modified, I would hope you would come back on your own to this committee and so state that. As a matter of fact, you can be sure, the next time you appear, if the good Lord is willing and has me here, I am going to ask that as my first question, do you think that doctrine needs to be modified by Congress to bring absolute clarity so that our military can be brought to bear as a helpful response team to situations that could happen involving weapons of mass destruction?

I think that concludes the questions I have. We see that you have emptied the room, solely because we all have a full measure of confidence that you will sail through the Senate of the United States at top speed.

Unless this appropriator over here wants to add anything——

Senator BURNS. Senator, I was just thinking, when you were talking about the posse comitatus, I said, your memory is failing you. You cannot remember back to the 1850s.

Senator WARNER. I remember it was the elections. We could check with Strom Thurmond. [Laughter.]

Senator BURNS. We are drifting into deep water now.

Senator WARNER. Am I not correct? It was an election down south, and they sent some folks down there to man the polls.

Senator BURNS. As you were talking about the structure of this thing, I view this command a little bit different than, say, a command on foreign soil, or if we were engaged in any kind of a conflict, and as Senator Warner has indicated, when we come home we get into the political end of things, and we fall prey to analysis paralysis. I think what we are looking for are people, and your resources, that a lot of decisions will be made on instinct, on a gut feeling, like the gathering of intelligence. It is easy to sit here after an act has happened and say, well, oh, that is what this little message meant over here, 2 months or 3 months before the action, and this is what this meant. It is easy to put it all together after the fact, so a lot of things in homeland security, Senator Warner, will be done by instinct and gut reaction and judgment.

Senator WARNER. Calling on experience to do it.

Senator BURNS. But let us not fall prey to analysis paralysis, because I know how that works, and it does not serve our people very well.

Thank you for your courtesy, Senator.

Senator WARNER. Now, when I was privileged to be chairman, occasionally I would simply say, does your partner, Mrs. Eberhart, wish to make any statement for the record now? If not, we will accept it in writing and make it a part of the record.

Senator BURNS. We know who runs that outfit.

Senator WARNER. At this time, Mrs. Eberhart said she will not make a formal statement but might submit one for the record.

We wish both of you the best of luck, and thank you for your continuing public service. On behalf of the citizens of this great Nation, good luck.

General EBERHART. Thank you, Senator.

[Whereupon, at 10:48 a.m., the committee adjourned.]

[Prepared questions submitted to Gen. Ralph E. Eberhart, USAF, by Senator Carl Levin prior to the hearing with answers supplied follow:]

## QUESTIONS AND RESPONSES

### DEFENSE REFORMS

*Question.* Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of these reforms, particularly in your staff assignment as Director, Force Structure, Resources and Assessment, on the Joint Staff from 1994 to 1995, in your command assignment as Commander, U.S. Forces, Japan from 1996 to 1997, and in your current assignment as Commander in Chief, North American Aerospace Defense Command and United States Space Command.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support the implementation of these reforms. I was the Executive Officer for the Chief of Staff of the Air Force when these reforms were created. In each succeeding assignment, I have seen how they have strengthened our Armed Forces and empowered combatant commanders to conduct joint operations.

*Question.* Based upon your experience, what is your view of the extent to which these defense reforms have been implemented and the impact that they have had?

Answer. The success of our joint military operations over the past several years is a direct result of these reforms. As the supported combatant commander for operation Noble Eagle, I can tell you the reforms put in place by the Goldwater-Nichols

Act were a key reason for NORAD's quick and decisive response on September 11, 2001.

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

Answer. The Goldwater-Nichols Act served as the catalyst to provide improved joint doctrine, planning, and operations. In my experience, operation Enduring Freedom is an excellent example of the benefits these reforms have brought to warfighters.

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

Answer. I am a firm believer in reexamining the way we do business to address changes in the strategic environment. However, I do not advocate any specific changes to the Goldwater-Nichols Act at this time.

DUTIES

*Question.* What is your understanding of the duties and functions of the Commander in Chief, U.S. Northern Command (USNORTHCOM)?

Answer. If I am confirmed as Commander of U.S. Northern Command, my duty will be to defend the territory and people of the United States against external threats, and coordinate the provision of U.S. military forces to support civil authorities, as directed by the President. In addition, I will be responsible for certain aspects of security cooperation and coordination with Canada and Mexico. The command will also help coordinate military support to Federal, state, and local governments in the event of natural or other disasters.

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

Answer. More than three decades of military experience, including command positions at the squadron, wing, numbered air force, major, sub-unified, and unified command levels, have provided a solid foundation for assuming the command of USNORTHCOM. In addition, as the Director of Force Structure, Resources and Assessment on the Joint Staff, I gained valuable insights into the dynamics and complexities required of joint operations. As the Vice Chief of Staff of the Air Force, I represented the Department of the Air Force in the Joint Requirements Oversight Council, validating the requirements needed to support warfighting commanders. Finally, as the combatant commander of NORAD and USSPACECOM, I have the honor of leading one of the finest combined and joint teams of soldiers, sailors, airmen, and marines in our military. The performance of these commands in Operations Noble Eagle and Enduring Freedom best speaks to my qualifications.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform these duties?

Answer. If confirmed, I will work every day to prepare myself to assume command on October 1, 2002—and every day thereafter to become a better commander. One can always "enhance his abilities." That said, as the Commander of NORAD and the co-chair of the USNORTHCOM Integrated Planning Team with General Buck Kernan, I believe I am well prepared to assume the duties as Commander, USNORTHCOM.

*Question.* In carrying out your duties, how will you work with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Special Operations Forces and Low Intensity Conflict, the Commanders in Chief, U.S. Special Operations Command, U.S. Joint Forces Command, U.S. Space Command, U.S. Strategic Command, and the other combatant commanders?

Answer. If confirmed, I will continue to work closely with the Secretary. As a combatant commander today, I perform my duties under the authority, direction, and control of the Secretary of Defense. I am directly responsible to him for the preparedness of our two commands and our ability to carry out assigned missions.

The Chairman is not in the chain of command of the combatant commander to the President and the Secretary, however, Title 10 does allow for communications from the combatant commander through the Chairman. This keeps the Chairman informed so that he can execute responsibilities as the principal military advisor to the President and Secretary of Defense.

Experience has shown the benefits of the Chairman serving in the role as the President's and Secretary of Defense's senior uniformed advisor on military matters, and as the primary military leader through whom combatant commanders can work to perform their missions. If confirmed, I will continue the Title 10 directed relationship, as well as the traditional practices currently in place.

The Under Secretaries of Defense coordinate and exchange information with Department of Defense components, to include the combatant commands having related or collateral functions. The majority of Assistant Secretaries are subordinate to one of the Under Secretaries of Defense. Normally, USNORTHCOM's relationship with any Assistant Secretary will be to work with and through the applicable Under Secretary of Defense. However, when appropriate, we will work directly with the Assistant Secretaries.

The relationship of USNORTHCOM to other combatant commanders is one of mutual support, steady dialogue concerning key issues, and frequent interaction. A solid, cooperative, and trusting relationship will enable effective support and execution of U.S. national military strategy. If confirmed, I intend to continue to develop established relationships with the other combatant commanders.

*Question.* In carrying out your duties, how will you work with the Homeland Security Council, the Director of the Office of Homeland Security, the Federal Emergency Management Agency, the Federal Bureau of Investigation and other federal agencies, as well as state and local governments?

Answer. If confirmed, I will have the same responsibilities and chain of command from the President to the Secretary of Defense as the other combatant commanders. Similarly, USNORTHCOM interagency issues with the Homeland Security Council, the Director of Office of Homeland Security, the FEMA, the FBI, and other Federal agencies will be dealt with through the subordinate element within the Office of the Secretary of Defense assigned responsibility for homeland defense and civil support.

TRANSITION PROCESS

*Question.* Since USNORTHCOM only exists on paper at this time, a number of issues will have to be resolved between now and October 1 of this year when USNORTHCOM is currently scheduled to be established.

Would you describe the issues that are presently unresolved, the process that is being followed to resolve these issues, the commands and offices that are involved, and the level at which decisions will be made.

Answer. The most time-critical issue to be resolved is the Environmental Assessment on the proposed location of the command's headquarters, which is being worked within Headquarters, United States Air Force. Once completed, the Secretary of Defense will decide site location. Movement of people is on hold, pending the completion of the assessment. Additionally, we are awaiting receipt of fiscal year 2002 OSD funds to begin the stand-up of the command.

*Question.* Do all of these issues have to be resolved prior to initial operational capability for USNORTHCOM?

Answer. Yes. We expect the Environmental Assessment to be completed by late June 2002; movement of people will follow. In addition, we are grateful for the committee's support of USNORTHCOM funding in the fiscal year 2003 Defense Emergency Response Fund, and look forward to its release when signed by the President this fall.

*Question.* If not, what issues do you believe have to be resolved on a priority basis, and before USNORTHCOM is officially established?

Answer. See previous answer.

USNORTHCOM'S MISSION

*Question.* What are the definitions of the terms "Homeland Security," "Homeland Defense," "Civil Support," and "Crisis Management?"

Answer. The Office of Homeland Security has provisionally defined homeland security as " a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks should they occur." With its focus on the prevention of and response to terrorist attacks, this is a different focus than the Department of Defense's long-standing mission and highest priority—to defend the United States from all enemies.

Homeland defense is defined as the protection of U.S. sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression.

Civil support is the Department of Defense's assistance to civil authorities for domestic emergencies and other designated activities. Some civil support activities relate to homeland security (e.g., consequence management support in the event of a terrorist CBRNE incident), although the full range of civil support provided by the Department of Defense includes a broader range of activities (e.g., natural disasters).

Crisis management is taking measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and resolve a threat or act of terrorism.

*Question.* What is the mission of USNORTHCOM?

Answer. USNORTHCOM will conduct operations to deter, prevent, preempt, and defeat threats and aggression aimed at the United States of America and its territories, within the assigned area of responsibility. When directed by the President or Secretary of Defense, it will also provide military assistance to civil authorities, including consequence management operations, in order to protect and defend the United States.

*Question.* How does USNORTHCOM's mission relate to the U.S. Government's Homeland Security mission?

Answer. See two previous answers.

*Question.* How does USNORTHCOM's mission relate to the Department of Defense's efforts to combat terrorism?

Answer. Similar to the other geographic combatant commanders, USNORTHCOM will combat terrorism through force protection measures, and by employing forces at the direction of the President to stop terrorist operations. In addition, USNORTHCOM's anti-terrorism and consequence management activities will help reduce the vulnerability of our people and property against terrorists who threaten the United States of America and its territories.

*Question.* Do you anticipate that USNORTHCOM will have a continuity of government role to play?

Answer. As directed by the Secretary of Defense, USNORTHCOM would assist in the continuity programs of the Department of Defense.

*Question.* Under what circumstances would you anticipate USNORTHCOM would have the lead role, rather than the role of supporting civil authorities?

Answer. USNORTHCOM would have the lead role under extraordinary circumstances that require the Department of Defense to execute its traditional military missions in response to an attack on or threat to North America. Combat air patrols and maritime defense operations are examples of these missions.

ORGANIZATION AND AUTHORITY

*Question.* Do you anticipate that USNORTHCOM will have the component commands that are traditionally assigned to combatant commands?

Answer. The final organizational structure of USNORTHCOM has not been determined-it is currently under review. The Implementation Planning Team is looking at options with and without component commands.

*Question.* Do you anticipate that USNORTHCOM's staff will be organized along the lines of the traditional combatant command staff?

Answer. USNORTHCOM's final staff structure is still being developed. The Implementation Planning Team is assessing options based on transformational concepts, such as Standing Joint Force Headquarters, as well as traditional models.

*Question.* Do you anticipate that substantial air, land, and maritime forces will be assigned to USNORTHCOM and, if confirmed, under your combatant command, or will such forces only be under your operational control?

Answer. If confirmed, I do not anticipate a large number of operational forces being assigned to USNORTHCOM. Whether specific forces will be assigned or placed under operational control of USNORTHCOM is still to be determined. I am confident that, when required, trained and ready forces will be provided to execute assigned missions in USNORTHCOM's area of responsibility.

*Question.* If such forces are only under your operational control, how will you ensure their readiness to perform the assigned missions and tasks?

Answer. Just as the other geographic combatant commands do, USNORTHCOM will coordinate with unified commands and the Military Departments to establish appropriate training and readiness objectives for forces required to execute military operations. USJFCOM will be the primary joint force provider for USNORTHCOM; the Military Departments will certify these forces are mission-ready. USJFCOM already plays a vital role in preparing battle-ready forces for combatant commanders.

*Question.* Since Alaskan Command Forces will remain assigned to U.S. Pacific Command, what impact will that have on USNORTHCOM's mission?

Answer. The force projection and deterrence capabilities of Alaskan Command will add another dimension to USNORTHCOM's mission. Additionally, although these forces will be assigned to USSPACECOM, they will be made available to USNORTHCOM, if directed by the Secretary of Defense. This is a relationship that works and I use every day as Commander of NORAD.

*Question.* Do you anticipate being able to employ forces within the continental United States, or will you have to obtain the approval of higher authority before their employment?

Answer. Within the Continental United States, employment of forces will be preceded by a specific request and appropriate authorization from the President or the Secretary of Defense under existing guidelines. Routine training and exercise deployments of forces within a command's area of responsibility do not require approval from higher authority.

*Question.* Do you anticipate that the Army's Directorate of Military Support (DOMS) will continue to be involved in the employment of forces for tasks such as disaster relief?

Answer. Yes, I believe the functions accomplished by DOMS will continue to be critical in planning, organizing, and coordinating support to civil authorities.

*Question.* Currently, USSPACECOM is responsible for both offensive and defensive computer network operations (information operations). In your view, what elements, if any, of this information operation/information assurance mission should be reassigned to USNORTHCOM?

Answer. USNORTHCOM, like the other geographic combatant commands, will retain responsibility for information operations and information assurance related to its mission within its assigned area of responsibility.

NORAD AND JTF–CS

*Question.* Organizations existing within other commands will be transferred to USNORTHCOM, including the North American Aerospace Defense Command (NORAD) and the Joint Task Force—Civil Support (JTF–CS).

NORAD, which is currently under your command, will be transferred from U.S. Space Command to USNORTHCOM. As you already stated to the committee in February, the transition requires negotiation with Canada.

What, if anything, do you recommend be altered in the current NORAD agreement between the U.S. and Canada?

Answer. NORAD and USSPACECOM are two separate organizations that share a common commander and some supporting staff elements. Each command stands on its own with respect to the conduct of its operations. As such, there is no need to amend the current NORAD Agreement; NORAD's binational mission will continue, regardless of the stand-up of USNORTHCOM.

*Question.* When NORAD moves under USNORTHCOM, how will USNORTHCOM and USSPACECOM coordinate activities and common facilities?

Answer. NORAD will not move under USNORTHCOM. Due to its unique nature as a binational command, NORAD will not become subordinate to USNORTHCOM, which will be a U.S.-only command. USNORTHCOM will coordinate activities and any shared facilities with USSPACECOM.

*Question.* Will there be any impact on NORAD and coordination of early warning systems as a result of the move from USSPACECOM?

Answer. USSPACECOM will continue to support NORAD, as well as other combatant commands, by providing integrated tactical warning and attack assessment for North America. The split of currently shared NORAD and USSPACECOM support staffs will have no impact on early warning systems.

*Question.* Does the move of NORAD from USSPACECOM signal the end of USSPACECOM?

Answer. No, USSPACECOM will continue to perform its Unified Command Plan (UCP)-assigned missions until such time as the Secretary of Defense recommends, and the President approves, a modification to the UCP that changes assigned missions or combines missions with another command.

*Question.* If confirmed, what changes, if any, would you make to the mission, organization, location or staffing of JTF–CS?

Answer. I do not have any specific recommendations regarding the JTF–CS at this time.

At the present time, various units with responsibilities relating to the counterdrug mission, including Joint Interagency Task Force-East, Joint Interagency Task Force-West, and Joint Task Force-Six are assigned to the several combatant commanders.

*Question.* Do you anticipate that any of those units will be assigned to USNORTHCOM?

Answer. While a final determination is yet to be made, the USNORTHCOM Terms of Reference specify only Joint Task Force-Six will be assigned to USNORTHCOM on 1 October 2002.

*Question.* How will USNORTHCOM's mission relate to the U.S. Government's counterdrug mission and organization?

Answer. Through JTF–6 (currently assigned to USJFCOM), USNORTHCOM may provide the Department of Defense's counterdrug support to Federal, regional, state, and local law enforcement agencies throughout the Continental United States. This option is currently under review.

*Question.* What additional actions have you taken in NORAD since September 11, to mitigate force protection vulnerability, and what new force protection challenges do you anticipate you will encounter within USNORTHCOM's area of responsibility, if confirmed?

Answer. Since September 11, NORAD has worked with the Military Departments to implement increased security measures at facilities and alert locations throughout the Command. If confirmed, I anticipate the biggest force protection challenge will be coordinating with USJFCOM and the Military Departments to ensure the appropriate force protection condition for the area of responsibility.

NATIONAL GUARD

*Question.* There is currently considerable debate about the role the National Guard should play in defending the homeland.

What do you anticipate the relationship will be between USNORTHCOM and the National Guard Bureau and individual state National Guard headquarters?

Answer. USNORTHCOM's relationship with the National Guard Bureau and individual state National Guard headquarters is currently under review. The National Guard will be key to USNORTHCOM successfully accomplishing its assigned mission.

*Question.* What type of liaison arrangements do you advocate between USNORTHCOM, first responders and state National Guard units for planning and operational purposes?

Answer. USNORTHCOM will have responsibility (when directed) to provide military assistance to U.S. civil authorities who are designated as lead federal agencies. USNORTHCOM will have direct communication with National Guard units for planning purposes, and will maintain situational awareness of National Guard actions and commitments. If they are mobilized under Title 10 status, the Commander, USNORTHCOM, may have direct tasking authority of these units, depending on the mission.

*Question.* Do you believe that defending the homeland should become the National Guard's primary mission?

Answer. I believe defending the homeland is the highest priority mission for our Armed Forces—Active, Guard, and Reserve. The National Guard can support homeland security in several ways; first, in state service under the direction of the governors. For example, on September 11, the National Guard of New York, New Jersey and Connecticut responded to the attacks on the World Trade Center towers. Second, in state service but performing duties of federal interest, is the so-called Title 32 status. This is primarily designed to compensate guardsmen for federal training, but most recently it was used also to support patrols in over 400 airports across the country. Third, in federal service, the so-called Title 10 status, when for example, the National Guard is mobilized to serve under the direction of the President or the Secretary of Defense. These arrangements have worked well in the past. The challenge today is to translate them into our new security environment. There are many proposals for doing so, and we understand the Department of Defense will work with Congress, the National Guard Bureau, the governors, and the Office of Homeland Security to make certain that we all have an approach that meets the Nation's needs.

*Question.* To the extent that the National Guard is involved in homeland defense missions, and given the constraints of the posse comitatus law, what status should the National Guard have (i.e. Title 10, United States Code; Title 32, United States Code; or State status) in conducting such missions?

Answer. The specific status of National Guard units for a given scenario will be situation dependent. This is not a constraint, as there is the ability to move specific National Guard units between Title 10 and Title 32 and state status as needed by the mission.

*Question.* Do you believe changes to the Posse Comitatus law are necessary to enhance USNORTHCOM's mission accomplishment?

Answer. No. USNORTHCOM's mission of military support to civil authorities does not require any changes in the law. While the command may provide military forces under Title 10 to assist civilian agencies, these forces will not be directly involved

in civilian law enforcement, unless authorized by law to engage in law enforcement activities.

COMBAT AIR PATROLS

*Question.* The administration recently announced that it would scale back the combat air patrols over Washington, New York and other cities, which have been conducted on a regular basis since September 11, 2001.

Do you believe that a change in the combat air patrol mission is warranted?

Answer. Yes, I believe a change to the number of combat air patrols is warranted due to several factors: improvements in aviation security at airports, more rigorous air marshal program, stronger cockpit doors, better interagency cooperation, increased awareness from the traveling public, and expanded radar and radio coverage within the U.S.

*Question.* If confirmed, what criteria would you use to determine combat air patrol frequency, duration and location?

Answer. The nature of a threat, number and location of sites to be protected, reaction time of ground-alert aircraft, U.S. Secret Service requirements, weather, and the need to be unpredictable to the enemy all factor into any decision.

WEAPONS OF MASS DESTRUCTION—CIVIL SUPPORT TEAMS

*Question.* There are currently 32 authorized Weapons of Mass Destruction—Civil Support Teams. When all of these teams are stood up, they will cover approximately 97 percent of the U.S. population. It is our understanding that the Department is currently reviewing the mission, doctrine, organization, and equipping of the teams. Do you believe that the teams need more robust capabilities to not only detect, but also to decontaminate or manage the response to a WMD attack?

Answer. The structure, resources and locations of Civil Support Teams appear to be sufficient, given today's threat levels. Twenty-seven of these teams are currently certified, with five more undergoing the qualification process. The Civil Support Teams are vital to consequence management, and it will be important to continue modernization of their capabilities as future technology and threats develop.

*Question.* Do you believe that the mission for the teams should change? Has the requirement changed? Should there be more teams?

Answer. I am aware that the Department of Defense is studying current and future chemical and biological threats, and the force structure of the Civil Support Teams. If it is determined that there may be an increased risk of attacks, it would be appropriate to reconsider the mission, numbers and structure of the Civil Support Teams.

TRANSFER OF RESPONSIBILITY

*Question.* Various areas that are presently under U.S. Southern Command's (USSOUTHCOM's) area of responsibility, including the Gulf of Mexico, Puerto Rico, the Virgin Islands, Cuba, the Bahamas, and the Turks and Caicos Islands, will be transferred to USNORTHCOM's area of responsibility.

What are the major challenges that will be involved in the process of transferring these areas to USNORTHCOM's responsibility?

Answer. I do not foresee any major challenges. USSOUTHCOM will retain the responsibility for contingency planning, operations, theater security cooperation, and force protection.

*Question.* Do you foresee a transfer of responsibility for all of those areas on October 1, 2002 and, if so, are you confident that the transfer can be accomplished without adverse impact by that date?

Answer. If confirmed, I will work closely with the USSOUTHCOM Commander to ensure a smooth transfer of responsibilities.

Although Cuba, the Bahamas, and the Turks and Caicos Islands will be transferred to USNORTHCOM's area of responsibility, USSOUTHCOM will retain responsibility for normal and contingency planning, theater security cooperation, and force protection for those areas.

*Question.* In view of the responsibility retained by USSOUTHCOM, what responsibility will USNORTHCOM have with respect to these countries?

Answer. USNORTHCOM is responsible for deterring and defending against threats that may be emanating from or through these geographic areas. Under the new UCP, these areas were placed in USNORTHCOM's area of responsibility because of their proximity to the Continental United States. However, USSOUTHCOM will retain its responsibilities as outlined above in my previous answer.

With the transition of U.S. Joint Forces Command from a regional to a functional unified command, there is a need to designate another commander as Supreme Allied Commander, Atlantic (SACLANT).

*Question.* In view of the transfer of part of Joint Forces Command's geographic area of responsibility, including part of the North Atlantic Ocean, to USNORTHCOM, do you believe that, if confirmed, you should be dual-hatted as SACLANT?

Answer. No. USNORTHCOM will only gain responsibility for the portion of USJFCOM's maritime Area of Responsibility that covers "approaches to" the U.S. and is tied to the maritime defense of the U.S. The remainder of the areas currently assigned to USJFCOM in the eastern Atlantic will transfer to USEUCOM. The assignment of SACLANT and its responsibilities is a matter for decision by the members of NATO.

MEXICO

*Question.* Mexico, which has never before been included within the area of responsibility of a combatant commander, will also be included in USNORTHCOM's area of responsibility. Among other things, USNORTHCOM will be responsible for security cooperation and military coordination with Mexico.

What does such security cooperation and military coordination entail?

Answer. These activities could include senior officer visits, security assistance (foreign military sales, international training) and combined exercises.

*Question.* Do you anticipate that Mexico could be involved in contingency planning for defense of the continent?

Answer. USNORTHCOM will develop plans for the defense of all approaches-air, land and maritime-to the U.S. When appropriate and when authorized, it will coordinate with Mexico and Canada to ensure the defense of the continent.

*Question.* What, if any, involvement could Mexico have in NORAD?

Answer. Mexico has no involvement in NORAD under the current NORAD Agreement between the U.S. and Canada. Any participation would require a revision to the agreement, and approval by all 3 countries.

UNIFIED COMMAND PLAN

*Question.* A review of the next Unified Command Plan is reportedly underway or imminent. This review will reportedly include consideration of merging U.S. Space Command with U.S. Strategic Command and establishing a hemispheric U.S. Americas Command combining USNORTHCOM and USSOUTHCOM.

What do you believe are the advantages and disadvantages of each of these two proposals?

Answer. The Unified Command Plan is the purview of the Secretary of Defense and the President—to recommend and approve, respectively. As shown by the recent changes, it is periodically reviewed to ensure the best defense posture for our Nation. While I believe the alternatives you suggest certainly warrant consideration, it is inappropriate for me to speculate on future changes.

CONGRESSIONAL OVERSIGHT

*Question.* In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

## QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

### MISSION STATEMENT

1. Senator LEVIN. General Eberhart, please describe how the U.S. Northern Command—without any large assigned forces—would work with the services, the other combatant commands, the Department of Defense—which does not have a coordinator for combating terrorism and homeland defense right now—the National Guard Bureau, as well as the proposed Department of Homeland Security and the Office of Homeland Security to fulfill its mission—all presumably by October 1 of this year.

General EBERHART. To accomplish our mission on October 1, USNORTHCOM will have operational control, as required, of existing component headquarters that are provided by the services. USNORTHCOM's relationships with DOD and the other combatant commands will be the same as other regional combatant commands. Our focus with the National Guard Bureau will be to coordinate and establish processes for operational tasking of National Guard forces within the states and territories, when in Title 10 status. USNORTHCOM's relationships with the proposed Department of Homeland Security and the White House's Office of Homeland Security will be through the appropriate element in the Office of the Secretary of Defense.

### DECISIONS

2. Senator LEVIN. General Eberhart, during the hearing, I pointed out that based upon your answers to the committee's pre-hearing questions, final decisions still need to be made about:

- USNORTHCOM's organizational structure, including whether it will have component commands;
- USNORTHCOM's staff structure, including whether it will be based upon a traditional staff model or a transformational concept, such as Standing Joint Force Headquarters;
- USNORTHCOM's forces, including whether specific forces will be assigned or placed under USNORTHCOM's operational control;
- USNORTHCOM's role with respect to counterdrug support to Federal, regional, state, and local law enforcement agencies; and
- USNORTHCOM's relationship to the National Guard Bureau and to individual state National Guard headquarters.

Could you provide more details about each of these issues, including whether final decisions will be made on them prior to your assuming command on October 1? How will you prioritize the resolution of these issues?

General EBERHART. On 1 October 2002, USNORTHCOM will stand up with a traditional headquarters staff organization. USNORTHCOM will have operational control, as required, of existing component headquarters that are provided by the services.

Issues still under review include USNORTHCOM's relationship with the National Guard Bureau, USNORTHCOM's role in counterdrug support and the final headquarters organization construct, which will be refined as needed in the coming year.

3. Senator LEVIN. General Eberhart, when do you anticipate the command becoming fully operational?

General EBERHART. Our goal is to achieve Full Operational Capability as soon as possible, but no later than 1 October 2003.

### CUBA, THE BAHAMAS, AND THE TURKS AND CAICOS ISLANDS

4. Senator LEVIN. General Eberhart, your responses to the committee's pre-hearing policy questions indicate that Cuba, the Bahamas, the Turks and Caicos Islands, and the Gulf of Mexico are included in USNORTHCOM's area of responsibility only for the purpose of deterring and defending against threats emanating from or through these geographic areas. Does that mean that USSOUTHCOM, rather than USNORTHCOM, will be responsible for operations at the U.S. Naval Station, Guantanamo Bay, Cuba, including the detention of al Qaeda and Taliban personnel, and for the protection of the Naval Station from attack?

General EBERHART. Yes.

INTELLIGENCE

5. Senator LEVIN. General Eberhart, the issue of how USNORTHCOM will organize to collect, analyze, and utilize intelligence, and how it will share intelligence with state, local, and Federal entities is critical. Will the command have a Joint Intelligence Center, and if so, how will it operate given the constraints placed on intelligence activities conducted on U.S. territory?

General EBERHART. We are studying operational options to ensure we have the appropriate intelligence support in USNORTHCOM. Whether or not it will be called a Joint Intelligence Center, it will function as other centers do with more participation from other government agencies.

6. Senator LEVIN. General Eberhart, how will the command conduct intelligence sharing with other entities?

General EBERHART. Within our headquarters, USNORTHCOM will have liaison officers from across the Intelligence Community. USNORTHCOM will work to promote intelligence sharing to the maximum extent possible for threat information we need to accomplish our mission.

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QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

SUPPORT FOR CIVILIAN AUTHORITIES

7. Senator THURMOND. General Eberhart, in your response to the committee's advance policy questions you indicate that one of your responsibilities will be to "coordinate the provision of U.S. military forces to support civil authorities, as directed by the President." In this role, what will be your relationship with the Federal Emergency Management Agency?

General EBERHART. USNORTHCOM's relationship with the Federal Emergency Management Agency (FEMA) primarily will be through the appropriate element in the Office of the Secretary of Defense and the Joint Staff. USNORTHCOM will work with FEMA as appropriate to facilitate planning.

STAFFING OF USNORTHCOM

8. Senator THURMOND. General Eberhart, although I understand that a number of issues must still be resolved between now and October 1 when USNORTHCOM is scheduled to be activated, what are you views on the participation of Reserve component personnel on the USNORTHCOM staff? I am especially interested in your views of appointing a National Guard officer as your Deputy.

General EBERHART. The Total Force—active, Guard, Reserves, and DOD civilians—will play an important role in USNORTHCOM. We are considering a number of National Guard and Reserve officers to fill Headquarters USNORTHCOM positions.

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[The nomination reference of Gen. Ralph E. Eberhart, USAF, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*May 8, 2002.*

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

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

*To be General*

Gen. Ralph E. Eberhart, 7375.

[The biographical sketch of Gen. Ralph E. Eberhart, USAF, which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF SERVICE CAREER OF GEN. RALPH E. EBERHART

*Date and place of birth:* 26 Dec 46, Nevada MO.

*Years of active service:* Over 34 years as of 5 Jun 02.

*Schools attended and degrees:* USAF Academy, BS, 1968; Troy St Univ AL, MS, 1977; National War College, 1987.

*Joint specialty officer:* Yes.

*Aeronautical rating:* Command Pilot.

MAJOR PERMANENT DUTY ASSIGNMENTS

| Assignment | From | To |
|---|---|---|
| Stu Ofcr, UPT, 3615 Stu Sq, ATC, Craig AFB AL | Jun 68 | Feb 70 |
| Forward Air Cntrlr, 20 TASSq, PACAF, DaNang AB RVN | Feb 70 | Dec 70 |
| Instr Plt, T–38, 3576 PTSq, ATC, Vance AFB OK | Dec 70 | Apr 72 |
| Asst Flt Comdr, T–38, 25 Fly Tng Sq, ATC, Vance AFB OK | Apr 72 | Oct 72 |
| Flt Comdr, T–38, 25 Fly Tng Sq, ATC, Vance AEB OK | Oct 72 | Aug 73 |
| Comdr, Hq Sq Sec, 71 ABGp, ATC, Vance AFB OK | Aug 73 | Jun 74 |
| Rsc Mgr (ASTRA), Specl Category Mgt Sec (ASTRA), Rated Career Mgt Br, Hq AFMPC, Randolph AFB TX | Jul 74 | Sep 76 |
| Flt Comdr, F–4E, 525 TFSq, USAFE, Bitburg AB GE | Sep 76 | Feb 77 |
| Instr Plt, F–4E, 525 TFSq, USAFE, Hahn AB GE | Feb 77 | May 77 |
| Stan-Eval Flt Exmnr, D/Ops, 50 TFWg, USAFE, Hahn AB GE | May 77 | Oct 77 |
| Asst Ch, Stan-Eval Div, D/Ops, 50 TFWg, USAFE, Hahn AB GE | Nov 77 | Jan 79 |
| Readiness Init Ofcr, Readiness Init Gp, AF/XOOTR, Pentagon DC | Jan 79 | Feb 80 |
| Ch, Exec Committee, Congressional & External Affairs Div, AF Budget Issues, Team, AF/XOX, Hq USAF, Pentagon DC | Feb 80 | Jul 80 |
| Aide to CINCUSAFE/Comdr, AAFCE, Hq USAFE, Ramstein AB GE | Jul 80 | Sep 82 |
| Comdr, 10 TFSq, USAFE, Hahn AB GE | Sep 82 | Dec 83 |
| Asst Dep Comdr for Ops, 50 TFWg, USAFE, Hahn AB GE | Dec 83 | May 84 |
| Exec Ofcr to the CofS, AF/CC, Hq USAF, Pentagon DC | May 84 | Jul 86 |
| Stu, National War College, NDU, Ft McNair DC | Jul 86 | Jul 87 |
| Vice Comdr, 363 TFWg, TAC, Shaw AFB SC | Jul 87 | Sep 88 |
| Comdr, 363 TFWg, TAC, Shaw AFB SC | Sep 88 | Oct 90 |
| Inspector General, Hq TAC, Langley AFB VA | Oct 90 | Feb 91 |
| Dir, Prgms & Eval, AF/PE, Pentagon DC | Feb 91 | Jan 94 |
| Dir, Frce Struc, Resources, & Assessments, Jt Staff, Pentagon DC | Jan 94 | Jun 95 |
| Dep Chief of Staff, Plans & Ops, HQ USAF, Pentagon DC | Jun 95 | Jun 96 |
| Comdr, U.S. Forces Japan, USPACOM; Comdr, 5 AF, PACAF; and ComU.S. Air Forces Japan, Yokota AB JPN | Jun 96 | Jul 97 |
| Vice Chief of Staff, HQ USAF, Pentagon, Washington DC | Jul 97 | Jun 99 |
| Comdr, ACC, Langley AFB VA | Jun 99 | Feb 00 |
| CINC, USSPACECOM; CINC, NORAD; and Comdr, AFSPACECOM, Peterson AFB, CO | Feb 00 | Apr 02 |
| CINC, USSPACECOM and CINC, NORAD; Peterson AFB, CO | Apr 02 | Present |

| Promotions | Effective Date |
|---|---|
| Second Lieutenant | 5 Jun 68 |
| First Lieutenant | 5 Dec 69 |
| Captain | 5 Jun 71 |
| Major | 1 Sep 79 |
| Lieutenant Colonel | 1 Nov 81 |
| Colonel | 1 Nov 84 |
| Brigadier General | 1 Mar 91 |
| Major General | 1 Jul 93 |
| Lieutenant General | 1 Jul 95 |
| General | 1 Aug 97 |

*Decorations:*

Defense Distinguished Service Medal with one Bronze Oak Leaf Cluster

Air Force Distinguished Service Medal with one Bronze Oak Leaf Cluster
Legion of Merit with one Bronze Oak Leaf Cluster
Distinguished Flying Cross
Defense Meritorious Service Medal
Meritorious Service Medal with two Bronze Oak Leaf Clusters
Air Medal with two Silver Oak Leaf Clusters and one Bronze Oak Leaf Cluster
Air Force Commendation Medal

SUMMARY OF JOINT ASSIGNMENTS

| Assignments | Dates | Grade |
|---|---|---|
| CINC, USSPACECOM; CINC, NORAD; and Comdr, AFSPACECOM, Peterson AFB, CO | Feb 00–Present | Gen. |
| Comdr, U.S. Forces Japan, USPACOM; and Comdr, U.S. Air Forces Japan, Yokota AB JA | Jun 96–Jul 97 | Lt. Gen. |
| Dir, Force Structure, Resources, and Assessment, J–8, Joint Staff, Pentagon DC | Jan 94–Jun 95 | Maj. Gen. |
| Executive Officer to the Chief of Staff, USAF, HQ USAF, Pentagon DC [1] | May 84–Jul 86 | Colonel<br>Lt. Colonel |

[1] Joint Equivalent

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

NORTH AMERICAN AEROSPACE DEFENSE COMMAND
AND UNITED STATES SPACE COMMAND,
*7 May 2002.*

Hon. CARL LEVIN,
*Committee on Armed Services,*
*United States Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: This letter provides information on my financial and other interests for your consideration in connection with my nomination to the position of Commander, United States Northern Command; and Commander, North American Aerospace Defense Command. It supplements Standard Form 278, "Executive Branch Personnel Public Financial Disclosure Report," which has already been provided to the committee and which summarizes my financial interests.

To the best of my knowledge, none of the financial interests listed on my Standard Form 278 will create any conflict of interest in the execution of my new governmental responsibilities. Additionally, I have no other interests or liabilities in any amount with any firm or organization that is a Department of Defense contractor.

During my term of office, neither I nor any member of my immediate family will invest in any entity that would create a conflict of interest with my government duties. I do not have any present employment arrangements with any entity other than the Department of Defense and have no formal or informal understandings concerning any further employment with any entity.

I have never been arrested or charged with any criminal offenses other than minor traffic violations. I have never been party to any civil litigation. To the best of my knowledge, there have never been any lawsuits filed against any agency of the Federal Government or corporate entity with which I have been associated reflecting adversely on the work I have done at such agency or corporation. I am aware of no incidents reflecting adversely upon my suitability to serve in the position for which I have been nominated.

To the best of my knowledge, I am not presently the subject of any governmental inquiry or investigation.

I trust that the foregoing information will be satisfactory to the committee.

Sincerely,

RALPH E. EBERHART,
*General, USAF.*

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Ralph E. Eberhart.

2. **Position to which nominated:**
Commander, United States Northern Command; and Commander, North American Aerospace Defense Command.

3. **Date of nomination:**
May 8, 2002.

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

5. **Date and place of birth:**
December 26, 1946; Nevada, MO.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Karen Sue Eberhart (Maiden Name: Gies).

7. **Names and ages of children:**
Erika L. Eberhart, July 14, 1970.
Jessica A. Squires, October 7, 1978.

8. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational, or other institution.
Member of Armed Force Benefits Association, Board of Director, a Non-Profit Organization. The directors serve voluntarily without compensation after duty hours.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Council of Foreign Relations Member.
Order of Daedalians Member.
Tuskegee Airman, Inc., Member.
Sabre Society, United States Air Force Academy, Member.
Association of Graduates, United States Air Force Academy, Life Member.
Air Force Academy Athletic Association, Life Member.
Peterson AFB Officers' Club Member.

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

None.

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

Yes.

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

Yes.

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

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SIGNATURE AND DATE

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

RALPH E. EBERHART.

This 7th day of May, 2002.

[The nomination of Gen. Ralph E. Eberhart, USAF, was reported to the Senate by Chairman Levin on June 27, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 27, 2002.]

# NOMINATIONS OF LT. GEN. JAMES T. HILL, USA, FOR APPOINTMENT TO THE GRADE OF GENERAL AND ASSIGNMENT AS COMMANDER IN CHIEF, UNITED STATES SOUTHERN COMMAND; AND VICE ADM. EDMUND P. GIAMBASTIANI, JR., USN, FOR APPOINTMENT TO THE GRADE OF ADMIRAL AND ASSIGNMENT AS COMMANDER IN CHIEF, UNITED STATES JOINT FORCES COMMAND

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**FRIDAY, JULY 26, 2002**

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

The committee met, pursuant to notice, at 9:33 a.m. in room SR–222, Russell Senate Office Building, Senator Mark Dayton, presiding.

Committee members present: Senators E. Benjamin Nelson, Dayton, Warner, McCain, Inhofe, Allard, Sessions, and Bunning.

Committee staff members present: David S. Lyles, staff director, and Gabriella Eisen, nominations clerk.

Majority staff members present: Richard D. DeBobes, counsel; Evelyn N. Farkas, professional staff member; Maren Leed, professional staff member; Gerald J. Leeling, counsel; and Peter K. Levine, general counsel.

Minority staff members present: Judith A. Ansley, Republican staff director; Charles W. Alsup, professional staff member; Edward H. Edens IV, professional staff member; Brian R. Green, professional staff member; Gary M. Hall, professional staff member; Mary Alice A. Hayward, professional staff member; George W. Lauffer, professional staff member; Patricia L. Lewis, professional staff member; Thomas L. MacKenzie, professional staff member; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Daniel K. Goldsmith and Nicholas W. West.

Committee members' assistants present: Brady King, assistant to Senator Kennedy; Elizabeth King, assistant to Senator Reed; William K. Sutey, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator Ben Nelson; William Todd Houchins, assistant to Senator Dayton; Benjamin L. Cassidy, assistant to Senator Warner; John A. Bonsell, assistant to Senator Inhofe; Michele A.

Traficante, assistant to Senator Hutchinson; Arch Galloway II, assistant to Senator Sessions; Kristine Fauser, assistant to Senator Collins; and Derek Maurer, assistant to Senator Bunning.

**OPENING STATEMENT OF SENATOR MARK DAYTON**

Senator DAYTON. Good morning. This hearing will come to order. I want to preface my remarks by saying that I am truly honored that Senator Levin, chairman of the committee, offered me this opportunity to chair in his absence, and he regrets not being here at the beginning of this hearing.

I am a poor substitute for him and for his predecessor, the gentleman to my left, Senator Warner. These men have been the two chairs of this committee in my year and a half here, and I have watched very carefully how they both conducted themselves and hope to model my career after theirs. But I am not there yet, so bear with me. I am delighted that the committee meets this morning to consider the nominations of two officers to command two of our nine combatant commands.

Lieutenant General James Hill has been nominated to be the Commander in Chief, U.S. Southern Command, and Vice Admiral Edmund Giambastiani has been nominated to be Commander in Chief of the U.S. Joint Forces Command. I want to extend a warm welcome to General Hill and to Vice Admiral Giambastiani, and congratulate them on their nominations by the President for these very important positions. The nominees are well-known to the committee and, in my view, very well-qualified for the positions for which they have been nominated.

I also want to welcome the families of our nominees to the committee this morning. This committee knows and appreciates very well the sacrifices that our military families make in the service of our Nation. We have a tradition on the committee of asking our nominees to introduce their family members to the committee. At this time I would ask General Hill and then Admiral Giambastiani to introduce their family members. General Hill.

General HILL. Thank you, Senator. This is my wife, Toni. We have been married for 31 years, have two children, a daughter, 23, and a son, 15, who unfortunately could not be here with us today. But we come together as a team to this job, as we have done for the last 31 years.

Senator DAYTON. Welcome, Toni. You make a good team. Vice Admiral Giambastiani.

Admiral GIAMBASTIANI. Mr. Chairman, thank you very much. I brought a large group with me, my wife of 26 years, Cindy Giambastiani. She is an Air Force brat—Cindy; my daughter Kathy, a recent University of Virginia graduate; my son Peter, a Lieutenant JG in the United States Navy; and my recent addition to the family, my daughter-in-law as of November, Jennifer.

Senator DAYTON. You have a son who is in the Navy and a daughter who has just graduated from the University of Virginia, so I think you are very well-situated with this committee. [Laughter.]

Thank you, and welcome, Cindy and family.

Both the Southern Command and the Joint Forces Command have been affected by the recently-approved changes in the Unified

Command Plan. In the case of the Southern Command, its geographic area of responsibility will no longer include the Gulf of Mexico, Puerto Rico, the Bahamas, and Cuba, which will be assigned to the U.S. Northern Command once it is operationally effective. The Southern Command will continue to have the responsibility for South and Central America, which includes the Andean nations and the difficult problem of dealing with drug trafficking and the drug-funded activities of narcoterrorists.

In the case of the Joint Forces Command, the impact of the changes in the Unified Command Plan are significant. Joint Forces Command will, once Northern Command is operationally effective, no longer have a geographic area of responsibility. It will become a functional combatant command. That change is intended to refocus Joint Forces Command on the critical task of experimentation and transformation of the U.S. Armed Forces, as well as its function as the trainer and provider of joint forces to the other combatant commanders.

I understand that our colleague, Senator Graham, will be introducing General Hill, and Senator Warner will be introducing Admiral Giambastiani. Senator Warner has graciously consented to Senator Graham making his introductory remarks first. Welcome to our committee, Senator Graham.

**STATEMENT OF HON. BOB GRAHAM, A U.S. SENATOR FROM THE STATE OF FLORIDA**

Senator GRAHAM. Thank you very much, Mr. Chairman, Senator McCain, and Senator Allard. I appreciate the opportunity, along with Senator Bill Nelson, to introduce to you the gentleman who has been nominated by the President of the United States to be the Commander in Chief of the United States Southern Command.

General Hill is currently the Commander of I Corps at Fort Lewis in Washington State. He began his distinguished career after graduating from Trinity College in San Antonio. He began his military career in 1968, as an infantry officer, later serving as a platoon leader and company commander with the 101st Airborne Division in Vietnam. He is a graduate of the Command and General Staff College and the National War College. General Hill has earned a master's degree in personnel management from Central Michigan University. He is well-prepared by personal background and experience to take on this important command.

In Vietnam, General Hill served in combat operations in Southwest Asia during Operations Desert Shield and Desert Storm, and as Deputy Commander, United States Forces in Haiti in 1994.

Originally from El Paso, General Hill has been married for over 30 years to his wife, Toni, who I understand is with us. They have a 23-year-old daughter, Meghan, and a son, Griffin, who is 15 years old.

General Hill's military decorations include the Distinguished Service Medal, the Silver Star, the Defense Superior Service Medal, the Legion of Merit, the Bronze Star, and the Purple Heart.

General Hill's broad experience will serve him well in the Southern Command, where he will be responsible for the activities of the 19 nations of Central and South America, and the 13 island nations in the Caribbean. Southern Command's objectives include

strengthening democratic institutions, attacking drug production, supporting economic and social progress, and helping Latin American nations access and eliminate threats to their security.

I might say from a personal experience with several of the commanders of Southern Command that in a period of special transition in South America, Southern Command has played a critical role. It has not only provided substantial assistance in times of need, from insurrections to climactic disasters, but has also helped to educate the militaries of Latin America, which have grown up often under a tradition in which there was no democratic government, to understand how a military functions in a democratic society. I think the fact that in spite of some serious strains in recent years in places like Argentina, the military has exercised its appropriate discipline and restraint, unlike some periods in that nation's past, is in significant part due to the influence of Southern Command.

This command fulfills its multiple objectives by combining training programs with host nation forces, intelligence exchanges, humanitarian assistance, and close work with U.S. ambassadors in the region. The importance of Southern Command to our national security and to regional stability could not be overemphasized.

Mr. Chairman, I have a longer statement, but I believe that you have a sense of the importance of the mission and the qualities of General Hill to fill that mission, so I would ask that the balance of my statement be submitted to the record.

Senator DAYTON. Without objection.

Senator GRAHAM. I would urge earliest consideration by this committee for the confirmation of General Hill to this important mission for which the President of the United States has invested his confidence in General Hill's leadership.

[The prepared statement of Senator Graham follows:]

PREPARED STATEMENT BY SENATOR BOB GRAHAM

Good morning Mr. Chairman and members of the committee.

I am honored to come before you today to introduce Lieutenant General James T. Hill, the President's nominee for assignment as Commander in Chief of the United States Southern Command, based in Miami, Florida.

General Hill is currently the commander of I Corps at Fort Lewis in Washington State. He began his distinguished career in 1968 as an infantry officer and later served as a platoon leader and company commander with the 101st Airborne Division in Vietnam.

A graduate of both the Command and General Staff College and the National War College, General Hill also earned a master's degree in personnel management from Central Michigan University. In addition to Vietnam, General Hill served in combat operations in Southwest Asia during Operations Desert Shield and Desert Storm, and as Deputy Commander, United States Forces, Haiti, in 1994.

Originally from El Paso, Texas, General Hill has been married over 30 years to his wife Toni, who is with us today.

They have a 23-year-old daughter, Meghan, and a son Griffin, who is 15 years old. General Hill's military decorations include the Distinguished Service Medal, the Silver Star, the Defense Superior Service Medal, the Legion of Merit, the Bronze Star, and the Purple Heart.

General Hill's broad experience will serve him well at the Southern Command, where he will be responsible for activities in the 19 nations of Central and South America and the 13 island nations in the Caribbean.

The Southern Command's objectives include strengthening democratic institutions, attacking drug production, supporting economic and social progress, and helping Latin American nations assess and eliminate threats to their security. The command fulfills its objectives by combined training programs with host nation forces,

intelligence exchanges, humanitarian assistance, and close work with the U.S. ambassadors in the region.

The importance of the Southern Command to our national security and regional stability cannot be overemphasized. With more than 40 percent of all U.S. exports going into Latin America, the influence of the region's stability on our economy is evident. By the year 2010, U.S. trade with this region will eclipse that of United States trade with Europe and Japan combined.

The fragility of democratic governments in the region, combined with the continued existence of the Castro regime and the proliferation of terrorist and drug organizations highlights the importance of the Southern Command.

The Southern Command carries out a myriad of missions through its joint service headquarters in Miami. The Army, Air Force, Navy, and Marine component commands include approximately 800 military personnel and 325 civilian employees. The Southern Command has a significant impact on Miami and contributes more than $167.5 million to the South Florida economy.

Miami's favorable geographic location, unparalleled transportation system, telecommunications infrastructure, and bilingual population make it the crossroads of the Americas. This is precisely why Miami remains the perfect, most logical strategic location for the United States Southern Command.

We have witnessed in the last two decades an unprecedented transition to democratic rule and free market economic systems in Latin America and we must continue to nurture and stabilize this progress. This is exactly what the Southern Command is doing every day.

It has helped ensure region-wide progress toward democracy, prosperity, human rights, and freedom, and will continue to do so under General Hill's leadership, integrity, and vision. I urge my colleagues to confirm General Hill as Commander of the United States Southern Command.

Senator DAYTON. Thank you, Senator Graham, for your endorsement and your introduction, and certainly your position as the Chairman of the Senate Intelligence Committee puts you in a very prominent position from which to observe these functions. So thank you very much. Your colleague, Senator Bill Nelson, has indicated his regret that he is not able to join you in introducing General Hill. He is presiding over the Senate right now.

Those are commitments that I know from my own experience are made by our staffs months and weeks in advance and are impossible to change, so he regrets very much his inability to join you, Senator Graham. Senator Nelson wants to extend his regards to both of the nominees and say he has enjoyed meeting with both of you, and is fully satisfied with your readiness to assume the duties with the commands for which you have been nominated.

Senator Warner.

## STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman. I join you in commending Senator Graham. Indeed, Senator, you, as chairman of the Intelligence Committee, have an unusual opportunity to understand, analyze, and relate to the extraordinary problems in Central and South America for which General Hill will have significant responsibility, and we thank you for joining us today.

Senator GRAHAM. Thank you very much.

Senator WARNER. General Hill, I welcome you and your family here today. I would simply say that, by necessity, this Senator and some others felt we had to prolong these proceedings, but we will get into that later. I think the record at this point in time justifies Senate confirmation of you.

Those of us who have been around here for a while, through the many years, have gotten to know quite a few of your predecessors. Several of them, not in any sense of lobbying, but just in a sense

of helping the committee, came forward on your behalf. They are extraordinary recommendations from individuals that I have the highest respect for who are now in the retired community. So you have every right to look back and reflect on your career with a great sense of satisfaction and hopefully, with Senate confirmation, you can take on another chapter to add to that career.

Now, Mr. Chairman, I am very happy and pleased and, indeed, honored to introduce our next nominee, Vice Admiral Giambastiani, whom I have come to know very well in his current position with the Secretary of Defense, and I join the chairman and others in welcoming your family. The families play a very unique role. As I greeted your wife, I said to her that she is largely responsible for the opportunity you have of sitting in that chair this morning for confirmation, with many years of great service to your country by yourself and your family.

I would simply reflect briefly on the fact that your assignments, which are part of the record here this morning, indicate that you have had a most unusual career. After graduating with leadership distinction from the United States Naval Academy in 1970, you served under the late Admiral Hyman Rickover in various assignments aboard both attack and ballistic missile submarines. In the course of our rather lengthy deliberations the other day we shared many stories about that great American. Having survived the Admiral Rickover test certainly puts you in good stead with this Senator.

I would particularly note your service from July 1987 to April 1990 as Commanding Officer of the U.S.S. *Richard B. Russell,* named for a former chairman of the Senate Armed Services Committee, a very distinguished member of the United States Senate for many years. So that was indeed an honor for you. While in command of the *Russell,* an attack submarine, you, as skipper, and your crew, won three consecutive Battle Efficiency "Es," three Navy Unit Commendations, and two Fleet Commander Silver Anchors for excellence in enlisted retention.

Your shore and staff assignments also reflect the depth of your experience, and demonstrate that you are fully qualified for the duties you will assume, if confirmed by the Senate. These assignments include service as a Deputy Chief of Staff to the Combatant Commander of Pacific Fleet, as well as Commander, Submarine Force, U.S. Atlantic Fleet, and Commander, Submarine Allied Command, Atlantic.

You served in many staff positions, including at the Naval Doctrine Command, the Navy Recruiting Command, as Special Assistant to the Deputy Director for Intelligence with the CIA, and as Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments.

You have come a long way since 1970. Your present assignment is probably your toughest, as Senior Military Assistant to the Secretary of Defense. You have been a strong supporter of the Secretary, and have had to interface more than once with Congress, and my observation is you have handled that very well. Of course, the Senate floor debate and vote is yet to come, but I think your nomination will be alright.

I will likewise put the balance of my statement in the record, Mr. Chairman, because there are members here who wish to speak and we have a vote coming. So I thank you for the honor of introducing you, skipper. Well done, and I look forward to your being confirmed by the Senate and assuming this new position.

Senator DAYTON. Without objection, Senator, your remarks will be inserted in full in the record.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Mr. Chairman, I join you in welcoming Lieutenant General Hill and Vice Admiral Giambastiani and their families. Gentlemen, congratulations to you and your families on your nominations to these commands of enormous consequence for our Nation's vital interests and the future of our Armed Forces.

It is with great pleasure that I introduce Vice Admiral Ed Giambastiani and his family to the members of the Senate Armed Services Committee. Admiral Giambastiani is no stranger to the committee as he has served as Secretary Rumsfeld's Military Assistant for almost 2 years. Though a native of New York, Admiral Giambastiani has wisely moved south. We Virginians claim him as one of our own, like so many in the military who call Virginia home multiple times during their military careers.

As we are all aware, behind every successful military officer is usually an equally resourceful and supportive family. The Giambastiani family is one that has exemplified this military ideal, and one that has made husband and father proud. The other half of this great Navy team is Cindy Giambastiani. No stranger to life in the military, Cindy was an Air Force "brat" whose father served for 30 years. Cindy graduated from Cornell University, and despite her nomadic youth, calls McLean, Virginia her home. She has been a tireless volunteer in Navy communities and recently served as the volunteer director and CEO of a $4 million nonprofit scholarship foundation that awards more than 120 college scholarships annually to dependents of Navy submariners.

Ed and Cindy have been married for 26 years and have 2 children. Their son, Peter, is a 2000 graduate of the Naval Academy and currently a lieutenant junior grade in the Navy who just returned from sea duty aboard the U.S.S. *Carr* (frigate homeported in Norfolk). Lieutenant Giambastiani will be in Dahlgren for the next several months undergoing Aegis combat systems training. Their daughter, Catherine, is a May 2002 graduate of the University of Virginia who will be studying law at American University here in Washington starting in August. Peter's wife, Jennifer, is also with us today. She is an elementary school teacher in Virginia Beach, a graduate of Radford University and a lifelong Virginian from Springfield. We welcome you all today and thank you for your support of this great sailor, your support for our Navy and your service to our Nation.

As Admiral Giambastiani's summary of assignments indicates, he has had a remarkable career. After graduating with distinction from the U.S. Naval Academy in 1970, he served under the late Admiral Hyman Rickover in various assignments—aboard both attack and ballistic missile submarines. I would particularly note his service from July 1987 to April 1990 as Commanding Officer of U.S.S. *Richard B. Russell* (SSN 687), an attack submarine named after the great Senator from Georgia who served over 38 years in the Senate and chaired this committee for 16 of those years.

While in command of the *Russell,* the Admiral and his crew won three consecutive Battle Efficiency "Es," three Navy Unit Commendations, and two Fleet Commander Silver Anchors for excellence in enlisted retention.

Vice Admiral Giambastiani's list of shore and staff assignments also reflect the depth of his experience and demonstrate that he is fully qualified for the duties he will assume, if confirmed by the Senate. These assignments include service as Commander in Chief, Pacific Fleet, as well as Commander, Submarine Force, U.S. Atlantic Fleet and Commander, Submarine Allied Command, Atlantic. He has served in many staff positions, including the Naval Doctrine Command, the Navy Recruiting Command, as Special Assistant to the Deputy Director for Intelligence with the CIA, and as the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments (N8) on the Navy staff.

In his present assignment as Senior Military Assistant to the Secretary of Defense, the Admiral has been the Secretary's strong right hand since May 2001. As the men and women of the Armed Forces have responded so magnificently to the

challenges of the global war on terrorism, Secretary Rumsfeld has demonstrated his remarkable abilities to manage, lead, and inspire our Armed Forces and our Nation. We compliment you on your service to him and our Nation in this most demanding position.

Secretary Rumsfeld has chosen carefully and well for this most unique responsibility of leading U.S. Joint Forces Command. As a candidate and as President, George W. Bush signaled his intent to transform our Armed Forces to be prepared to deter and defeat the very different threats we will face in the 21st Century. U.S. Joint Forces Command, located in Suffolk, Virginia is the laboratory where these transformational warfighting concepts are conceived, tested, and refined. Preparing our forces for the future is a priority for Secretary Rumsfeld. He has chosen someone who has a vision for the future and someone in whom he has great confidence to lead this effort—Admiral Ed Giambastiani.

General Hill, congratulations on your nomination. You truly have a superb record of service as a highly decorated combat veteran—with distinguished tours in Vietnam and in the Persian Gulf during Operation Desert Storm—as a staff officer, and a leader on the front lines. I congratulate you on your outstanding record of service, and your nomination for command of United States Southern Command.

We are fortunate as a nation that the President has nominated such extraordinarily well-qualified individuals for these important assignments.

Senator DAYTON. General Hill and Admiral Giambastiani have responded to the questionnaires and the policy questions that the committee submitted to them in advance of this hearing, and without objection those responses will be made a part of our committee record.

The committee has also received the required paperwork on both gentlemen, and we will be reviewing that paperwork to make sure it is in accordance with the committee's requirements.

Before we begin, there are several standard questions that we ask all nominees that come before the committee, and I will ask each of you to respond yes or no, or with any elaboration you wish or qualifications to either of them, starting with you, General Hill. The first of these is, do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress and to give your personal views, even if those views differ from the administration in power?

General HILL. Yes, sir, I do.

Admiral GIAMBASTIANI. Yes, sir, I do.

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

General HILL. Yes, I have, sir.

Admiral GIAMBASTIANI. Yes, sir.

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

General HILL. No, sir.

Admiral GIAMBASTIANI. No, sir.

Senator DAYTON. Will you ensure that your command complies with deadlines established for requested communications, including prepared testimony and questions for the record?

General HILL. Yes, sir.

Admiral GIAMBASTIANI. Yes, sir.

Senator DAYTON. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General HILL. I will, sir.

Admiral GIAMBASTIANI. Yes, sir.

Senator DAYTON. Will those witnesses be protected from reprisal?

General HILL. Yes, sir.

Admiral GIAMBASTIANI. Yes, sir.

Senator DAYTON. I thank you both.

General Hill, you may begin with any opening remarks you would like to make.

Senator MCCAIN. Mr. Chairman, it is usually the practice to have members make their opening remarks.

Senator DAYTON. I am sorry, Senator. I apologize. Let me turn to you, sir, to give you that opportunity.

Senator MCCAIN. I thank you, Mr. Chairman. I thank the witnesses for being here, most importantly. They are taking on very difficult and challenging tasks in challenging times. They are both highly qualified. I congratulate the nominees and their families, and we look forward to working with them, and for years in the future.

I thank you, Mr. Chairman.

Senator DAYTON. Senator Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman. I, too, want to thank the Admiral and the General for your past service, and I look forward to your continuing service if confirmed, and I have no reason to believe you will not be, and express my willingness to work with you in your new commands.

Obviously, each command is important to the future of our country and to the defense of liberty, so I look forward to that, and thank you very much. I have enjoyed the opportunity, although it was brief, as the Admiral knows, to have met with you and to have expressed an interest in your commands.

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

Senator DAYTON. We can proceed with the committee custom of the early bird order of recognition.

Senator Allard.

Senator ALLARD. Mr. Chairman, I just want to congratulate the Admiral and General for being here and giving them an opportunity to serve our country in different capacities, and I have some comments I just would like to have made part of the record.

Senator DAYTON. Without objection.

[The prepared statement of Senator Allard follows:]

PREPARED STATEMENT BY SENATOR WAYNE ALLARD

I want to thank you both for coming here today. Your areas of responsibility are of vital interest and of strategic importance to the United States. You are accepting an immense amount of responsibility at a most important and challenging time in our country. I want to thank you in advance for your efforts, your dedication to duty, and your overwhelming commitment to the soldiers, sailors, airmen, and marines in your charge.

Your areas of responsibility are of much political and economic interest to the United States. There are areas of conflict, but of opportunity as well. I have the utmost confidence in your ability to handle them.

So, gentlemen, I thank you for your service and I look forward to hearing your thoughts today.

Senator DAYTON. Senator Bunning.

Senator BUNNING. Thank you, Mr. Chairman. I would like to welcome first of all both the General and the Admiral, and your families. We appreciate your service to our country. The responsibility of the two Unified Combatant Commands we are discussing today are fundamental to the national security of the United States. It is important that we assure these responsibilities are ex-

ecuted with the greatest of care. There are many challenges in both of these areas of responsibility. I am looking forward to working with you, and I know the rest of the committee is also, to ensure that we get the most out of both of you.

Thank you.

Senator DAYTON. Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman. We are delighted that you are here. Thank you for your service to your country. I look forward to working with you.

General Hill, I have had some concern over your region. We know that Colombia is in a life and death struggle—40 million people, a democracy, an important trading partner of ours. We know that Venezuela is very unstable, with a leader that does not seem to be in sync with what we hope for South America. In Brazil, Luis da Silva apparently is favored to win that race, and he is a Castro fan, so we have some problems. I hope that you will be very creative as you work on that and try to see if you cannot help us be more effective in our leadership in the region.

Senator DAYTON. Thank you. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. I am just proud to be here in support of both of the nominees.

Senator DAYTON. Thank you, Senator Inhofe. At this time I would like to insert into the record the statements of Senator Bill Nelson and Senator Thurmond, as they are not able to be with us today.

[The prepared statements of Senator Bill Nelson and Senator Thurmond follow:]

PREPARED STATEMENT BY SENATOR BILL NELSON

Mr. Chairman and colleagues on the committee, thank you for this opportunity to speak in support of the nomination of Lieutenant General Tom Hill to become Commander, U.S. Southern Command. I believe you know that I have looked forward to this day for a long time.

Since October 1, 2001, when General Peter Pace left Miami to become Vice Chairman of the Joint Chiefs of Staff, we have eagerly anticipated the nomination of a great American military leader to assume the duties of Commander, U.S. Southern Command. I believe that we have that leader in General Tom Hill.

Speaking at the National Defense University last year, Secretary of Defense Rumsfeld said that he had told the President that the officers selected for nomination as our Service Chiefs and regional commanders would have the most important and influential impact on the future of our national security. I agreed with him then and I still do. The right officers in the right positions are critical to our security today and tomorrow, and now winning the war on terror.

General Hill's qualifications are well known to the committee. He is a muddy-boots warrior, ready for the challenges of making a difference within the subtle and complex military-diplomatic circles of South America.

There is no question in my mind that the Commander of U.S. Southern Command will have a direct impact on the stability of our Southern Hemisphere. The Southern Command area of responsibility encompasses one sixth of the world's landmass and includes 32 countries and 14 protectorates throughout Latin America and the Caribbean. The United States has enduring political, economic, cultural, and security ties to Latin America and the Caribbean. We have made great progress in bringing greater democracy and stability to the region but there is almost always the risk of slipping into bad old ways.

A tense and uncertain peace exists among Latin American and Caribbean nations and their neighbors. We proudly point to the fact that all countries, except for Cuba, have democratically-elected governments. However, the stability of many of these democracies remains uncertain, and economic development in some countries is slow, uneven, or endangered. While there is peace *among* the nations of South

America, peace is not the norm *within* some of these nations. The risks to the region of destabilization in Colombia are particularly troubling.

We are all aware and alarmed by the compounding threats of terrorism, drug, and arms trafficking, illegal migration, and international organized crime. This region is critically important to the United States' war on terror. As President Bush recently stated, ". . . it's so important for Americans to know that the traffic in drugs finances the work of terror, sustaining terrorists—that terrorists use drug profits to fund their cells to commit acts of murder."

General Tom Hill is the man to lead our national military efforts in South America. He has a monumental task ahead of him—we need to send him to Miami so he can get to work right now.

Speaking of Miami, Mr. Chairman, I cannot miss this opportunity to raise another issue important to the Commander of Southern Command, but also important to the people of Florida and, therefore, important to Senator Graham and myself.

We remain deeply disappointed and concerned that the Department of Defense has been unable to settle the issues surrounding delays in the procurement of the facilities for Headquarters, U.S. Southern Command in Miami.

We have not found anyone who does not agree that Miami is the right place for this command's headquarters—as one diplomat told a previous Commander of Southern Command, "Miami is the capital of South America." The facility is ideally located to support the travel requirements of the command and our South American allies. The facility is modern by every measure and capable of the demands of high-tech theater command and control. The facility can be secured to current force protection standards.

We recognize that the history of this situation is nothing short of incredible. The mistakes made in the pursuit of this building's purchase by the Department of Defense and the Department of the Army have been undeniably awkward. Nonetheless, more precious time and money will be lost if we allow this situation to drag on indefinitely.

I hope that we will be able to overcome the problems that plague this situation and give General Hill a facility with the capability and stability he and his headquarters need and deserve to accomplish their mission.

Thank you, Mr. Chairman.

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PREPARED STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman, I join you and the members of the Armed Services Committee in welcoming and congratulating General Hill and Admiral Giambastiani on their nominations for promotion and assignment to two critical commands. Each of these officers has a distinguished military career and each is highly-qualified to carry out the responsibilities of the commands for which they have been nominated.

Although I have not had the opportunity to meet General Hill, I have heard many laudatory reports of his leadership as the I Corps Commander and his role as the 25th Infantry Assistant Division Commander in Hawaii. I expect that he will find his assignment as Commander in Chief of the United States Southern Command a great challenge and cause a revitalization of our relations with the nations in South and Central America.

Admiral Giambastiani, you have come a long way since our trip to visit the *Seawolf* and the New London Navy Submarine Base in Groton, Connecticut. I fondly recall the visit to our proud sailors and your kindness throughout the visit.

Mr. Chairman, our Nation can be proud that it will be represented by these two professional military officers. I support their nomination and wish them success.

Senator DAYTON. General Hill, would you care to make any opening remarks?

## STATEMENT OF LT. GEN. JAMES T. HILL, USA

General HILL. Sir, I have no opening remarks, except to say I am both humbled and honored to sit here with this distinguished committee asking and seeking Senate confirmation to the important post to which the President has nominated me.

I would also say that, if confirmed, I promise you and the Senate and the country that I will serve as honorably and as selflessly as I have served for the last 34 years.

Thank you, sir.

Senator DAYTON. Thank you.

**STATEMENT OF VICE ADM. EDMUND P. GIAMBASTIANI, JR., USN**

Admiral GIAMBASTIANI. I have very brief remarks. Mr. Chairman and members of the committee, thank you for this opportunity to appear today with Lieutenant General Hill. I know the committee has exceptionally important work and a full schedule before them as this hectic period comes to a close. I would also like to personally thank Senator Warner for his generous introduction today, in particular of my family. They are the primary reason why I am here, as he has pointed out.

Senator Warner, you have been a mentor and an inspiration to not only all of us in the Naval Service, but to all of us in the Armed Forces. Thank you for your service.

I am honored to have been nominated by the President and the Secretary of Defense for the position of Commander, United States Joint Forces Command. If confirmed, I look forward to working with the members of this committee in carrying out this important task, Mr. Chairman.

I am prepared to answer your questions.

Senator DAYTON. We will proceed, as is the committee custom, with 6 minute question rounds per Senator, following the early bird order. I want to note we are scheduled to have a vote at 10:00. When that occurs we will endeavor to continue through the process uninterrupted with members having to come and go, which I trust you will understand.

General Hill, your new command would have major responsibilities, as others have noted, for the situation in Colombia, for activities there. Based upon your knowledge at this time, how would you characterize that country's determination to deal with these problems, and do you anticipate any further efforts under the president early in the future?

General HILL. Sir, I think the Colombian people spoke pretty loudly and clearly when they elected President Uribe to lead their country. I think they have clearly demonstrated and shown through their votes that they are tired of what is going on in that beleaguered country. I also believe that President Uribe, with the help of the United States, can in fact effect major change both in the military and in his government to reassert control over Colombia.

Senator DAYTON. Recognizing that you will, of course, carry out the President's and the Secretary's policies in the area, in your, own view at this time, how important do you rate the United States' assistance to the Colombian Government and to the army there and the training of the army as provided?

General HILL. Sir, with the great support of Congress and the allocation of resources to the U.S. military and to the Department of State that have been going to Colombia, I think that we have made some great progress over the last several years. The training of the counternarcotics brigade has made a significant impact on the Colombian military. If you look at the area where the counternarcotics brigade has affected operations, they have, in fact, cut coca production there and done a good job.

Now, the sophisticated narcoterrorist has moved his operation to other areas, which is regrettable, and we will have to continue to monitor that. Based on what I know today—and I will have to come back to you in a couple of months and give you much greater detail on what my observations are, if confirmed by the Senate—but I think at this point we are making some headway. But I have great concerns for what goes on down there, just like Senator Sessions was discussing.

Senator DAYTON. Thank you, General. I personally hope you will receive that invitation. I think it is a very important endeavor and one fraught with both importance and peril.

Along that line, as you know, the activities of some officers who have received training, whether in their country or in the United States, from our military personnel has been of concern to some Americans as it relates to how they treat their citizens in the area of human rights and the like. I visited the School of the Americas myself last year and was struck by their intentions to change the training to emphasize the human rights aspect, but of course they have no control over these individuals once they return to their country.

I would ask that you bring a vigilance and awareness of the importance of that conduct, and would you also bring to the attention of higher authorities, if necessary to this committee, any violations that come to your attention?

General HILL. Yes, sir, I will. I look at the human rights issue very much like I look at the environmental laws. As an installation commander working for the Army at Fort Lewis I am a good steward of the environment because of two reasons; it is the law, and it is the right thing to do.

I think that the human rights issue in Colombia and throughout the region is exactly the same thing. It is the law of our country, and is how we deal with nations in terms of the violation of human rights. Those nations cannot enjoy peace and prosperity, cannot build a good military, cannot build a military that is supportive of democracy unless there is a regard for human rights. As Senator Graham pointed out in his introduction of me, the history of Latin America has not been good in this regard. Over the last several years, that history has been improving, and it has been improving a great deal as a result of the work that has been done by the U.S. military, particularly Southern Command.

Senator DAYTON. Thank you. Admiral Giambastiani, *Defense News* reported this week that there is a shortage of personnel in the command which you would be assuming, and it is anticipated that an even greater shortage will be developing in the months ahead. Could you reflect on how you view that situation?

Admiral GIAMBASTIANI. Mr. Chairman, I have read the article you are referring to out of *Defense News*. It appeared two days ago. I read it in detail, and have also had just a brief opportunity to take a look at this report that Joint Forces Command produced and was commissioned by the Director of the Joint Staff.

What I would say to you is that every one of the combatant commands is currently going through a process of reviewing their headquarters force structures and not surprisingly, as we move pieces around with this upcoming change in the Unified Command

Plan to be effective on October 1, there will be pluses and minuses in every command.

I cannot speak with authority about Joint Forces Command with regard to their headquarters size, but I do take that, and promise you that I will look into this very carefully, but right now I cannot judge. All I know is that the Director of the Joint Staff has asked for this report, and he has just received it, and it is now being worked internally within the Joint Staff between Joint Forces Command and the Chairman's staff.

Senator DAYTON. I look forward to your review of the changes that will be occurring in the months ahead as well. How do you view the change in the responsibilities in the command, and what do you see as the special priorities now for your attention?

Admiral GIAMBASTIANI. I think with any change to the Unified Command Plan, that in this particular case, in the one that has been signed by the President to become effective on October 1, we have a significant series of changes. Of the top three priorities that the Secretary of Defense and the President talked about with regard to this change, one of the top three is to refocus Joint Forces Command with regard to transformation and experimentation.

So with the removal of responsibility for an area of responsibility, essentially for the United States and the Atlantic Ocean to be parceled out between the new Northern Command and also between European Command, in addition the transfer of responsibilities for the Joint Task Force Civil Support and Homeland Defense, the transfer of those to the NORTHCOM will allow, I think, Joint Forces Command to focus more clearly on the role of joint force provider, joint integrator, and joint trainer, in addition to transformation and experimentation.

Lastly, because of the loss of the area of responsibility, Joint Forces Command will no longer be dual-hatted, so that broad range of responsibilities will be more narrowly focused on this joint force training role, joint force provider, and also in transformation and experimentation.

Senator DAYTON. Thank you both. My time has expired. Senator Warner is next, followed by Senator McCain.

Senator WARNER. It is my intention to return to the hearing after the vote, so I will defer to Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I will be brief, given the fact that we do have a vote pending.

General Hill, do you feel comfortable that the United States forces have the flexibility and authority they need to meet our stated commitments to assist the Colombian Government in its unified campaign to defeat drug trafficking and terrorism in Colombia?

General HILL. Sir, I am in favor of the expanded role. In terms of what the United States can do in training the Colombian forces and in intelligence sharing, I think if we had that expanded authority, and especially intelligence sharing, we would be in a more effective position of helping them.

Senator MCCAIN. Do you believe the American policy since the enactment of Plan Colombia has made a difference in that country?

General HILL. I do, sir. Again, I think that the training of the counternarcotics brigade has been done very well, and that brigade, from everything I have been briefed on, has been an effective force.

It has done a good job of wiping out coca production, and to my knowledge, Senator Dayton, it has done so with no known human rights violations.

Senator MCCAIN. Give me an idea of how the United States should be involved militarily in Colombia.

General HILL. Sir, we have an opportunity in Colombia to continue the missions we are doing now in training both the second counternarcotics brigade and working on the infrastructure brigade, that is the 18th Brigade, that we now have dollars to go——

Senator MCCAIN. I am more interested in generally how you think the United States should be involved. Should our mission be limited to training and advice? Should we provide intelligence information? Should we provide search and rescue? In other words, to what extent do you think the United States should be involved militarily, and do you think that statutorily you have that sufficient authority?

General HILL. At the present time, Senator, I see the United States involvement as being one of training, intelligence sharing, and mentoring of the Armed Forces so that they become a better armed force. At the present time, I believe that we have the necessary statutory authority to do that, although I would prefer to have the expanded role where the counternarcotics brigade could do more in fighting the narcoterrorists as opposed to simply going after drug dealers.

Senator MCCAIN. Who is winning in Colombia right now, the bad guys or the good guys?

General HILL. Sir, when I went off to Division Command someone gave me some good advice, and the advice was, there is almost nothing you do in Division Command that requires immediate decision, and I as I look back at my time at Division Command, the worst decisions I made were snap decisions.

Senator MCCAIN. I am asking for a judgment.

General HILL. I know that, sir. I could give you an answer, but it is not a good one at this point because I have not been on the ground in Colombia. If I read the newspapers, I would say it is a toss-up, but in the last month or so things have been very dramatically in favor of the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELM). You need to let me get on the ground and come back to you after a couple of months to give you a better assessment.

As you and I discussed last month, I would love to have you come down and we will walk the ground together, and we will decide who is winning and who is losing, and what the United States can do to help that beleaguered country.

Senator MCCAIN. Is an indicator the cost of an ounce of cocaine in the streets of Phoenix, Arizona?

General HILL. An indicator would be some of that, yes, sir.

Senator MCCAIN. Do you know it is lower than it has ever been?

General HILL. No, sir, I do not know that.

Senator MCCAIN. Do you know the price of cocaine is lower in this country—well, I think it is a very, very serious challenge.

I look forward to working with you, briefing you, and obviously, as you and I discussed, the entire region is in a state of instability that we have not seen since the 1980s. That goes from Central

America all the way throughout the region, but clearly Colombia, from a military standpoint, is our greatest challenge that we face, so I think that we need to get your advice and counsel as to what the United States policy should be.

I am not exactly sure there is a totally clear policy toward the region in general and Colombia in particular. I congratulate both of you and look forward to working with you in the future. I thank you, Mr. Chairman.

Senator DAYTON. Thank you, Senator McCain.

Senator Sessions.

Senator SESSIONS. Well, I agree with Senator McCain's remarks, and the direction he is suggesting. I find it bizarre. It is like the gorilla in the room that nobody will even discuss. These are Marxist guerrillas who for years tried to take over the Government of Colombia. It is the classical insurgency fueled by narcotics, but it is really more than that, and until we get honest about what we are dealing with down there, until the people in Colombia make the commitment, I am not sure they are going to be successful. I am hoping that will occur.

So it seems to me that in this election, and in President Pastrana's courageous decision some months ago that the negotiations were not going to succeed, it seems to me that the Marxist terrorists have really stepped up their terrorism. We are in a pretty tough life and death struggle, don't you think, that Colombia needs to win?

My question is, should not Colombia be able to win this battle, and should not we be able to help them effectively in winning it?

General HILL. Sir, I think the answer has to be yes to both of those. Colombia is an old democracy in the hemisphere. It is the linchpin of what goes on in the Andean region. It produces and exports illegally a tremendous amount of narcotics into this country, and it would be a terrible loss if democracy failed in Colombia.

Senator SESSIONS. Well, I spent the better part of my professional life prosecuting drug dealers, and a lot of them I indicted were Colombian. It is clearly the center of cocaine production in the world, but I think Senator McCain is also correct, this is a bogus basis for us to support this country, because for complex reasons I will not go into now we are not able to solve our drug problem by spraying in Colombia, and I am prepared to defend that argument to anybody who would like to make it.

But where we are here is trying to help the second oldest democracy in the hemisphere survive as a free progressive society, as a clear majority of their people want, don't you think, as this last election showed?

General HILL. I agree with that, yes, sir.

Senator SESSIONS. Maybe they do not want us to. Maybe it would hurt their effort if the United States is too involved, but I just hope you will get on the ground and use that tremendous combat experience you have had, and insight, in Vietnam and Haiti and other places, and see if you can figure out how we can help, what we can do, and if we have to have a political fight over it in this country, I think we need to have it. I think we need to change the laws if need be.

We had 2 million people in Kosovo. We had no trading relationship with Kosovo. We have 40 million in Colombia. They are our friends, our neighbor, and a significant trading partner, so we have a real interest here, and it is, as you noted, a key to South America. I am sorry we did not have a chance to chat, General Hill, but it is just something that, you are in the middle of something that is really big, I think.

Admiral, thank you for your service. I am very sorry I missed you the other day. I wanted to chat with you. We have a vote going on, I guess.

Senator DAYTON. Senator Sessions, I would ask you or Senator Inhofe to chair the meeting. Senator Inhofe, if you would in our absence. If no one is back before I return, we will have to suspend briefly. Hopefully someone will be, and you can pass it down the line.

Senator INHOFE. I will chair it and ask at the same time, this will be fairly short, but Admiral Giambastiani—I practiced pronouncing your name, and I know I did it right.

Admiral GIAMBASTIANI. Thank you, sir.

Senator INHOFE. First of all, you are going to have this Millennium Challenge 2002. This is perhaps going to be the biggest joint exercise since the Louisiana Maneuvers before World War II. You were asked by Senator Dayton about something I was going to ask, and that is our end strength. We are really hurting right now with 80,000 in the Reserve component out there, knowing we are going to lose a lot of them in September. We did not adequately address this in the budget, so I am concerned about this. But I would say, since you already answered that question, do you think we have the joint training facilities and the budget to support these exercises?

Admiral GIAMBASTIANI. Sir, I was asked part of that for the record, and the way I would answer it is as follows. First of all, on the joint training facility—General Kernan, the current Commander of Joint Forces Command, is, in fact, reviewing very carefully an initiative to bring forward what he would call a joint national training center. I do not know and he does not know quite yet how that would be composed, but it may well be a conglomeration of service modules or training centers that currently exist that are brought together in a command and control way. It could be a larger area, for example.

I do not have a good idea, but I will tell you one thing. The ability to be able to do joint and combined arms training is absolutely essential to our Armed Forces. We can only do so much with simulation.

Senator INHOFE. Exactly, and I do not want to cut you off, but I know exactly what you are saying, and I think you know that. I have been very active in this range business, and have been very concerned, as I have expressed that concern to you. In fact, I am going to even try to get down there during this training exercise, and I look forward to working with you.

General Hill, I am sorry I do not have any of my colleagues here so I can tell them, warn them not to go to participate in competition when you are in charge. That was quite an experience that we

had there, and we had our own competition between what was it, the M113 and the Light Armored Vehicle (LAV)?

General HILL. Yes, sir, the Stryker.

Senator INHOFE. That is right, and you did leave me in that thing unnecessarily long, but the message got through. [Laughter.]

First of all, let me say this, when you responded to Senator Dayton's questions about human rights, then you kind of voluntarily went into the environment, I do not totally agree with your answer, yes, it is the law, you have got to do it, and it is the right thing to do.

It may be the right thing to do so long as it is the law, but there is going to be an effort, and I am going to be participating in that effort. I have talked to you about this, to try to do something to relax some of those requirements. The best example to use is one you are very familiar with, and that is in areas like Camp Lejeune and Fort Bragg. We are doing such a good job that we are own worst enemies. The red cockaded woodpecker now has more suspected habitat areas because we are the fine stewards that we are.

Something is going to have to give there. I mean, we are getting now so that endangered species are gravitating toward our training areas, and it is a serious problem, so I hope that you are in agreement with that as we go forward and try to pursue some solutions to those problems.

General HILL. I am, sir, and you will recall when we discussed that at Fort Lewis you have to work through and around those laws, and some of them are, in fact, very restrictive.

Senator INHOFE. I am particularly interested, because not only did I chair the Subcommittee on Readiness and Management Support here for a number of years, but also a similar subcommittee on the Senate Committee on Environment and Public Works, where we are looking at that very carefully to see what can be done to relax some of those requirements for training purposes.

Something that has always concerned me is when we get involved in places. I remember in Bosnia, when the President said it would be a 12-month operation. We went and he said all the kids will be home for Christmas in 1995. They are still there. I remember reading a little bit of history about the Marines going into Nicaragua in 1903 for a short exercise. Thirty years later, they were still there. We went into Haiti in 1994.

What is your feeling right now in terms of the future there in Haiti, what our participation should be, and the status?

General HILL. Sir, I am not sure, and I would have to get back to you with the answer, what we even have in Haiti at this point.

Senator INHOFE. I tried to find out from my staff this morning and could not get an answer, either. I know we have a presence, but I am not sure what they are doing there.

General HILL. The last time I looked, Senator, we had a small engineering unit there.

Senator INHOFE. Is that it?

General HILL. But it is almost nothing, as I recall. Admiral Giambastiani sees these daily reports about where Americans are deployed around the world. Haiti is a real conundrum for the United States. The basic foreign policy for Haiti, or the basic foreign policy for us in Haiti is to ensure that the Haitians have a via-

ble country so they stay in Haiti. The boat lift that we had that prompted us to go into Haiti——

[The information referred to follows:]

[Deleted.]

Senator INHOFE. I am going to interrupt you right now. I just noticed the time expired 3 minutes ago down on the Senate floor, and I am going to have to run down and vote. I am going to recess this meeting. Everyone sit where you are, and we will be right back. [Recess.]

Senator BUNNING [presiding]. Since I am the only one here, I am chairman. That is a very temporary assignment.

General Hill, we currently have a law requiring that none of the counterdrug assistance we are sending to Colombia would go to their military to support their war against the terrorists. Given the evidence that the terrorists are deeply involved in drug trafficking, do you believe that this artificial distinction makes any sense at all?

General HILL. Sir, I believe we need expanded authority in our training efforts to work with the Colombian military to do more than the counterdrug effort to allow them to go after the narcoterrorists that are, in fact, feeding off of the drugs.

Senator BUNNING. In other words, you would like to see more than just advice, or you would like to see the money go for direct intervention as far as drug trafficking?

General HILL. Sir, at the present time, and until I get on the ground and really get a hard look at what is going on and can formulate more than my understanding of the situation—which is about four briefing slides deep at this point—I would say to you that what we are doing is exactly the right thing to do with the expanded authority, so we need to do more than advising and more than training. I will have to come back to you on that, sir.

Senator BUNNING. I expect you to.

General HILL. Yes, sir.

Senator BUNNING. Thank you. One other question, and it was mentioned by somebody previously, about Venezuela and their support for democracy. It seems like they are really, really sliding down the wrong side. In other words, if there was a peak that is in the middle that was democracy, it seems like they are sliding off the side into a situation which would really be tough on our association with Venezuela. Do you see anything legitimately that we can do to correct or help, or make a better relationship with the Venezuelan president?

General HILL. Sir, when General Speer, the Acting Commander of SOUTHCOM testified in front of this committee over the last several months, he was asked a similar question, what would President Chavez do, and his response was, "your guess is as good as mine." I think that is a pretty accurate response.

What is happening in Venezuela requires careful watching, because it is, again, the second oldest democracy in the region. There is spillover between what happens in Colombia and Venezuela and vice versa. They are a major trading partner in terms of oil exporting into the United States, so it bears watching.

Now, having said all of that, I do know that the relationships between Southern Command and the Venezuelan military have remained fairly strong throughout this period, and our ability through Southern Command to influence the actions in Venezuela are mostly in that regard, and we will continue to work that carefully.

Senator BUNNING. There is nothing that we can do other than that? You see nothing, other than what you have just suggested?

General HILL. Sir, anything other than what I suggested in terms of my responsibilities if confirmed by the Senate for the Southern Command, relating to military involvement with Venezuela, I would have to defer to someone outside of my policy area.

Senator BUNNING. I can remember when Southern Command was in Panama, and we were asking very similar questions about what we could do about Panama. We took some very drastic steps in Panama. That was supposed to be a democracy also. I just will wait to hear from you on further events.

A question for the Admiral. Exercise Millennium Challenge is currently underway. Please explain to us what that exercise is comprised of, what its goals are, and how it fits into the overall plan to transform our Armed Forces.

Admiral GIAMBASTIANI. Senator Bunning, Millennium Challenge is a very large exercise right now. I am told by many, as Senator Inhofe mentioned earlier, that it is on a par with or potentially larger than the Louisiana Maneuvers. At least in modern times it is probably the largest joint force exercise that has been run in some time, if not the largest.

Currently it has about 13,500 active duty personnel from all services participating, and it is being run essentially across the United States. The purpose of it as an exercise and also as an experiment is to investigate a series of joint capability demonstrations.

For example, one very big one is the experimentation for a standing joint task force commander. Currently down in Suffolk, Virginia—and I have not been extensively briefed on this. As a matter of fact, the Secretary of Defense is going to travel down and I am going to accompany him on Monday to go look at this standing joint task force headquarters concept, but the purpose of it is to allow us to have a capability to conduct command and control immediately if a crisis arises, essentially putting one or more of these units in each one of the geographic areas of responsibility for the other combatant commanders, and so this is a test.

It also would be a standing headquarters that plans 365 days a year, so they are ready to go. If a crisis occurs they can immediately execute whatever plans are required to respond to that crisis, as opposed to the way we do business today in many areas, where we have to battle roster forces. What that means is take them from various components and bring them into an area.

To give you an example, in Kosovo, the Joint Force Commander, now Commander in Chief, U.S. Strategic Command (CINCSTRAT), Admiral Jim Ellis, was the Joint Task Force Commander. In that 78-day war he was only manned up to about 78 percent by the end of the air war, and obviously we would prefer to be manned up and

be ready to go right at the very beginning, so that is an example. There are many other demonstrations.

Part of General Hill's forces from Fort Lewis, in particular the Interim Brigade Combat Team, will be participating at the National Training Center to demonstrate some of the Army's new transformational capabilities. In addition, Marines will be conducting various exercises and experimental tasks with new capabilities on the west coast as part of the exercise. So it is a fairly broad exercise to in fact take service exercises and experiments, mold them into a joint exercise, and test various capabilities.

Senator BUNNING. My time has expired. I have some additional questions. I am going to submit them to you in writing. Thank you.

Senator DAYTON [presiding]. Thank you, Senator Bunning.

Senator Warner.

Senator WARNER. Mr. Chairman, given the Senate schedule, and the fact that I have had extensive conversations with the Admiral as well as the General, I am going to submit my questions for the record so that the committee can now proceed to its next procedure with regard to these nominations.

Senator DAYTON. Because of sensitive information that will be discussed, at this point in the hearing I will entertain a motion under paragraph 4 of our committee rules that the remainder of this hearing will be closed to the public and conducted in executive session.

Senator WARNER. So move.

Senator DAYTON. The committee will go into executive session. The clerk will please clear the room.

[Whereupon, at 10:28 a.m., the committee adjourned.]

[Prepared questions submitted to Lt. Gen. James T. Hill, USA by Chairman Levin prior to the hearing with answers supplied follow:]

## QUESTIONS AND RESPONSES

### DEFENSE REFORMS

*Question.* Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of these reforms, particularly in your staff assignment as Assistant Deputy Director for Politico-Military Affairs (J–5) on the Joint Staff from 1992 to 1994 and in your command assignments during Operations Desert Shield/Desert Storm from 1989 to 1991 and during Operation Uphold Democracy from 1994 to 1995.

Do you support full implementation of the defense reforms?

Answer. Yes I do. When considered in the light of the successful operations since their implementation, it is clear that the Goldwater-Nichols Department of Defense Reorganization Act has profoundly and positively benefited the armed services.

*Question.* Based upon your experience, what is your view of the extent to which these defense reforms have been implemented and the impact that they have had?

Answer. The Defense Authorization Act of 1986 has accelerated the integration and synchronization of all of our military's capabilities to fight and win the Nation's wars. The success that we have enjoyed on the battlefield in places like Kuwait, Kosovo, and Afghanistan are directly attributable to the high degree with which we have complied with both the spirit and letter of the Goldwater-Nichols Act.

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

Answer. I believe the most important aspects of the defense reforms you mentioned are those that relate directly to the duties for which I am privileged to be nominated. The Goldwater-Nichols Act clearly defined the authority of the regional combatant commander over the forces and execution of missions in his area of responsibility (AOR). This simplified chain of command significantly improved the planning and execution of assigned missions during times of crisis. While concur-

rently providing for the efficient use of Department of Defense resources, these reforms have directly translated into a more efficient military with an enhanced ability to defeat the Nation's foes.

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

Answer. I am not aware of any legislative proposals that seek to amend Goldwater-Nichols. If confirmed, should there be a noteworthy proposal in the future concerning amending this legislation I will take the appropriate opportunity and forum to address it.

DUTIES

*Question.* What is your understanding of the duties and functions of the Commander in Chief, U.S. Southern Command (SOUTHCOM)?

Answer. The Commander of U.S. Southern Command is assigned a geographic area of responsibility (AOR) and reports directly to the Secretary of Defense. He is responsible for U.S. military forces assigned to an area that encompasses one sixth of the world's landmass and includes 32 countries and 14 protectorates throughout Latin America and the Caribbean. As a combatant commander, the Commander of U.S. Southern Command exercises authority over subordinate commanders within the region unless otherwise directed by the President or the Secretary of Defense. The duties and functions of a combatant commander include but are not limited to: prescribing the chain of command to the forces within the command; giving authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics; organizing commands and forces and employing them within his command as necessary to carry out missions assigned to the command; and assigning command functions to subordinate commanders.

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

Answer. I am truly honored by the President's nomination to be the Commander of U.S. Southern Command. I have been fortunate to serve in many Army and joint positions involved in planning and discussions on major issues affecting this area of the world. While serving as I Corps Commanding General, I have trained forces, developed operational plans, and deployed units in support of a combatant commander which have given me significant insights into the challenges associated with joint and combined operations. In this position, I was also a Standing Joint Task Force commander for the Commander of U.S. Pacific Command. My duties as Deputy Commander, Multinational Force and U.S. Forces, Haiti during Operation Uphold Democracy gave me a great appreciation for coalition operations and the problems facing that troubled nation, as well as an understanding of the regional militaries that contributed forces. One of my principle responsibilities as Assistant Deputy Director for Politico-Military Affairs, Joint Staff was to focus on events and issues in the Southern Command area of responsibility. Having the privilege to command from the company to the corps level to include units in combat in Vietnam and during Operation Desert Storm has given me invaluable perspectives on training, caring for, and leading the outstanding men and women in our Armed Forces. These assignments have provided a strong foundation that will serve me well if I am confirmed for this position.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform these duties?

Answer. If confirmed, I will work with key U.S. personnel and government agencies and will travel and confer with regional military and civilian leaders to fully understand and be better prepared to address the complex issues in this region.

*Question.* In carrying out your duties, how will you work with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for International Security Affairs, the Assistant Secretary of Defense for Special Operations Forces and Low Intensity Conflict, the Commander in Chief, U.S. Northern Command when that combatant command is established, the Commander in Chief U.S. Special Operations Command, the other combatant commanders, and SOUTHCOM's component commanders?

Answer. As a combatant commander, I would report directly to the Secretary of Defense who is responsible to the President for creating, supporting, and employing military capabilities. While the Chairman of the Joint Chiefs of Staff is not in the chain of command, communications from the President or the Secretary of Defense are transmitted to combatant commanders through the Chairman of the Joint

Chiefs of Staff. Combatant commanders have the obligation to promptly inform the Secretary of Defense on accountable matters and as a matter of course, should keep the Chairman and his staff advised of critical issues that affect the command. In the case of the Under Secretary of Defense for Policy and the Assistant Secretary of Defense for Special Operations Forces and Low Intensity Conflict, the Commander, U.S. Southern Command coordinates and exchanges information in matters that affect SOUTHCOM; however, there is no command relationship. SOUTHCOM's relationship with other combatant commands will depend on "supported" or "supporting" roles outlined in operational plans and execution orders from the President and the Secretary of Defense. On October 1, 2002, NORTHCOM's area of responsibility (AOR) will consist of the geographic area encompassed by the North American continent from the southern border of Mexico northward and outward from the coastlines 500 nautical miles. Cuba, the Bahamas, and the Turks and Caicos will be in NORTHCOM's geographic area of responsibility; however, SOUTHCOM will retain responsibility for normal and contingency planning, theater security cooperation, and force protection for these countries. SOUTHCOM will relinquish to NORTHCOM all current responsibilities in Puerto Rico and the Virgin Islands. SOUTHCOM's relationship with the Commander, U.S. Special Operations Command, or any other combatant commander will depend on existing operational plans, contingency operations, or ongoing crises. Finally, unless otherwise directed by the President or the Secretary of Defense, SOUTHCOM's component commands are under the authority, direction, and control of Commander, U.S. Southern Command.

*Question.* In carrying out your duties, how will you work with the Under Secretary of State for Political Affairs, the Assistant Secretary of State for Western Hemisphere Affairs, the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, and the U.S. chiefs of mission to the countries in SOUTHCOM's area of responsibility?

Answer. If confirmed by the Senate, I plan to maintain the close working relationship between the Department of State and U.S. Ambassadors in the region with SOUTHCOM. As appropriate, I will work with Department of State officials, including the Under Secretary for Political Affairs, the Assistant Secretary for Western Hemisphere Affairs, and the Assistant Secretary for International Narcotics and Law Enforcement Affairs to discuss policy issues of mutual interest. I will work with the U.S. Ambassadors and other members of the country teams to maintain a dialogue regarding critical issues in the region.

MAJOR CHALLENGES AND PROBLEMS

*Question.* In your view, what are the major challenges that will confront the next CINCSOUTH?

Answer. Transnational threats, Colombia, and democracies at risk. The transnational threats of arms and drugs trafficking, illegal migration, and terrorism constitute the greatest challenge to security and stability in the region at a time when many governments are feeling the strain of weak economies, corruption, and growing discontent of the people as democratic and economic reforms fall short of expectations. Nowhere is this more evident than in Colombia, where the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army of Colombia (ELN) and the United Self Defense Group (AUC), exact terror on the population of Colombia, financing their activities through drugs, kidnapping, and extortion. Colombia is the lynchpin in the Andean region, and as such, the United States has a vital interest in not only what happens in Colombia but also the spillover effects in bordering nations. Without a safe and secure environment, Colombia's fight for peace and stability cannot take hold. There are several countries in the region where democracy is at risk. It is imperative to remain active in assisting countries to maintain stability, promote prosperity, and enhance regional cooperation in this area of significant strategic importance to the United States while we execute the war on terrorism.

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

Answer. If confirmed, I intend to continue initiatives that enhance the professionalism of the region's militaries, advance democracy, promote regional security and hemispheric cooperation, and encourage prosperity. I would ensure prioritization of those activities in areas that offer the greatest leverage for protecting and advancing United States regional and global interests. The primary vehicle for accomplishing these goals remains the military-to-military contacts that strengthen the capabilities of the region's militaries to combat transnational threats, support democracy, and respect human rights and the rule of law. Plans must be

adopted to assure our allies, dissuade foreign military competition, deter potential adversaries, and if this fails, defeat our adversaries, whether terrorists or nations. If confirmed, I would work to promote the strategic importance of the SOUTHCOM AOR in the overall security of the United States.

*Question.* What do you consider to be the most serious problems in the performance of the functions of CINCSOUTH?

Answer. Currently, 31 of 32 nations are under a democratic form of government. Cuba is the only exception. However, as I mentioned earlier, the transnational threats of arms and drug trafficking, illegal migration, and terrorism are affecting the security and stability of the region.

The second is that many of the countries' democracies remain fragile stemming from the instability and corruption that evolve from these transnational threats. Without strengthening these fragile democracies we will not have a prosperous, democratic, and safe hemisphere free of current societal and economic ills. Partner nations have pledged varied levels of support to the war on terrorism. Prosperous and democratic nations will be more capable partners in achieving the goal of stamping out the transnational threats of arms and drug trafficking, illegal migration, and terrorism in the region.

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

Answer. If confirmed, I will immediately conduct a thorough assessment to build upon and modify where necessary current initiatives and programs to properly address these problems. I will work through established DOD venues and processes such as the Joint Warfighting Capabilities Assessment, Joint Requirements Oversight Council, and Integrated Priority List to identify critical SOUTHCOM requirements.

PRIORITIES

*Question.* If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the CINCSOUTH?

Answer. As it is currently, a top priority for SOUTHCOM should remain to foster regional support for the war on terrorism by improving partner nation capabilities, ensuring U.S. operational access, and building reliable coalition partners. It is important that SOUTHCOM continue to assist in the strengthening of democracies in the region. Priority should be placed on those countries that offer the greatest leverage for protecting and advancing U.S. regional and global security interests. SOUTHCOM must also maintain the ability to conduct disaster relief, humanitarian assistance, and crisis response while supporting counterdrug activities to combat the scourge of drugs, which threatens both the U.S. and our partner nations.

MILITARY-TO-MILITARY CONTACTS

*Question.* In a May 6 speech to the annual conference of the Council of the Americas, Secretary of State Colin Powell stated, " . . . we see a hemisphere that is more troubled than it was when we met a year ago, we see a hemisphere that has difficulties in many, many different ways—difficulty with their democratic institutions, difficulty with their economies."

With the exception of Cuba, do you see a role for military-to-military contacts and comparable activities in encouraging a democratic orientation of defense establishments and military forces of hemispheric nations?

Answer. During the past 25 years, nations in Latin America and the Caribbean have made substantial progress toward achieving peace through democratically-elected governments, economic development, and the subordination of the military to civilian authority. While we execute the war on terrorism, the U.S. must remain active in assisting these countries to maintain stability, promote prosperity, and enhance regional cooperation.

Given the geographic proximity and increased importance of the region, SOUTHCOM's theater security cooperation focuses on activities conducted with friendly nations that advance mutual defense or security arrangements, build capabilities for self-defense, and enable coalition operations while affording U.S. forces greater access, if needed, during crisis response. The great majority of these activities are executed through military to military contacts. Southern Command executes a variety of theater security cooperation activities seeking to expand United States influence and to reassure our friends while dissuading and deterring potential adversaries.

Continued military to military contacts in these areas lay the foundation for expanded cooperation in combating terrorism and enhancing regional cooperation.

COLOMBIA

*Question.* What do you consider the greatest threats to the survival of Colombia's democratic form of government?

Answer. The greatest threat to Colombia's democracy is the lack of a safe and secure environment for democratic institutions to take hold. The nexus of guerrillas, terrorists, drug-traffickers, and illegal self-defense forces has severely stressed the government's ability to exercise sovereignty and maintain security.

*Question.* To this date, the United States has restricted the use of the equipment it provides to the Colombian military and the Colombian military forces that are trained by U.S. forces in counterdrug activities.

In the event that Congress decides to amend existing laws so that Colombian military forces trained and equipped by the United States for counterdrug activities can be used by the Government of Colombia in its unified campaign against narcotics trafficking, terrorist activities, and other threats to national security, do you believe that this use of U.S. military assistance can contribute to greater security in Colombia, without leading to an increase in human rights violations by the Colombian military?

Answer. Yes I do. My understanding is that proposals to amend existing laws will still stipulate the rigorous human rights requirements necessary for U.S. military assistance. U.S. military assistance has contributed to the significant improvement in the respect for human rights and increased operational effectiveness of the Colombian military. The best evidence of this is in the results of the U.S.-trained Counter Narcotics Brigade. The Counter Narcotics Brigade is the best-trained and equipped unit in the Colombian Army. It has had exceptional operational results during drug interdiction operations and provided the ground security necessary to execute Colombia's spraying efforts in southern Colombia. Importantly, there have been no allegations of human rights violations that I am aware of in the Counter Narcotics Brigade. Increased U.S. support and training will help the human rights situation in Colombia while enhancing the Colombian military's capability to provide a safe and secure environment.

*Question.* How would you assess the commitment by the government and people of Colombia to addressing the multiple threats to its security?

Answer. The Pastrana administration has taken steps to improve the ability of the Colombian military to deal more effectively with threats to Colombia's security. He recently ordered the tour of duty for conscript soldiers to be extended and ordered the call up of up to 10,000 reservists to assist in the protection of critical infrastructure throughout the country. The strong support by the Colombian people for the dissolution of the Revolutionary Armed Forces of Colombia's (FARC) safe haven indicates a firm commitment to bring law and order to the country.

TERRORIST THREATS IN THE REGION

*Question.* In recent months, the Revolutionary Armed Forces of Colombia (FARC) has been stepping up its attacks in major Colombian cities, including Bogota. In the past, members of the U.S. Military Group at the U.S. Embassy have shown up on target lists of the FARC.

What measures are being taken to ensure the protection of U.S. military personnel in Colombia?

Answer. I understand that force protection measures in support of U.S. DOD personnel operating in Colombia are closely monitored. Prudent commanders continuously review and update force protection measures and conduct risk assessments and if confirmed, this will be one of my top priorities. The U.S. Military Group (USMILGP) Commander is charged with ensuring that appropriate measures are implemented, including close coordination with Colombian military forces, to safeguard U.S. DOD personnel. United States forces receive threat updates and antiterrorism awareness training prior to deployment, and conduct vulnerability assessments of the proposed training sites. The USMILGP possesses the means to contact deployed units at any time to provide early warning or additional guidance as necessary, and can initiate coordinated actions with the Colombian military to safeguard DOD personnel.

*Question.* In this testimony before the committee on March 5, 2002, Major General Gary Speer, USA, in his capacity as the Acting Commander in Chief, U.S. Southern Command, stated that there was a viable terrorist threat in Latin America.

Would you give your assessment of the terrorist threat in the SOUTHCOM area of responsibility and tell us what actions are being taken to address that threat, both in terms of force protection and defense of U.S. national interests?

Answer. Terrorist groups operating in SOUTHCOM's area of responsibility have demonstrated the capability and intent to conduct violent activity ranging from anti-

government demonstrations to bombings. To date, terrorist activity in the SOUTHCOM area of operations has been mainly domestic with some regional spillover. The Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army of Colombia (ELN) and the United Self Defense Group of Colombia (AUC) are all on the State Department's list of Foreign Terrorist Organizations. Terrorist activity has been greatest in Colombia and there is an apparent resurgence of the Sendero Luminoso in Peru. International terrorist support organizations are operating mainly in the tri-border region of Paraguay, Brazil, and Argentina. Terrorists have attacked U.S. persons and interests in the region and continue to issue threats against U.S. civilians, military members, and diplomatic personnel. The full extent of their capabilities and actions is unknown.

Force protection requirements are an integral part of all planning for the deployment of forces into a theater. SOUTHCOM conducts assessments of vulnerabilities to U.S. government facilities to update capabilities and procedures to protect U.S. citizens and other national interests. Additionally, SOUTHCOM conducts unilateral and combined training with forces from partner nations in the region. This provides U.S. forces with mission essential training and enables partner nations to be better prepared to counter terrorism within their borders.

COUNTERDRUG ACTIVITIES IN ANDEAN RIDGE

*Question.* Despite the expenditure of millions of dollars and the dedicated efforts of the men and women of the active force and the Reserves in the region, the Office of National Drug Control Policy advises that there was an 18 percent increase in overall Andean coca production in 2001. This was due to a 25 percent increase in coca cultivation in Colombia. Anecdotal information suggests that, despite major reductions from 1995 to 2001 in Bolivia and Peru, there has been an increase in coca cultivation in those countries thus far in 2002.

In view of that information, do you favor continued support by the U.S. military for U.S. and the Andean nations' counterdrug activities?

Answer. In terms of effectiveness, while I understand there has been an increase in Colombian coca production overall, in those areas where U.S.-supported Colombian counternarcotics forces operate, there have been significant positive results.

Increasingly, terrorist organizations support themselves through drug trafficking. This trend is particularly troubling in Colombia where there are clear connections between drug trafficking, guerrillas, and terrorist activities. There are indications that in Peru, terrorist organizations may be funded by protecting coca cultivation. Therefore, there is value in United States counterdrug activities, which disrupt a significant source of funding for terrorism.

*Question.* Do you believe that the current programs that the Department supports are the most effective for the region?

Answer. United States counterdrug assistance to security forces helps nations in the region develop more effective counterdrug capabilities; however, drug trafficking organizations have shown considerable flexibility in adjusting their operations in reaction to counterdrug efforts. Further, I believe that the current programs conducted by DOD in the region have increased the professionalism, respect for human rights, and capabilities of the militaries in the region. If confirmed, I will need to conduct my own assessment to determine if there are more effective means to pursue.

AIR INTERDICTION PROGRAM

*Question.* The air interdiction program over Colombia and Peru has been suspended since the accidental shootdown of a U.S. missionary plane in Peru on April 20, 2001. The administration has indicated an intention to resume the program, with major changes to ensure against future mistakes, this year.

What can you tell us about the changes that will be made to the program?

Answer. As I understand, the Air Interdiction Program has undergone a policy review supported by investigations under the leadership of the Department of State. As a result of this review, the program will primarily be run by Peru and Colombia with support provided by the United States. The plan for the resumption involves the creation and use of a safety checklist onboard the tracker aircraft, and the verification of the proper use of this checklist by the on-board, Spanish-speaking, U.S.-contracted safety monitor. It also involves the conduct of a formal training course for all participants. Perhaps most significantly, the plan puts the emphasis on "force-down" operations instead of "shoot-down" operations.

*Question.* What involvement, if any, will SOUTHCOM have in the program?

Answer. SOUTHCOM's role in the program will be to provide oversight to Joint Interagency Task Force East's detection and monitoring assets. SOUTHCOM's in-

volvement will also include management of the overall involvement of Department of Defense forces.

PANAMA CANAL

*Question.* It has been several years since the United States turned the operation and maintenance of the Panama Canal over to the Government of Panama.

Now that the U.S. military no longer has permanent presence in Panama, what is your assessment of the Government of Panama's ability to maintain and protect the Canal?

Answer. I understand the Panama National Canal Authority employs a staff of skilled and well-trained engineering and maintenance personnel capable of maintaining the canal in good working order. Since the turnover of the canal to Panama in December 1999, there have been no reports of degradation of maintenance, service, or effective operations. The Panama Canal authority employs an effective private security force working closely with the Panama National Police to safeguard key canal facilities. If confirmed, I will ensure SOUTHCOM continues to conduct risk assessments of the Panama Canal.

U.S. NORTHERN COMMAND

*Question.* U.S. Northern Command (NORTHCOM) is scheduled to be operationally effective October 1, 2002. As a result of the establishment of this new regional combatant command, SOUTHCOM's area of responsibility will no longer encompass various areas, including the Gulf of Mexico, Puerto Rico, the Bahamas, and Cuba.

What are the major challenges that will be involved in the process of transferring these areas to NORTHCOM's responsibility?

Answer. If confirmed, I will work closely with the commander of NORTHCOM to ensure a smooth transition of responsibilities for these areas. I envision a series of agreements to effect the initial transfer and to provide continuity of operations. Additionally, there will be a need for continual assessments to ensure that no seams exist between the two commands in protecting the security of the U.S.

*Question.* Do you foresee a transfer of responsibility for all of those areas on October 1, 2002 and, if so, are you confident that the transfer can be accomplished without adverse impact by that date?

Answer. The U.S. Southern Command staff has initiated planning for transition. In some cases there may be a need for a phased transition. If confirmed, I will work closely with the commander of NORTHCOM for an orderly transition.

RELOCATION OF U.S. ARMY SOUTH

*Question.* The Army is currently considering the possible relocation of U.S. Army South from Fort Buchanan, Puerto Rico, to an installation in the continental United States.

In your view, what are the strategic requirements, if any, for maintaining the Headquarters, U.S. Army South outside the continental United States?

Answer. In my view, SOUTHCOM does not have a strategic requirement for maintaining the Headquarters, U.S. Army South outside the United States. However, no matter where the headquarters is located, it is very important to retain a dedicated component to maintain the necessary expertise and focus on regional missions.

CONGRESSIONAL OVERSIGHT

*Question.* In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes I do.

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

Answer. Yes I do.

*Question.* Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary protection, with respect to your responsibilities as the CINCSOUTH?

Answer. Yes I do.

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

Answer. Yes I do.

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[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

UNIFIED COMMAND PLAN

1. Senator WARNER. General Hill, the recently-approved Unified Command Plan creates the Northern Command (NORTHCOM) and alters existing geographic areas of responsibility for European Command (EUCOM), Pacific Command (PACOM), and Southern Command (SOUTHCOM). Please give us your assessment of the impact of these changes on the mission of SOUTHCOM.

General HILL. SOUTHCOM will continue its mission of security cooperation and military coordination with the countries of Central and South America and the Caribbean. In short, the only tangible change is the transfer of the responsibility for homeland defense and military support to civil authorities for the United States territories of Puerto Rico and the United States Virgin Islands to NORTHCOM.

2. Senator WARNER. General Hill, SOUTHCOM will continue to oversee counterdrug efforts along the southern coastal region of the U.S. What challenges do you foresee in coordinating military operations with NORTHCOM?

General HILL. The Joint Interagency Task Force East will continue to execute its counterdrug responsibilities in the Caribbean Sea and Gulf of Mexico. We are working closely with NORTHCOM to define responsibilities for counterdrug operations and contingencies in locations where the two areas of responsibility merge. SOUTHCOM will work closely with NORTHCOM to ensure a smooth transition and continuity of operations. In addition there will be continual assessments to ensure that no seams exist between the two commands in protecting the security of the United States.

RELOCATION OF UNITED STATES ARMY, SOUTH

3. Senator WARNER. General Hill, the Army is recommending to the Secretary of Defense that the headquarters for the United States Army, South be relocated from Fort Buchanan, Puerto Rico, to Fort Sam Houston, Texas. What are your views on this issue?

General HILL. The U.S. Southern Command (SOUTHCOM) does not have a strategic requirement to maintain Headquarters, U.S. Army South (USARSO) at Fort Buchanan, Puerto Rico. The physical location of USARSO is not as important as maintaining USARSO as a dedicated component focused on the SOUTHCOM regional mission.

There are quality of life issues that could be resolved by moving from Fort Buchanan. These include a high cost of living, a high crime rate, and issues associated with the congressionally-imposed restriction on needed infrastructure improvements.

4. Senator WARNER. General Hill, what impact, if any, would such a move have on SOUTHCOM's mission?

General HILL. There would be no impact. The physical location of Headquarters, U.S. Army South (USARSO) is not as important as the requirement for USARSO to remain U.S. Southern Command's dedicated component, focused on military operations and theater security cooperation activities for SOUTHCOM Headquarters.

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QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

SOUTHCOM HEADQUARTERS FORCE PROTECTION

5. Senator THURMOND. General Hill, the Defense Authorization bill includes significant funds for anti-terrorism and force protection measures at installations throughout the United States and at overseas facilities. In reviewing the list of installations, I noted that SOUTHCOM Headquarters had no funds allocated to increase security. Based on your knowledge of the SOUTHCOM Headquarters facilities, are there any concerns regarding force protection?

General HILL. Force protection is SOUTHCOM's top priority. SOUTHCOM does not receive installation dollars and is funded through the Army Management Headquarters Account. The executive agent, U.S. Army South, funds the Headquarters

facilities. The Department of the Army annually requests Management Decision Program funding for physical security and force protection. In fiscal year 2002, the U.S. Army Garrison-Miami received $3.6 million for force protection expenditures, fulfilling all programmed requirements. For fiscal year 2003, we identified a $4 million force protection requirement to provide an acceptable level of force protection.

RELATIONS WITH CUBA

6. Senator THURMOND. General Hill, the United States is the only nation in the Americas that maintains an embargo against Cuba. In your view, how is the embargo perceived by our allies in South and Central America?

General HILL. Most nations in the region share our concerns about the absence of democratic institutions and respect for human rights in Cuba. Many disagree, however, with our economic embargo policy. Most of our partner nations believe that a policy of economic and political engagement would improve hemispheric relations and set the stage for democracy in a post-Castro Cuba. While these nations clearly understand that we disagree on this issue, the United States Southern Command continues to enjoy close and cordial relations with our partners in the region.

7. Senator THURMOND. General Hill, what impact does the embargo against Cuba have on your ability to carry out the mission of SOUTHCOM?

General HILL. The embargo against Cuba does not impede our ability to accomplish our current mission.

MILITARY ARMS RACE IN THE REGION

8. Senator THURMOND. General Hill, over the past several years, South American nations have been in the market to acquire sophisticated weapons systems. This trend not only increases tension in the region, it also could lead to an arms race among the countries. If you are confirmed as the next Commander in Chief of SOUTHCOM, how would you address this issue?

General HILL. I agree that arms races increase regional tensions, but I do not assess that an arms race currently exists in South America nor is one likely to occur through 2010.

The peaceful solution to most border disputes (e.g. Peru-Ecuador in 1999), coupled with declining funds available to militaries throughout South America, make the purchase of large quantities of sophisticated weapons doubtful in the coming decade. In a dramatic change from the 1970s, Latin America—including South America—is now the least militarized region in the world.

Indeed, the percentage of government spending on weapons has dropped to a level where governments are challenged to make purchases appropriate to maintain legitimate levels of sustainment and modernization. Military spending has been so limited that several nations, including Colombia, Ecuador, and Peru, lack the requisite military hardware to address increasing threats from terrorist/insurgent violence.

Our approach should be to consider each country on an individual basis and carefully evaluate each nation's legitimate military requirements. The key element of this evaluation is the primacy of U.S. long-term interests (political, economic, and military). Some military modernization by Latin American militaries will be in the best interests of the United States as we incorporate our partner nations in the war on terrorism and the counterdrug effort. Interoperability among these various militaries could be essential to our future success. Improved Latin American military capabilities could enable our partner nations to assume a more active role in security cooperation against various transnational threats, disaster response, and international peacekeeping endeavors.

FOCUS OF SOUTHCOM

9. Senator THURMOND. General Hill, in the 2001 Annual Report to the President and Congress, Secretary Cohen identified the focus of SOUTHCOM as strengthening democracy, promoting human rights and the rule of law, encouraging military subordination to civilian control, and countering transnational threats that affect the U.S. security interest. In your view, are these goals still appropriate in the post-September 11 era? If so, how would you prioritize these goals?

General HILL. Yes, these goals are appropriate and continue to remain our focus within the region. History has shown time and again that America's security is

linked directly to that of other nations, and that America's prosperity depends upon the prosperity of others.

Strengthening democracy remains our highest priority with our allies. However, within our area of responsibility, the best method of achieving this goal is to act against transnational threats, including acts of terrorism. Transnational crime and illicit activities fuel instability in the region, challenge human rights and the rule of law, threaten democracies, and directly place our citizens, interests, and security at risk. Similarly, by promoting human rights, the rule of law, and military subordination to civilian control, regional democracies are strengthened.

SUPPORT OF OPERATIONS IN SOUTH AMERICA

10. Senator THURMOND. General Hill, historically SOUTHCOM has conducted hundreds of engagement events, involving thousands of military personnel in South and Central America. These activities have been critical to the relations between the United States and the region. Included in these engagement events are combined operations, exercises, training and education, military-to-military contact initiatives, security cooperation, and disaster preparedness and humanitarian assistance. What, in your view, has been the impact of the war on terrorism on these operations and the relations between the U.S. and the nations of the region?

General HILL. [Deleted.]

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[The nomination reference of Lt. Gen. James T. Hill, USA, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*May 6, 2002.*

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

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

*To Be General*

Lt. Gen. James T. Hill, 7734.

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[The biographical sketch of Lt. Gen. James T. Hill, USA, which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF CAREER SERVICE OF LT. GEN. JAMES T. HILL

*Military schools attended:*
Infantry Officer Basic and Advanced Courses
United States Army Command and General Staff College
National War College

*Educational degrees:*
Trinity University—BA Degree—Political Science
Central Michigan University—MA Degree—Personnel Management/Administration

*Foreign language(s):* None recorded

*Promotions:*

| Promotions | Dates of appointment |
|---|---|
| Second Lieutenant | November 2, 1968 |
| First Lieutenant | November 2, 1969 |
| Captain | November 2, 1970 |
| Major | June 5, 1978 |
| Lieutenant Colonel | April 1, 1984 |
| Colonel | June 1, 1989 |

| Promotions | Dates of appointment |
|---|---|
| Brigadier General | July 1, 1993 |
| Major General | August 1, 1996 |
| Lieutenant General | September 30, 1999 |

*Major duty assignments:*

| Assignment | From | To |
|---|---|---|
| Platoon Leader, Headquarters and Headquarters Company, 2d Battalion, 46th Infantry, 1st Armored Division, Fort Hood, Texas. | March 1969 | August 1969 |
| Platoon Leader, A Company, later E Company, and later Executive Officer, A Company, 2d Battalion (Air Mobile), 502d Infantry, 1st Brigade, 101st Airborne Division, United States Army, Vietnam. | August 1969 | August 1970 |
| Commander, A Company, 2d Battalion (Air Mobile), 502d Infantry, 101st Airborne Division, United States Army, Vietnam. | August 1970 | September 1970 |
| Assistant Supply Officer, Ranger School, United States Army Infantry School, Fort Benning, Georgia. | October 1970 | March 1971 |
| Commander, 3d Ranger Company, Ranger School, United States Army Infantry School, Fort Benning, Georgia. | March 1971 | March 1972 |
| Instructor, Ranger School, United States Army Infantry School, Fort Benning, Georgia. | March 1972 | November 1972 |
| Student, Infantry Officer Advanced Course, United States Army Infantry School, Fort Benning, Georgia. | November 1972 | August 1973 |
| Assistant G–2 (Intelligence), 1st Cavalry Division, Fort Hood, Texas | August 1973 | October 1973 |
| Horse Platoon Leader, 1st Squadron, 9th Cavalry, 1st Cavalry Division, Fort Hood, Texas. | November 1973 | February 1975 |
| S–4 (Logistics), 3d Brigade, 1st Cavalry Division, Fort Hood, Texas | Feburary 1975 | August 1975 |
| Commander, A Company, 2d Battalion, 7th United States Cavalry, 1st Cavalry Division, Fort Hood, Texas. | August 1975 | September 1976 |
| Assistant S–3 (Operations), later S–3 (Operations), 1st Battalion, 35th Infantry, 25th Infantry Division, Schofield Barracks, Hawaii. | September 1976 | July 1978 |
| Assistant G–3 Air (Operations), 25th Infantry Division, Schofield Barracks, Hawaii. | July 1978 | May 1979 |
| Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas. | May 1979 | June 1980 |
| Staff Officer, Office of the Deputy Chief of Staff for Operations and Plans, United States Army, Washington, DC. | June 1980 | May 1983 |
| Aide-de-Camp to the Chief of Staff, United States Army, Washington, DC. | May 1983 | June 1985 |
| Commander, 1st Battalion, 35th Infantry, 25th Infantry Division, Schofield Barracks, Hawaii. | June 1985 | May 1987 |
| Student, The National War College, Washington, DC | May 1987 | June 1988 |
| Special Project Officer, Office of the Chief of Staff, United States Army, Washington, DC. | June 1988 | June 1989 |
| Commander, 1st Brigade, 101st Airborne Division (Air Assault), Fort Campbell, Kentucky and Operations Desert Shield/Desert Storm, Saudi Arabia. | June 1989 | August 1991 |
| Chief of Staff, 101st Airborne Division (Air Assault), Fort Campbell, Kentucky. | August 1991 | October 1992 |
| Assistant Deputy Director for Politico-Military Affairs, J–5, The Joint Staff, Washington, DC. | October 1992 | July 1994 |
| Assistant Division Commander (Support), 25th Infantry Division, Schofield Barracks, Hawaii and Deputy Commanding General, Combined Joint Task Force 190 and Multinational Forces, Haiti and Deputy Commander, United States Forces, Haiti during Operation Uphold Democracy. | July 1994 | June 1995 |
| Director of Operations, G–3, United States Army Forces Command, Fort McPherson, Georgia. | June 1995 | June 1997 |
| Commanding General, 25th Infantry Division (Light), Schofield Barracks, Hawaii. | June 1997 | September 1999 |

*Summary of joint assignments:*

| Assignment | Dates | Grade |
|---|---|---|
| *Staff Officer, Office of the Deputy Chief of Staff for Operations and Plans, United States Army, Washington, DC. | June 1980–May 1983 .. | Major |
| Assistant Deputy Director for Politico-Military Affairs, J–5, The Joint Staff, Washington, DC. | October 1992–July 1994. | Brigadier General |

*Joint equivalency

*U.S. decorations and badges:*
Distinguished Service Medal
Silver Star (with 2 Oak Leaf Clusters)
Defense Superior Service Medal (with Oak Leaf Cluster)
Legion of Merit (with 4 Oak Leaf Clusters)
Bronze Star Medal with "V" Device
Bronze Star Medal (with Oak Leaf Cluster)
Air Medals
Army Commendation Medal with 2 "V" Devices
Army Commendation Medal (with 3 Oak Leaf Clusters)
Combat Infantry Badge
Parachutist Badge
Air Assault Badge
Ranger Tab
Joint Chiefs of Staff Identification Badge
Army Staff Identification Badge

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DEPARTMENT OF THE ARMY,
HEADQUARTERS, I CORPS AND FORT LEWIS,
*Fort Lewis, Washington, April 8, 2002.*

Hon. CARL LEVIN, *Chairman,*
*Committee on Armed Services,*
*United States Senate*
*Washington, DC.*

DEAR MR. CHAIRMAN: This letter provides information on my financial and other interests for your consideration in connection with my nomination for the position of the Commander, United States Southern Command. It supplements Standard Form 278, "Public Financial Disclosure Report," which has already been provided to the committee and which summarizes my financial interests.

To the best of my knowledge, none of the financial interests listed on my Standard Form 278 will create any conflict of interest in the execution of my new governmental responsibilities. Additionally, I have no other interests or liabilities in any amount with any firm or organization that is a Department of Defense contractor.

During my term of office, neither I, my spouse, nor my dependent children will invest in any entity that would create a conflict of interest with my government duties. I do not have any present employment arrangements with any entity other than the Department of Defense and have no formal or informal understandings concerning any further employment with any entity.

I have never been arrested or charged with any criminal offenses other than minor traffic violations. I have never been party to any civil litigation. To the best of my knowledge, there have never been any lawsuits filed against any agency of the Federal Government or corporate entity with which I have been associated reflecting adversely on the work I have done at such agency or corporation. I am aware of no incidents reflecting adversely upon my suitability to serve in the position for which I have been nominated.

To the best of my knowledge, I am not presently the subject of any governmental inquiry or investigation.

I trust that the foregoing information will be satisfactory to the committee.

Sincerly,

JAMES T. HILL,
*Lieutenant General, United States Army.*

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The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee.

The form executed by Lt. Gen. James T. Hill, USA, in connection with his nomination follows:

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1.**Name:** (Include any former names used.)
James T. Hill

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

3. **Date of nomination:**
May 6, 2002

4. **Address:** (List current place of residence and office addresses. Also include your office telephone number.)
The nominee responded and the information is contained in the committee's executive files.

5. **Date and place of birth:**
October 8, 1946; Dayton, Ohio

6. **Marital status:** (Include name of husband or wife, including wife's maiden name.)
Married—Antoinette J.G. Hill

7. **Name(s) and age(s) of children:** (If applicable)
Katherine M. Hill (23).
Griffin S. Hill (15).

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

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

10. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civil, business, charitable, and other organizations.
(1) Member—Association of the United States Army
(2) Member—Council on Foreign Relations

11. **Honors and awards:** List scholarships, fellowships, honorary society memberships, and any other special recognition for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

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

Yes.

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

Yes.

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

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SIGNATURE AND DATE

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

JAMES T. HILL.

This 8th day of April, 2002.

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[The nomination of Lt. Gen. James T. Hill, USA, was reported to the Senate by Chairman Levin on July 31, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 31, 2002.]

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[Prepared questions submitted to Vice Adm. Edmund P. Giambastiani, Jr., USN by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

*Question.* Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of these reforms, particularly in your assignments as Commander, Task Force 144—U.S. Strategic Command and as Senior Military Assistant to the Secretary of Defense.

Do you support full implementation of these defense reforms?

Answer. Yes. In my view, the Goldwater-Nichols DOD Reorganization Act was a watershed event.

*Question.* Based upon your experience, what is your view of the extent to which these defense reforms have been implemented and the impact that they have had?

Answer. In my view, the defense reforms begun in 1986 have been fully implemented to produce a more combat-capable military further facilitating our evolution to a fully joint force.

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

Answer. I see two key achievements: the clarification of the chain of command in the operational sphere and the improvements in joint warfighting capability driven by the joint input on requirements validation.

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

Answer. I do not believe that legislation is required at this time, however, if confirmed, I will not hesitate to make legislative recommendations to the Secretary of Defense and the Chairman, Joint Chiefs of Staff if events cause me to alter my position on this subject.

DUTIES

*Question.* What is your understanding of the duties and functions of the Commander in Chief, U.S. Joint Forces Command (CINCJFCOM)?

Answer. The recent changes to the Unified Command Plan have appropriately focused the command on joint training and the transformation of our Armed Forces to prepare for the challenges of the future. With the transfer of responsibilities for the Atlantic Area of Responsibility and for Homeland Security and all of its aspects, the Commander, U.S. Joint Forces Command (USJFCOM) can concentrate the majority of his attention on transformation.

The Commander, U.S. Joint Forces Command serves as the chief advocate for jointness and interoperability to champion the joint warfighting requirements of the combatant commanders. As such, he has four major responsibilities:

- First, USJFCOM is responsible for *Joint Concept, Development, and Experimentation.*
- Second, USJFCOM supports the development and integration of fully joint capabilities that are also interoperable with multinational and interagency capabilities—*Joint Force Integration and Interoperability.*
- Third, USJFCOM is charged with *Joint Force Training.* This includes training at the operational level, from the combatant commands and their staffs, to the joint task force staffs to the staffs of the functional components that make up the Joint Forces.
- As a last major function, as the *Joint Force Provider,* USJFCOM has combatant command of a large portion of the conventional forces of the U.S. Armed Forces and provides them as trained and ready joint-capable forces to the other combatant commands when directed by the Secretary of Defense.

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

Answer. First of all, I'm honored to be considered for this important position. I have been fortunate to serve in a number of roles in my military career, which I think prepare me to assume the duties of Commander, U.S. Joint Forces Command. First, I have had command experience from the ship to the fleet, NATO and joint level. Second, I have a background in experimentation and concept development while serving as a squadron commander in charge of those activities and as a branch head at the Naval Doctrine Command. Third, my background with the Navy staff firmly underpins my understanding of the resource and requirements process, the need for joint integration and the continuing need for joint interoperability. As the Deputy CNO for Resources, Requirements, and Assessments, I had good insight into the requirements generation and validation process, up through the Joint Requirements Oversight Council (JROC). Finally, my current assignment as the Secretary of Defense's Senior Military Assistant has provided me a unique and invaluable experience in the joint and interagency process and the ongoing need for transformation of our military.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform these duties?

Answer. If confirmed, I am confident that with the recent changes in the Unified Command Plan and the momentum building for transformation I will be fully empowered and able to perform the duties as Commander of Joint Forces Command.

*Question.* In carrying out your duties, how will you work with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Personnel and Readiness, the Director of the Office of Force Transformation, the Joint Requirements Oversight Council, the Commander in Chief, U.S. Northern Command when that combatant command is established, the other combatant commanders, and the service training and doctrine commands?

Answer. As the Commander of United States Joint Forces Command, I will work directly with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. I anticipate working closely with the Vice Chairman of the Joint Chiefs of Staff (VCJCS), particularly given his role in the JROC. As a combatant commander, I will coordinate/collaborate with the Under Secretaries of Defense. The new Director, Force Transformation will be a key partner in transforming our military capabilities.

As directed by the Secretary of Defense, USJFCOM provides forces to other combatant commands; in that role Commander, USJFCOM becomes the *supporting commander* to the designated *supported combatant command.* USJFCOM also has an extremely close partnership with the other combatant commanders in leading efforts to transform our joint forces. I see the Commander of USJFCOM as the chief

advocate among the combatant commanders for assessing needs and pushing solutions for the combatant commanders' warfighting needs.

The relationship between USJFCOM and NORTHCOM will be important. Besides the supported/supporting combatant command relationship for Homeland Security, in which USJFCOM will provide trained and ready forces to NORTHCOM (as with the other combatant commands), there will be a transition period while NORTHCOM becomes fully mission capable. I anticipate that during that period, USJFCOM will work closely with NORTHCOM to ensure the security of the continental United States in the land and maritime domains. Joint Force Headquarters—Homeland Security, which General Kernan established last January, will go far in facilitating the transition, but the rest of the USJFCOM staff will support NORTHCOM as they build up to Full Operational Capability.

Finally, I have had the good fortune to work closely with these fine leaders over the last year and look forward to working with them in meeting the challenges ahead if confirmed.

U.S. NORTHERN COMMAND

*Question.* U.S. Northern Command (NORTHCOM) is scheduled to be operationally effective October 1, 2002. As a result of the establishment of this new regional combatant command, USJFCOM will be divested of its existing geographic area of responsibility, much of which will be reassigned to NORTHCOM.

What are the major challenges that will be involved in the process of transferring these areas to NORTHCOM's responsibility?

Answer. I do not foresee any major challenges. USJFCOM and NORAD, through the NORTHCOM Implementation Planning Team, have crafted a plan for an orderly transfer of responsibilities. If confirmed, I intend to work very closely with General Eberhart and his staff to make this transition as smooth as possible without degradation to our capability to defend the Nation.

*Question.* Do you foresee a transfer of responsibility for all of those areas on October 1, 2002, and, if so, are you confident that the transfer can be accomplished without adverse impact by that date?

Answer. If confirmed, I will work closely with General Eberhart to ensure a smooth transfer of responsibilities, including the land and maritime defense and military assistance to civil authorities for the NORTHCOM area of responsibility. Where those decisions have not been made by October 1, 2002, current relationships will exist until new ones can be implemented. Regardless of the transfer of responsibilities, USJFCOM will work with NORTHCOM to ensure the security of the Nation until NORTHCOM is fully capable of executing its responsibilities.

*Question.* NORTHCOM will also be responsible for Federal military assistance to U.S. civil authorities, including consequence management operations in response to chemical, biological, radiological, nuclear, or high-yield explosive incidents.

What are the major challenges that will be involved in the process of transferring this responsibility to NORTHCOM?

Answer. I do not foresee any major challenges. While there will be reorganization at the strategic level (combatant command), the operational headquarters will continue to perform the roles and missions they currently execute. This mitigates the risk associated with the transfer of responsibilities to the new command.

*Question.* Do you foresee a transfer of Joint Task Force—Civil Support (JTF–CS) and the responsibility for Federal military assistance to U.S. civil authorities on October 1, 2002, and, if so, are you confident that the transfer can be accomplished without adverse impact by that date?

Answer. I expect Joint Task Force Civil Support to come under NORTHCOM on October 1, 2002, and I am confident the transfer can be completed without degradation in the Defense Department's ability to respond to chemical, biological, radiological, nuclear, or high-yield explosive incidents.

*Question.* In his confirmation hearing, General Eberhart indicated that he does not anticipate a large number of operational forces being assigned to NORTHCOM.

Since JFCOM will be the primary force provider for NORTHCOM, what challenges do you anticipate in ensuring that U.S. forces are prepared for operations on, over, or close to the United States?

Answer. Joint Forces Command will have to work closely with NORTHCOM, as with the other geographic combatant commands, to identify appropriate training and readiness objectives for forces required to execute military operations. Each of the services will have to certify the mission readiness of these forces. Joint Forces Command will also continue to have a role in training the NORTHCOM forces, as with all combatant commands. This will assist in the transition.

NATO

*Question.* NATO has agreed to release the current CINCJFCOM, General Kernan, from his responsibilities as Supreme Allied Commander, Atlantic (SACLANT).

Do you anticipate that the SACLANT responsibilities will be assigned to another U.S. four-star officer?

Answer. The Secretary's guidance is to leave the SACLANT "unfilled" until NATO completes its review of the future structure and command and control arrangement for NATO's military establishment. During that period, the Deputy SACLANT, Admiral Ian Forbes, will stand in as SACLANT. Further, the close and continuous linkage that exists today will continue. USJFCOM forces will participate in and the headquarters will support NATO exercises. Alliance partners will liaise with both USJFCOM training and experimentation activities and multinational experimentation, built around this NATO partnership, will increase in the future.

*Question.* Will the loss of the SACLANT "hat" have any impact on the performance of the duties of CINCJFCOM?

Answer. The current Unified Command Plan rightly focuses the Commander, U.S. Joint Forces Command on the transformation of our Armed Forces. Given the current operational and functional responsibilities of Allied Command Atlantic, relieving the USJFCOM Commander of NATO responsibilities at this time is consistent with the intent of the Unified Command Plan. Where USJFCOM and ACLANT responsibilities intersect, I anticipate the two commands maintaining a very close relationship.

We are examining ways to enhance the linkages between NATO and the Joint Forces Command, so that American, European, and Canadian militaries can transform together.

*Question.* Do you anticipate that CINCJFCOM will have a continuing role with our NATO allies relating to the transformation of U.S. forces?

Answer. Without question. Future warfare will almost certainly be joint and often rely on our multinational partners. Multinational interoperability of our joint forces is a key part of transformation. NATO is a key U.S. multinational partnership, and the most well developed of our military alliances. As the command responsible for U.S. transformation, Joint Forces Command must work with other NATO members in establishing overarching architectures and protocols to assure continued interoperability. NATO offers the right venue to develop our capabilities to be interoperable with our multinational partners. Joint Forces Command will continue to work closely with NATO in the development of future concepts and capabilities.

*Question.* In a speech in Norway to NATO defense ministers last year, General Kernan stated that Concept, Development, and Experimentation was an ideal means for NATO to facilitate adaptive changes in doctrine, training, and operational concepts.

What are your views regarding the progress NATO must make in modernizing and transforming its forces?

Answer. The Secretary General, Lord Robertson, has spoken out forcefully on this issue, however, much remains to be done. Greater effort is required on the part of many member states if our NATO allies are to become full partners in the execution of operations today and full participants in U.S. experimentation and transformation efforts. Where necessary increased investment must be made and where appropriate, alliance nations need to creatively "pool" resources and find capability niches that add to NATO's overall military effectiveness and relevance today and can be properly resourced. In particular, NATO's command and control capability must be transformed to be more interoperable and agile.

The U.S. and NATO allies will have to work closely in these areas to ensure that all forces modernize and transform to the maximum extent possible.

*Question.* Do you agree that the Concept, Development, and Experimentation process is the best means to accomplish this end?

Answer. Yes. Given defense spending realities, the environment offered by Concept, Development, and Experimentation (CDE) is by far the most efficient way to effect transformation in my view.

*Question.* Without the authority of SACLANT, how will CINCJFCOM participate in the effort to modernize NATO warfighting capabilities?

Answer. As a former ACLANT NATO commander, if confirmed, I anticipate that the productive partnership between USJFCOM and ACLANT will continue. The two commands share many common responsibilities, remain co-located and have a history of working together.

JOINT WARFIGHTING EXPERIMENTATION

*Question.* The September 30, 2001 Quadrennial Defense Review Report stated, in part, that "Exercises and experiments are a critical phase in developing new types of forces and operational concepts that can respond to emerging operational challenges and dominate opponents who effectively exploit aspects of the changing security environment.;" and, "The findings of this program of field exercises and experiments will feed back directly into the process for determining systems, doctrine, and force structure requirements."

Please describe the upcoming Millennium Challenge 2002 and explain how it could contribute to the development of new types of forces and operational concepts.

Answer. Millennium Challenge 2002 (MC 02), offers an opportunity to integrate the services and their operational concepts into a joint experiment to identify and develop promising concepts for future joint warfare. The joint experiment will focus on the value of Effects-Based Operations (EBO) as enabled by a core Standing Joint Force Headquarters (SJFHQ), built around III Corps, and Operational Net Assessment to achieve rapid, decisive operations in this decade.

The experiment is designed to synchronize previously planned service experiments, giving joint concepts additional influence in service experimental activities. "Live" experimentation with forces in the field will be conducted at the Western U.S. training ranges, while a Standing Joint Force Headquarters (SJFHQ) will be established at USJFCOM in Norfolk, Virginia. A human-in-the-loop computer-based simulation will incorporate the results of live play, and provide a wider strategic and operational context for the live elements of the experiment.

With all experiments, the lessons learned lie ahead. Likely areas for recommendations could include, but are not limited to, enhanced joint headquarters planning, command and control functions, concepts of joint warfighting in the next decade, testing how well various service concepts for future operations work together, and recommendations for the highest-payoff interoperability initiatives that will enable the current force to conduct more coherent joint operations.

*Question.* Please explain how information obtained from exercises like Millennium Challenge 2002 could feed back directly into the process for determining systems, doctrine, and force structure requirements.

Answer. Millennium Challenge 2002 is one of several types of experiments and events that comprise a continuous experimentation environment.

The purpose of Joint Concept Development and Experimentation, in this case Millennium Challenge 2002, is to provide additional information developed from joint and operational perspectives to support more informed decision making concerning force development and resource allocation. Recommendations to the Chairman, Joint Chiefs of Staff (CJCS) will potentially involve both near and longer-term force and/or program adjustments, and all mission areas and appropriation categories, and any level of resources.

Once USJFCOM's recommendations are approved, implementation is the responsibility of the Joint Requirements Oversight Council (JROC) who may choose to either implement through their own capabilities or appoint an executive agent that will implement changes for them. The services, USSOCOM, or defense agencies could execute changes to materiel, personnel, and/or facilities. Any or all of these changes could require resource adjustments to support the desired action. Most importantly, acceptance and implementation of new joint concepts will provide a common joint context for developing future service concepts, forces, and capabilities.

*Question.* In particular, please explain the joint standing headquarters concept and how Millennium Challenge 2002 will test it.

Answer. The Quadrennial Defense Review dated September 30, 2001 directed the development of proposals for a prototype of a Standing Joint Force Headquarters (SJFHQ). Additionally, the Secretary of Defense further directed a study for a prototype SJFHQ. The standing joint force headquarters concept used in Millennium Challenge 2002 is the result of a lengthy Concept, Development, and Experimentation effort by USJFCOM in coordination with the combatant commanders, the services, defense agencies, and others. The Standing Joint Force Headquarters is *functionally organized* to provide command, planning, operations, knowledge management, information superiority and support to the Joint Force Commander. It is a warfighting headquarters operating in a *collaborative environment* to apply the full range of national power in a coherent manner. The SJFHQ operates and trains together on a daily basis year round, and is fully engaged in theater planning and operations. Additionally, the SJFHQ can accommodate both interagency and multinational elements as required.

As part of the experimental scenario, the prototype standing joint force headquarters will be integrated into a service-pure headquarters (Army III Corps) that

has been designated by the combatant commander as the Joint Task Force headquarters.

*Question.* In his December 1999 Annual Report to Congress on the Implementation of Joint Experimentation, Admiral Gehman proposed a Joint Warfighting Rapid Acquisition Program (WRAP) to provide "jump-start" funding for promising new systems and technologies during experimentation and fielding that would otherwise not be available.

What are your views on Admiral Gehman's WRAP proposal?

Answer. I agree with the need for funding to support rapid procurement for "jump-starting" promising new systems and technologies resulting from experimentation, and efforts to address immediate joint warfighting interoperability and integration shortfalls. A number of potential vehicles for funding like USJFCOM's Transition Fund or Advanced Concept Technology Demonstrations (ACTDs) are designed to rapidly transition technologies and ideas to programs. All of these vehicles will be helpful in advancing the transformation of our military. As with all facets of experimentation, we must be prepared to fail on occasion in order to "push the envelope."

JOINT REQUIREMENTS OVERSIGHT COUNCIL

*Question.* In his formal testimony before the committee on April 9, 2002, JCS Vice Chairman General Peter Pace stated that "The JROC now has front-end influence to ensure that major weapons systems are 'born joint.' With my seat on the Defense Acquisition Board and my role in the budgeting process I can help ensure that all major systems are validated as 'joint' before they are procured;" and, "We've tasked United States Joint Forces Command (USJFCOM) to develop and evaluate joint operational concepts and architectures, conduct and evaluate experiments, recommend legacy system integration, provide feedback from the field, and recommend emerging operational concepts for evaluation."

Please explain the processes whereby JFCOM accomplishes the tasking described above and how it works with the Vice Chairman and the JROC to ensure that major systems are born "joint" and validated as "joint" before they are procured.

Answer. Joint Forces Command is addressing critical interoperability for the joint warfighter through the joint requirements process. To ensure new systems are born joint, the Command reviews all developing requirements documents for sufficiency of interoperability key performance parameters, information exchange requirements, and operational architectures. Joint Forces Command's view of the system's joint interoperability is included in the JROC process chaired by the Vice Chairman, Joint Chiefs of Staff.

Joint Forces Command also develops Capstone Requirements Documents (CRDs) to fill uniquely joint needs. CRDs provide a common joint vision in key future warfighting areas. These documents include detailed overarching joint architectures and provide up-front guidance to services and agencies to use when developing future individual systems. The JROC has approved four Joint Forces Command Capstone Requirements Documents to date: Global Information Grid, Information Dissemination Management, Combat Identification, and Theater Air Missile Defense.

Joint Forces Command also supports legacy systems by prioritizing warfighting interoperability requirements critical to the combatant.

*Question.* In your view, what is the appropriate role of the CINCJFCOM in the JROC process and should the CINCJFCOM be a full, voting member of the JROC?

Answer. In my view, the Commander, U.S. Joint Forces Command serves as the chief advocate for jointness and interoperability and the champion of joint warfighting requirements. This role empowers the USJFCOM Commander to address the sufficiency of interoperability in future acquisition initiatives. If confirmed as the chief advocate for jointness and interoperability, having a seat, when appropriate, at both the Joint Requirements Oversight Council (JROC) and the Defense Acquisition Board (DAB) should afford me ample latitude to affect positive change throughout the requirements generation process. Once again, since I do not have sufficient knowledge of the details, I would like to reserve judgment pending confirmation.

TRANSFORMATION

*Question.* With the upcoming loss of its geographic area of responsibility, JFCOM will refocus on experimentation and transformation of the U.S. Armed Forces and strengthen its ability to be the trainer and provider of joint military forces.

Please explain your view of the role that JFCOM should play in the transformation of the U.S. Armed Forces.

Answer. As the President, Secretary of Defense, Chairman of the Joint Chiefs and members of this committee have all made clear, we are in a period of great change. As such, there is a priority need to experiment, innovate and, ultimately, transform our nation's military capability. Refocusing JFCOM on this core national priority as prescribed in Unified Command Plan 2002 will allow the men and women of this command to wake up every day thinking, worrying about, agitating for, and experimenting with combinations of new and old ideas from a joint warfighting perspective while strengthening the command's ability to be the trainer and provider of joint military forces. This is a very exciting prospect and one that I hope, if confirmed, we will all be proud of in years to come.

Building upon prior and ongoing joint and service concept development and experimentation and leveraging the warfighting innovations from ongoing operations, JFCOM will strive to develop solutions that enhance the full range of joint warfighting capabilities needed to combat asymmetric threats such as terrorism and sustain our military strength in the 21st century. This comprehensive effort includes aggressive experimentation, joint force training, and integration of joint warfighting requirements necessary to meet future challenges, all balanced by the need to sustain a trained and ready force for today's operations.

Joint Forces Command will work closely with the services, defense agencies, and combatant commands, as well as with our interagency and international partners in these efforts. Joint Forces Command provides the joint context in which service and agency experiments can operate effectively.

*Question.* Please explain your view of the role that JFCOM should play in the training of joint military forces.

Answer. Training provides the foundation for current warfighting readiness and for the transformation of the Armed Forces. USJFCOM has a multi-faceted joint training mission, specified in the 2002 Unified Command Plan, which is to serve as the lead agent for joint force training. In that role, USJFCOM represents the joint warfighter perspective in the training process to ensure that training meets the needs of the combatant commanders. Training provides the integrating environment for the validation and refinement of joint concepts that contribute to joint capable forces and joint force capabilities in the near-term.

*Question.* To the extent that previous answers do not cover how JFCOM will accomplish these tasks, please describe this process.

Answer. To facilitate Defense Department transformational efforts, USJFCOM develops and experiments on concepts, leverages operational lessons learned, identifies and documents solutions, and submits appropriate joint doctrinal, organizational, training, materiel, leadership, personnel, and facility changes for implementation as directed by the Joint Requirements Oversight Council (JROC). These submissions, the product of joint experimentation, training, and operational lessons, include joint operational concepts, command and control structures, and capabilities that become joint requirements in support of transformation once approved by the JROC.

*Question.* Secretary Rumsfeld has talked often about the urgent need to transform the force and has established an Office of Force Transformation within the Office of the Secretary of Defense.

What is your understanding of the responsibilities of the Office of Force Transformation?

Answer. I see the Office of Force Transformation providing a key bridging function between the security strategy and policy and acquisition and the effort to identify transformational operational warfighting concepts, requirements, and capabilities.

*Question.* In your view, what is the appropriate relationship between the CINCJFCOM and the Director, Office of Force Transformation?

Answer. The relationship between the Commander, USJFCOM, and the Director, Office of Force Transformation is key to overall Department transformation efforts and should be one of coordination and mutual support, similar to that maintained with other senior officials in OSD. I look forward, if confirmed, to working with the Director, Office of Force Transformation on these very important and challenging issues in the months ahead.

I believe that the Director, Office of Force Transformation will assist USJFCOM and the CJCS in translating established requirements into reality by working through the service secretaries to affect the service budgets, programs, and transformation plans.

The Commander, USJFCOM will also coordinate with other principals in the Office of the Secretary of Defense, such as the Under Secretary of Defense for Personnel and Readiness, who has a key role in the transformation of training, and the Assistant Secretary of Defense for $C^3I$, who has a key role in the transformation of $C^4ISR$.

*Question.* Vice Admiral (Ret.) Cebrowski, Director of the Office of Force Transformation, stated in testimony to the committee this year that his small budget would enable him to be a "venture capitalist" wherein he could identify promising new technologies and quickly acquire them.

What is your view of the need for this type of "venture capitalist" approach?

Answer. Transformation involves fundamental changes in the conceptualization of war, organizational culture and behavior as well as materiel change. Fostering long-term and continual transformation is a culture in itself. Technology is an essential component of transformation, but investment must be informed by and balanced with innovative operational and organizational concepts, training, leadership, and personnel imperatives. Experimentation is a key component of transformation. If confirmed, I look forward to working with Vice Admiral Cebrowski and his organization in the application of the venture capitalist approach.

NATIONAL DEFENSE PANEL RECOMMENDATIONS

*Question.* Many of the recommendations contained in the December 1997 Report of the National Defense Panel have come to be adopted by the Department of Defense, including the creation of a Joint Forces Command with a mission essentially the same as the one which JFCOM will have after NORTHCOM is fully operational. Some of the Panel's recommendations, however, have not yet been adopted.

What are your views on the establishment of Joint National Training Centers, part of which would be a Joint Urban Warfare Center?

Answer. The Office of the Secretary of Defense has rightly identified the need for the creation of inherently joint training infrastructure that enables the integration and conduct of joint and service training across the full range of operational challenges, including urban warfare.

The Joint National Training Center concept offers a seamless joint training environment through a global network of live, virtual, and constructive enablers. The objective is to provide training venues that enhance our collective ability to improve joint warfighting capabilities

With the completion of Millennium Challenge 2002 this summer, which will combine multiple live range activities with numerous simulation centers, we should learn a great deal about the key components of a Joint National Training capability.

*Question.* What are your views on the provision of an MFP–11 type authority to ensure USJFCOM's ability to support the experimentation program?

Answer. Experimentation and transformation are obviously very high priority issues for the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff as prescribed in Unified Command Plan 2002; therefore, I would like to reserve detailed comment on this question until I have had a chance to review the issue more thoroughly.

SERVICE EXPERIMENTATION

*Question.* A review of the defense budget reveals that the military services spend a substantial amount of money on "service-level" experimentation—about $1 billion total each year for all four services. The JFCOM budget for joint experimentation is about $100 million.

In your view, are service experimentation efforts satisfactorily coordinated with Joint Forces Command?

Answer. The services have been very cooperative with USJFCOM's efforts to integrate concept, development, and experimentation. Service experimentation efforts are satisfactorily coordinated with Joint Forces Command.

Joint Forces Command supports strong service programs for concept, development, and experimentation because integrating service with joint concept, development, and experimentation efforts is essential to the success of both.

*Question.* What role should JFCOM play in the timing and content of service experimentation efforts?

Answer. Joint Forces Command has the mission to provide the coherent joint context for service experimentation programs. The joint warfighting experimentation program aims at integrating those efforts into a "family" of experiments that support joint and service concept development while providing the services the joint context for their experimentation initiatives in their core capabilities.

*Question.* Are you satisfied that, overall, service and joint experimentation efforts are adequately funded?

Answer. I do not have the current knowledge to adequately answer this question. I would like to reserve detailed comment on this question until I have had a chance to review the issue more thoroughly.

INTEROPERABILITY

*Question.* A major component of any discussion about transformation and joint warfighting capabilities is the interoperability of equipment, especially communications and information technology systems. After action reports from every major conflict since the military operations in Grenada in 1982 have pointed out shortcomings in interoperability and recommended significant improvements, however, problems with incompatible systems persist.

In your view, why has achieving interoperability of systems proven to be such an elusive task?

Answer. We have many systems of a wide range of origins and ages operating currently which are driving interoperability. However, the establishment of a relevant common operational picture and the control of future interoperability through the JROC means that we will have an evolving capability over time. In order to get a better handle on existing incompatibilities, JFCOM is building a combatant commander shortfall list for presentation to and endorsement by the JROC.

*Question.* What recommendations do you have for improving the interoperability of U.S. military systems?

Answer. I do not have the current knowledge from the Joint Forces Command perspective to adequately answer this question. I would like to reserve detailed comment on this question until I have had a chance to review the issue more thoroughly.

*Question.* What challenges do you anticipate in the future with regard to interoperability with the military systems of friendly and allied nations?

Answer. The overall effectiveness of multinational operations is dependent on interoperability among organizations, processes, and technologies. Effective command and control is the primary means of successfully extending the joint vision to multinational operations. This requires interoperability of systems, common or complementary processes, and access to critical information and decision support capabilities. U.S. joint forces must train with allies and friends in peacetime in order to be fully prepared to operate with them in time of crisis and conflict. Technological developments that connect the information systems of coalition partners will provide the links leading to a common relevant operational picture and improve command and control.

COMBINED EXPERIMENTATION

*Question.* There has been much discussion in recent years about the role of joint experimentation in helping to transform our Armed Forces to meet future emerging threats. Concurrently, there is frequent discussion about fighting with allied forces in coalitions and about the expanding technological gap between the U.S. Armed Forces and its closest allies.

In your view, how can the United States best prepare for coalition/combined operations?

Answer. Embedding our multinational partners in the concept development phase and including them in experimentation will set the stage for multinational operations. Current and future scheduled limited objective experiments will help prepare not only the U.S. for coalition/combined operations, but our partners as well. Continued involvement with the Multinational Interoperability Council (MIC) and its various working groups at JFCOM will keep the U.S. involved, preparing for and effecting transformation in coalition/combined operations.

*Question.* What role can experimentation play in preparing U.S. and allied forces for combined operations?

Answer. Current and future scheduled experiments help prepare not only the U.S. for coalition/combined operations, but our partners as well. By improving our common capabilities in the relatively inexpensive environment of experimentation, we will keep our allies and coalition partners engaged in our transformation efforts.

*Question.* What recommendations do you have for mitigating the technological gap between U.S. forces and our closest allies?

Answer. Given current trends in allied defense spending, it seems prudent to define roles for our allies in areas where they have unique capabilities and are able to sustain those capabilities over time. Collectively, developing more effective $C^4$ISR on a multinational level can be affordable to all close allies and will yield the largest and most significant returns. In this area and others, such as precision weapons, ensuring we have open architectures and clear standards and protocols will be important to achieving necessary levels of interoperability and access.

GOALS

*Question.* Please describe the goals you will set, if confirmed, for yourself and JFCOM to accomplish within the next 2 years.

Answer. The President and defense leadership's intent and guidance establishes a clear goal of transforming our military forces to meet the needs of the future security environment. The Secretary of Defense recently outlined six transformation goals: (1) protect the U.S. homeland and our bases overseas; (2) project and sustain power in distant theaters; (3) deny enemies sanctuary; (4) protect U.S. information networks from attack; (5) use information technology to link up different kinds of U.S. forces so they can fight jointly; and (6) maintain unhindered access to space. Furthermore, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff identified key areas for improving joint warfighting capabilities, including interoperability and joint experimentation, as well as transformational capabilities such as establishing standing joint force headquarters for the combatant commanders.

With that guidance and the guidance of Unified Command Plan 2002, if confirmed, I see refocusing U.S. Joint Forces Command on experimentation and transformation of our Armed Forces while strengthening JFCOM's ability to be the trainer and provider of joint military forces as my primary goals.

Joint training is the foundation of any transformation effort. Operationalizing the concept of a Joint National Training Center will receive great attention. As well, I will ensure that my component forces remain trained and ready, and are the vanguard for joint training and operations.

Joint interoperability and integration remains critical to advancing transformation. I will make working with the JROC a priority to ensure that all new systems and critical legacy capabilities are fully interoperable, and new capabilities are born joint.

MAJOR CHALLENGES AND PROBLEMS

*Question.* In your view, what are the major challenges that will confront the next CINCJFCOM?

Answer. Time and focus. The process of transformation is a long and complex one. Maintaining the necessary focus and attention during a time of war while fostering and reinforcing a culture dedicated to transformation and experimentation is a great but necessary challenge.

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

Answer. First, to vigorously pursue significant doctrine, organizational, training, material, leadership development, and personnel improvements consistent with the defense transformation goals in support of combatant commanders.

Second, conduct a rigorous joint experimentation program. In order to truly innovate and experiment, you have to risk failure and you have to tell the truth about what works and why. If nothing fails in your experiment, then you're not experimenting with innovative ideas—you're demonstrating proven concepts. There is a great temptation not to experiment. The threat of a failed experiment is too great for some to stomach. But as Linus Pauling said, "The best way to have a good idea is to have lots of ideas." Obviously, the good ideas will emerge from the not so good ones if you rigorously experiment, over long periods of time. Finally, if confirmed, I will focus the energies of a very talented command squarely on these issues.

*Question.* What do you consider to be the most serious problems in the performance of the functions of CINCJFCOM?

Answer. I do not see any serious problems but transition of the organization's roles and emphasis naturally will provide challenges in the months ahead.

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

Answer. If confirmed, my priority would be to conduct a complete review of the USJFCOM experimentation plan.

CONGRESSIONAL OVERSIGHT

*Question.* In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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## [Questions for the record with answers supplied follows:]

### QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

#### UNIFIED COMMAND PLAN

1. Senator WARNER. Admiral Giambastiani, the recently approved Unified Command Plan divests U.S. Joint Forces Command (JFCOM) of its geographic responsibilities. What organizational changes do you anticipate will be required to adapt JFCOM to its new mission?

Admiral GIAMBASTIANI. Recent changes in the Unified Command Plan will allow Joint Forces Command (JFCOM) to focus on its transformation responsibilities for joint concept development and experimentation, joint integration and interoperability, joint training, and providing trained and ready joint forces to the combatant commanders. All of these missions are interrelated and mutually support the accomplishment of JFCOM's mandate. As directed, JFCOM is transitioning to a purely functional command. The transfer of geographic areas of responsibility to EUCOM and NORTHCOM, and the homeland security mission to NORTHCOM, took effect on October 1. Complete transfer of homeland security responsibilities will be concurrent with NORTHCOM achieving full operational capability.

Other directed organizational changes include the stand-up of one or more Standing Joint Force Headquarters for regional combatant commanders, the establishment of a Joint National Training Capability, and the assumption of responsibility for Joint Battle Management Command and Control to lead operational to tactical interoperability that addresses combatant commander needs.

2. Senator WARNER. Admiral Giambastiani, what is your vision for this important command, now exclusively focused on joint concept development, joint forces integration, and joint training?

Admiral GIAMBASTIANI. I see Joint Forces Command as a dynamic command that learns from and works with our partners to lead *continuous evolutionary* and *revolutionary* improvements in U.S. warfighting capabilities to enable continued success, *including rapid, decisive military action.* As such, I see U.S. Joint Forces Command maximizing the Nation's future and present military capabilities by leading the transformation of joint forces through *joint concept development and experimentation,* identifying *joint requirements,* advancing *interoperability,* conducting *joint training,* and *providing ready forces and capabilities*—all in support of the combatant commands.

#### COMBINED OPERATIONS

3. Senator WARNER. Admiral Giambastiani, most defense and military experts agree that virtually all future U.S. military operations will involve extensive cooperation with allied nations. Operation Allied Force in Kosovo pointed out the increasing technological gap between U.S. forces and its NATO partners. In your view, what can be done to mitigate this growing technological gap between the U.S. and future allies?

Admiral GIAMBASTIANI. The current gap in military technologies among transatlantic partners, accelerated by the step decrease in research ad development spending by many alliance members over the last decade, is the largest challenge to allied interoperability. Absent investment in new technologies, this gap will continue to grow.

Given that most allied investment involves middle-to-long term force modernization and interoperability, immediate progress will probably be measured at best. However, focused and shared investment can mitigate this gap. Interoperability of current and future alliance member systems is critical. This does not mean buy

American, but it does require investment in interoperable and standardized military hardware, software, doctrine, operating procedures, and military structures. The U.S. can assist in this area by minimizing the technological and procedural barriers to allied interoperability with our systems. Moreover, many European countries have recognized that nations can no longer develop and finance technologies strictly on a national level. Implementing burden sharing arrangements and delivering on those capabilities can mitigate costs and speed procurement and fielding of interoperable systems when backed by the will to see a program through to completion.

Looking to the future, the United States and our NATO allies should pursue multinational concept development, experimentation, doctrine development, standardized operating procures, and procurement of interoperable systems. Joint Forces Command can facilitate this process through our multinational experimentation axis that will begin execution in fiscal year 2003. The decisions reached at NATO's Prague Summit to transform the alliance for the 21st century set NATO on a path to pursue those tasks, principally through a new allied command—transformation.

4. Senator WARNER. Admiral Giambastiani, what role can and should JFCOM play in improving the ability of U.S. forces to conduct combined, multi-national operations?

Admiral GIAMBASTIANI. Our allies offer diverse capabilities often recognized only upon the advent of a crisis. That is too late and we recognize that. If our multinational forces are to be successful, we must borrow that old adage, "train as we fight." Joint Forces Command already conducts multinational staff training within the existing combatant commander exercise program. Expanding on and focusing this effort on the Combined Joint Task Force commander while increasing the frequency of multinational joint-tactical training is the next step in improving our collective ability to conduct combined, multinational operations. As the Joint National Training Capability matures, we must consider the inclusion of our allies into the global and combined live, virtual, and constructive operational and tactical training environment. This type of training will enable the development of synergy within the multination force.

Professional military education is another venue for improving the ability of U.S. forces to conduct combined, multinational operations. We have made great strides in recent years through the use of the regional engagement network and advanced distributed learning, implementing these concepts within European Command and Pacific Command theaters. By doing so we open the door to transparency in defense planning, a necessity for cooperative security in Europe, as well as enabled allied consultation on a number of collective issues and concerns.

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## QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

### JOINT FORCE INTEGRATION AND INTEROPERABILITY

5. Senator THURMOND. Admiral Giambastiani, one of your challenges will be the development and integration of fully joint capabilities that are interoperable with multinational and interagency capabilities. In my judgment this is a significant challenge, especially in regard to multinational capabilities. In your view, how can we ensure that our allies are focused on interoperability and dedicate sufficient resources to support it?

Admiral GIAMBASTIANI. The current gap in military technologies among transatlantic partners, accelerated by the step decrease in research and development spending by many alliance members over the last decade, is the largest challenge to allied interoperability. Absent investment in new technologies, this gap will continue to grow.

Given that most allied investment involves middle-to-long term force modernization and interoperability, immediate progress will probably be measured at best. However, focused and shared investment can mitigate this gap. Interoperability of current and future alliance member systems is critical. This does not mean buy American, but it does require investment in interoperable and standardized military hardware, software, doctrine, operating procedures, and military structures. The U.S. can assist in this area by minimizing the technological and procedural barriers to allied interoperability with our systems. Moreover, many European countries have recognized that nations can no longer develop and finance technologies strictly on a national level. Implementing burden sharing arrangements and delivering on those capabilities can mitigate costs and speed procurement and fielding of interoperable system when backed by the will to see a program through to completion.

Looking the future, the United States and our NATO allies should pursue multinational concept development, experimentation, doctrine development standardized operating procures, and procurement of interoperable systems. Joint Forces Command can facilitate this process through our multinational experimentation axis that will begin execution in fiscal year 2003. The decisions reached at NATO's Prague Summit to transform the alliance for the 21st century set NATO on a path to pursue those tasks, principally through a new allied command—transformation.

JOINT TRAINING

6. Senator THURMOND. Admiral Giambastiani, throughout your responses to the committee's advance policy questions, you emphasize the need for joint training. In your judgment, does the Department of Defense have the appropriate training facilities and ranges to support joint training, and in what areas would you like to see improvement and why?

Admiral GIAMBASTIANI. Make no mistake, the nation's soldiers, sailors, airmen, and marines are the best trained in the world, but there is room for improvement in how we train them for joint operations. Joint training is conducted at the operational level and in predominantly bilateral service events, but more can and must be done. Warfare is inherently joint and military training must account for this reality.

Existing training ranges and assets can adequately support joint training if they are integrated in accordance with the Defense Department's vision for training transformation. Utilizing the coherent and comprehensive strategy described in Joint Forces Command's March 2002 "Joint National Training Capability Report," the Department of Defense's training facilities and ranges can be integrated into a Joint National Training Capability focused at the core of the Departments' "Strategic Plan for Transforming Training." Such a capability would provide a network that links the various training centers and ranges into a live, virtual, and constructive center of centers that could extend globally. Such a networked approach that integrates training ranges, C2 headquarters, and live forces distributed across the United States would replicate both the way in which war will be prosecuted, and how integrated joint and service training should and could be conducted.

PROFESSIONAL MILITARY EDUCATION SYSTEM

7. Senator THURMOND. Admiral Giambastiani, as a former teacher, I believe education is a key to success. In your efforts to instill jointness into our military, what role do you envision for the services' professional schools, such as the War Colleges and other officer/non-commissioned officer professional development schools?

Admiral GIAMBASTIANI. Joint and service professional schools play an essential role in instilling jointness in our military. Joint Publication 1, *Joint Warfare of the Armed Forces of the United States,* not only supports joint warfighting, but also establishes the goal of ". . . development of a common joint culture . . . ." Changing military culture to instill jointness requires constant reinforcement in military education and training conducted from initial accession sources, continued through professional schooling, and culminating at the senior noncommissioned officer, and general officer/flag officer level programs.

Given combat's predominantly tactical nature, combat leader development begins their participation in services-based professional military education and training. The conduct of operations that integrate tactical actions is the domain of the joint force—it is how we fight—and our leader development, training and education system must reflect the same. No indivdual soldier, sailor, airman, or marine should experience jointness for the first time in the execution of operations.

Changing military culture within the context of service education and training is a starting point, and is achieved through the implementation of reforms stemming, from Goldwater-Nichols, and is supplemented and enhanced with the appropriate level of joint education and training. Such joint education and training is provided by service senior service schools and academies, joint education at the Joint Forces Staff College and the National Defense University, and through joint training such as Joint Forces Command's Unified Endeavor exercises and the Joint Operations Module at CAPSTONE.

By internalizing jointness in basic service doctrine and introducing joint culture into service education and training exercises early on, the evolution of jointness will be enhanced by the continued development of military professionals that are firmly grounded in both their service and joint cultures. This will facilitate a military transformation to the jointness degree envisaged by Goldwater-Nichols. Joint Forces

Command, as the center of excellence or joint operational art, can play a greater, positive role in joint professional military education, training, and joint doctrine development. Two examples of JFCOM's greater larger role are the expansion of the Joint Operations Module at CAPSTONE which provides future joint task force commanders with more joint warfighting education, and the increasingly close relationship between JFCOM and the Joint Forces Staff College.

8. Senator THURMOND. Admiral Giambastiani, what changes to the Professional Military Education System would you recommend to instill jointness in our military?

Admiral GIAMBASTIANI. The implementation of reforms stemming from Goldwater-Nichols is having a noticeable and positive affect on jointness that is just now coming to the fore. The inclusion of joint education requirements in service education and the increasing importance of joint education and training will continue to enhance the jointness of our military. Continued emphasis on jointness, joint education, and where appropriate, the earlier introduction of joint education and training show potential. However any change must be balanced against core service education and training requirements that sustain those skills essential to tactical competency on the battlefield.

Specifying a 12-week minimum course length in law is no longer necessary in my view. Course length should be mandated by educational requirements. In addition, Joint Professional Military Education II (JPME II) should be more readily available to officers.

Also, consider the following:

- The need for Joint Professional Military Education (JPME) for senior noncommissioned officers
- Examine expanding JPME to senior civilians—many already attend service senior PME
- Additional emphasis on multinational/interagency skills

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QUESTIONS SUBMITTED BY SENATOR BOB SMITH

TRANSFORMATION

9. Senator SMITH. Admiral Giambastiani, over the past year or so—essentially ever since President Bush took office—the focus of attention on and within DOD is "transformation." I fully support the President and Secretary Rumsfeld in this bold undertaking. However, much of the attention has been on the "things" used to accomplish "transformation." I have heard little on the personnel side of the issue. I firmly believe that people will make transformation happen—they need to be in place, in a specific billet long enough to learn it, subsequently master it and then, if necessary, apply it in real world operations. In a world where technology provides more and more information and combat occurs faster with more lethal results, people must have the skills and experience to make hard decisions and do it quickly and correctly. As the chief of transformation, do you plan to incorporate personnel changes/stability plans to complement the equipment and technology side of transformation?

Admiral GIAMBASTIANI. Yes, an example is Joint Forces Command's work on the Standing Joint Force Headquarters prototype. Approaching the manning of a Joint Task Force "core" element (i.e. the Standing Joint Force Headquarters) as we do with any combat unit is important. We must organize, train, and equip it in a more orderly way. Personnel assigned a role in this organization must possess specific skills cultivated over time, while leading to a stabilized assignment for the personnel. Personnel plans must ensure we develop a well-rounded leader who is skilled within core competencies of his own service and is at home as a joint warfighter. A trained and ready force, and well-trained, educated, and balanced leaders are the very foundation of current readiness, and an imperative for transformation. We fight jointly, but employ robust, dominant service capabilities. So as we transform, we must strike a balance between joint and service assignments and stability, because transformation will take place at all levels of the Armed Forces.

10. Senator SMITH. Admiral Giambastiani, additionally, do you think we should address any changes to the personnel rotation policies to allow service members to stay in place at a specific billet longer to further increase their operational proficiency?

Admiral GIAMBASTIANI. In general terms, I am a supporter of longer tour lengths. However, balance is key. Personnel plans must ensure we develop a well-rounded

leader who is skilled within core competencies of his own service and is at home as a joint warfighter. A trained and ready force, and well-trained, educated, and balanced leaders, are the very foundation of current readiness and an imperative for transformation. We fight jointly, but employ robust, dominant service capabilities. So, as we transform, we must strike a balance between joint and service assignments and stability, because transformation will take place at all levels of the Armed Forces.

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## QUESTIONS SUBMITTED BY SENATOR JIM BUNNING

### MILLENNIUM EXERCISE CHALLENGE

11. Senator BUNNING. Admiral Giambastiani, exercise Millennium Challenge is currently underway. Please explain what that exercise is comprised of, what its goals are, and how it fits into the overall plan to transform our Armed Forces.

Admiral GIAMBASTIANI. Millennium Challenge 2002 (MC 02) was a congressionally-mandated, Defense Department-directed joint exercise and experiment. It was the culmination of over 2 years of concept development, experimentation, and the integration of operational lessons learned. MC 02 ran from July 24 to August 14 and was the largest joint exercise/experiment ever conducted, integrating the services' vanguard elements and concepts to identify and develop promising initiatives for future joint warfare.

MC 02 sought to determine the extent to which our forces are able to establish and maintain knowledge superiority, assure access into and throughout the battle space, leverage all national elements of power, and sustain ourselves as we conduct operations against adversaries that may engage us differently than we have experienced in the past.

MC 02 focused on the value of effects-based operations (EBO), as employed by a Joint Task Force (JTF) headquarters, built around the U.S. Army's III Corps staff (with service augmentation), enabled by a core Standing Joint Force Headquarters, informed by an operational net assessment, and executed through functional components using a robust collaborative information environment. The results of MC 02 are already driving future transformation efforts while providing immediate benefit to current operational warfighting requirements. Today, elements of several concepts, tools, and training resulting from the experiment are in use in Operation Enduring Freedom.

MC 02 resulted from a deliberate and comprehensive process that comprised numerous concept development workshops, wargames, and limited objective experiments that involved combatant command, service, defense, and interagency partners. MC 02 execution included several "spiral development" events integrated with the necessary technical architecture. These included the confederation of over 42 models and simulations, training the experimental audience in the required concepts, tactics, techniques, procedures and tools, and enabling planning for the execution of military operations against a realistic, complex scenario that could confront the U.S. in the future.

MC 02 featured both live field exercises and computer simulation, and incorporated elements of all military services, U.S. Special Operations Command, U.S. Transportation Command, U.S. Space Command, and other DOD organizations and federal agencies. The uniformed service participants involved elements representative of their future force concepts such as the Air Force's Expeditionary Aerospace Force construct, the Army's medium-weight brigades, the Navy's "Forward From the Sea" vision, and the Marine's Expeditionary Maneuver Warfare.

Over 13,500 soldiers, sailors, airmen, marines, and members of the interagency community participated in the joint integrated experiment that employed simulated and live forces nationwide in 8 live-force training locations and 17 simulation locations.

MC 02 was a key milestone in the transformation of our Armed Forces. We are determined to create a joint force that is interoperable, responsive, agile, precise, and lethal, fully capitalizing on the information revolution and advanced technologies available today. Joint experimentation fosters an operational, decision-making culture in the defense of our Nation by exploring the threats of tomorrow, today. The basic premise is that decisions on future military doctrine, organization or technology should be based on solid empirical results. National defense transformation begins with aggressively setting the joint context for concept development and robust joint experimentation. MC 02 supports the Defense Department's six key transformational goals while meeting current operational demands and has established a firm foundation for future transformational efforts.

12. Senator BUNNING. Admiral Giambastiani, what lessons do you think will come out of Millennium Challenge?

Admiral GIAMBASTIANI. Assessment, continuous since Millennium Challenge ended in August, indicates that many concepts, capabilities, and insights show promise for the joint force. This analysis has led to a number of capability recommendations to the Joint Requirements Oversight Council and the need for further experimentation. Details are provided in JFCOM's report to Congress on experimentation, now in final review. That report includes a number of preliminary conclusions:

- The Standing Joint Force Headquarters (SJFHQ), the standards-based C2 organization necessary to enable the rapid establishment of a JTF headquarters, is the essential enabler of rapid, flexible, and decisive crisis response. The value of the SJFHQ has been confirmed; its form and function require further development and will be the subject of a number of follow-on limited objective experiments and refinement events.
- The operational net assessment, a comprehensive system of systems analysis (political, military, economic social, information, infrastructure, etc.) of the enemy, the region, and ourselves, showed potential to provide actionable knowledge to the commander. This concept will be further refined through additional development and experimentation.
- Effects-based operations, employing all elements of national power in a coherent and integratedmanner to ensure the right capability is employed at the right place and time, is the core of an overarching joint warfighting concept to transform the art and science of 21st century warfare. This concept, which includes effects based planning, execution, and assessment processes, showed promise and will be further developed in the coming months.
- A collaborative information environment is a powerful enabler for rapid planning, decisionmaking and execution and the resulting commander-centric process enhances unity of command and effort. Follow-on experimentation, including computer network attack are required.
- The Joint Interagency Coordination Group provided a critical link between policy, theater strategic, operational, and tactical actions. This concept is currently in practice in CENTCOM and PACOM and was refined during MC 02.
- The need for the near simultaneous deployment and employment of forces and the need to protect those forces was again reinforced in MC 02.

In addition to these valuable emerging joint insights, MC 02 provided insights into the formation of a Joint National Training Capability (JNTC). A live, virtual, and constructive training center of centers would provide the critical enabler to integrate joint and service training that secures essential service core competencies while ensuring we train as we will fight. JFCOM will vigorously pursue this capability.

JOINT OPERATING CAPABILITY

13. Senator BUNNING. Admiral Giambastiani, how do you plan to increase the joint operating capability of our Armed Forces?

Admiral GIAMBASTIANI. It starts with the command's mission statement: U.S. Joint Forces Command maximizes the Nation's *future* and *present* military capabilities by leading the transformation of joint forces, through *joint concept development and experimentation,* identifying *joint requirements,* advancing *interoperability,* conducting *joint training,* and *providing ready forces* and *capabilities*—all in support of the combatant commands.

From here, as examples, we are placing increased emphasis on organizing, training, and equipping Joint Task Force headquarters, creating the Standing Joint Force Headquarters as a "core" element on which to build future Joint Task Force headquarters, and Joint Battle Management Command and Control.

TRANSFORMATION

14. Senator BUNNING. Admiral Giambastiani, how can JFCOM encourage the transformation of our Armed Forces?

Admiral GIAMBASTIANI. Joint Forces Command (JFCOM) influences and encourages transformation in multiple ways. JFCOM collects, controls, and recommends new warfighting capabilities through the combatant commander's integrated priority list. One of the new qualifying requirements and criteria to be rated high on this

list must be a demonstrated and proven capability that the requested issue is truly transformational in nature, not just continued support of existing requirements. JFCOM exercises its advisory role on the JROC to be the advocate for joint interoperability and transformation to lend priority to the transformational capabilities of new warfighting requirements and capabilities. Recommendations for continuation of ongoing developmental programs, or initiation of new programs, will be granted withheld depending on level of support to DOD's transformational goals.

As currently tasked, the command can influence transformation in the following ways through our four Unified Command Plan-designated mission areas:

- Joint Force Concept development and experimentation: Rapidly implement actionable findings from Millennium Challenge 2002 and aggressively refine and develop those promising concepts and capabilities requiring greater maturity; fully develop and fund the Standing Joint Force Headquarters, enabled by effects-based operations, operational net assessment, and deployable Joint Command and Control; support the CJCS by developing an overarching joint operational concept to shape out/year requirements and development; and continue the development of new joint operational concepts supported by an aggressive DOD-wide joint experimentation program.
- Joint Force integrator: Rapidly process change recommendations emerging from MC 02 and submit them to the Joint Requirements Oversight Council. Moreover, JFCOM will stand-up an interoperability technology demonstration center to facilitate near-term transformation.
- Joint Force provider: Provide highly-trained and fully integrated joint capable forces and joint force capabilities as a foundation for both current readiness and future transformation.
- Joint Force trainer: Stand-up Joint National Training Center to integrate service and joint training through a global, live, virtual, and constructive environment to improve warfighting capabilities and enhance jointness; provide joint exercises as an integration venue for new joint capabilities; and integrate promising experimentation insights and operational lessons learned into training and education venues.

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[The nomination reference of Vice Adm. Edmund P. Giambastiani, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*June 27, 2002.*

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

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

*To Be Admiral*

Vice Adm. Edmund P. Giambastiani, Jr., 8318.

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[The biographical sketch of Vice Adm. Edmund P. Giambastiani, Jr., USN, which was transmitted to the committee at the time the nomination was referred, follows:]

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**TRANSCRIPT OF NAVAL SERVICE FOR**
**VICE ADMIRAL EDMUND PETER GIAMBASTIANI, JR.**
**U.S. NAVY**

| | |
|---|---|
| **04 MAY 1948** | Born in Canastota, New York |
| **29 JUN 1966** | Midshipman, U.S. Naval Academy |
| **03 JUN 1970** | Ensign |
| **03 SEP 1971** | Lieutenant (junior grade) |
| **01 JUL 1974** | Lieutenant |
| **01 SEP 1978** | Lieutenant Commander |
| **01 OCT 1983** | Commander |
| **01 SEP 1989** | Captain |
| **01 OCT 1995** | Rear Admiral (lower half) |
| **01 AUG 1997** | Rear Admiral |
| **06 MAY 1998** | Designated Vice Admiral while serving in billets commensurate with that grade |
| **01 AUG 1998** | Vice Admiral, Service continuous to date |

| ASSIGNMENTS AND DUTIES | FROM | TO |
|---|---|---|
| Naval Reserve Training Center, Whitestone, NY (XO, Blue and Gold Officer) (TEMDU) | JUL 1970 | OCT 1970 |
| Naval Nuclear Power School, Bainbridge (DUINS) | OCT 1970 | APR 1971 |
| Nuclear Power Training Unit, Schenectady (DUINS) | APR 1971 | NOV 1971 |
| Naval Submarine School, Groton (DUINS) | NOV 1971 | DEC 1971 |
| USS PUFFER (SSN 652) (Weapons, Asst Weapons, MPA) | DEC 1971 | JUN 1975 |
| Headquarters, Navy Recruiting Command, (Program Manager for 6YO Enlisted Recruiting) | JUN 1975 | SEP 1977 |
| Submarine Officers Advance Course (DUINS) | SEP 1977 | MAR 1978 |
| USS FRANCIS SCOTT KEY (SSBN 657) (Blue) (Engineer Officer) | APR 1978 | MAY 1981 |
| Naval Reactors, Department of Energy (DUINS) | JUL 1981 | OCT 1981 |
| Commander, Submarine Force, U.S. Atlantic Fleet (PCO Course) (DUINS) | OCT 1981 | DEC 1981 |
| Officer in Charge, Submarine NR-1 | JAN 1982 | APR 1985 |
| Office of the CNO, (Head, Operations Security Section, OP-213C, OPNAV) | APR 1985 | SEP 1986 |

**TRANSCRIPT OF NAVAL SERVICE FOR**
**VICE ADMIRAL EDMUND PETER GIAMBASTIANI, JR.**
**U.S. NAVY**

| ASSIGNMENTS AND DUTIES (CONT'D) | FROM | TO |
|---|---|---|
| Special Assistant to Deputy Director for Intelligence, Central Intelligence Agency | MAY 1985 | SEP 1986 |
| SUBPAC Prospective Commanding Officer Course (DUINS) | SEP 1986 | DEC 1986 |
| CO, USS RICHARD B. RUSSELL (SSN 687) | JUL 1987 | MAY 1990 |
| Fellow, CNO Strategic Studies Group (SSG), Naval War College | JUL 1990 | JUN 1991 |
| Commander, Submarine Development Squadron TWELVE | JUN 1991 | JUN 1993 |
| Naval Doctrine Command (Director, Strategy and Concepts) (N8) | JUN 1993 | AUG 1994 |
| CINCPACFLT (Deputy COS for Resources, Warfare Requirements and Assessments) (N8) | SEP 1994 | FEB 1996 |
| Office of the CNO (Director, Submarine Warfare Division) (N87) | FEB 1996 | MAY 1998 |
| Commander, Submarine Force, U.S. Atlantic Fleet/ Commander, Submarine Allied Command, Atlantic (CTF-42/82/144)/ Commander ASW and Reconnaissance Forces, Atlantic (CTF-84) | JUN 1998 | AUG 2000 |
| Office of the CNO (Deputy Chief of Naval Operations for Resources, Warfare Requirements and Assessments) (N8) | AUG 2000 | MAY 2001 |
| Office of the Secretary of Defense (Senior Military Assistant to the Secretary of Defense) | MAY 2001 | TO DATE |

MEDALS AND AWARDS

Distinguished Service Medal with four Gold Stars
Legion of Merit with three Gold Stars
Meritorious Service Medal with two Gold Stars
Navy and Marine Corps Commendation Medal with one Gold Star
Navy Unit Commendation with four Bronze Stars
Meritorious Unit Commendation with one Bronze Star
Navy "E" Ribbon (7 awards)
Navy Expeditionary Medal
National Defense Service Medal with two Bronze Stars
Vietnam Service Medal with one Bronze Star
Sea Service Deployment Ribbon with one Silver Star
Navy Recruiting Service Medal
Expert Rifleman Medal

**TRANSCRIPT OF NAVAL SERVICE FOR**
**VICE ADMIRAL EDMUND PETER GIAMBASTIANI, JR.**
**U.S. NAVY**

SPECIAL QUALIFICATIONS

BS (Minor in Electrical Engineering), U.S. Naval Academy, 1970, with Leadership Distinction
Designated Qualified in Submarines: 6 April 1973
Pacific Fleet Submarine Shiphandling Winner, 1974
Designated Joint Specialty Officer, 1988

PERSONAL DATA

Wife: Cynthia Ann Johnson of McLean, Virginia
Children: LTJG Edmund P. Giambastiani, III, USN (Son)
Born: 24 January 1978
Catherine A. Giambastiani (Daughter) Law Student, American University
Born: 17 July 1980

SUMMARY OF JOINT DUTY ASSIGNMENTS

| Assignment | Dates | Rank |
|---|---|---|
| Deputy Director for Intelligence, Central Intelligence Agency (Special Assistant) | MAY 85 – SEP 86 | CDR |
| Commander, Task Force 144 - U.S. Strategic Command | JUN 98 - AUG 00 | VADM |
| Office of the Secretary of Defense (Senior Military Assistant to the Secretary of Defense) | MAY 01- TO DATE | VADM |

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OFFICE OF THE SECRETARY OF DEFENSE,
*Washington, DC, June 27, 2002.*

Hon. CARL LEVIN, *Chairman,*
*Senate Armed Services Committee,*
*United States Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: This letter provides information on my financial and other interests for your consideration in connection with my nomination for the position of Commander, United States Joint Forces Command. It supplements Standard Form 278, "Executive Personnel Financial Disclosure Report," which has already been provided to the committee and which summarizes my financial interests.

To the best of my knowledge, none of the financial interests listed on my Standard Form 278 will create any conflict of interest in the execution of my new governmental responsibilities. Additionally, I have no other interests or liabilities in any amount with any firm or organization that is a Department of Defense contractor.

During my term of office, neither I nor any member of my immediate family will invest in any entity that would create a conflict of interest with my government duties. I do not have any present employment arrangements with any entity other than the Department of Defense and have no formal or informal understandings concerning any further employment with any entity.

I have never been arrested or charged with any criminal offenses other than minor traffic violations. I have never been party to any civil litigation. To the best of my knowledge, there have never been any lawsuits filed against any agency of the Federal Government or corporate entity with which I have been associated reflecting adversely on the work I have done at such agency or corporation. I am

aware of no incidents reflecting adversely upon my suitability to serve in the position for which I have been nominated.

To the best of my knowledge, I am not presently the subject of any governmental inquiry or investigation.

I trust that the foregoing information will be satisfactory to the committee.

Sincerely,

EDMUND P. GIAMBASTIANI, JR.,
*Vice Admiral, U.S. Navy.*

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The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Vice Adm. Edmund P. Giambastiani, Jr., USN, in connection with his nomination follows:

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Edmund P. Giambastiani, Jr. (Ed).

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

3. **Date of nomination:**
June 27, 2002.

4. **Address:** (List current place of residence and office addresses. Also include your office telephone number.)
The nominee responded and the information is contained in the committee's executive files.

5. **Date and place of birth:**
May 4, 1948; Canastota, NY.

6. **Marital Status:** (Include name of husband or wife, including wife's maiden name.)
Married—Cynthia Ann Giambastiani (maiden name—Johnson)

7. **Names and ages of children:** (If applicable)
LTJG Edmund Peter Giambastiani III, USN; Age: 24.
Catherine Ann Giambastiani; Age: 21.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

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

None.

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

Life Member—U.S. Naval Institute
Life Member—Naval Submarine League
Life Member—U.S. Naval Academy Alumni Association
Member—The Reserve Officer Association (TROA)
Member—Military Order of the Caraboa
Member—AARP

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

None.

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

Yes.

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

Yes.

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

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SIGNATURE AND DATE

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

EDMUND PETER GIAMBASTIANI, JR.

This 27th day of June 2002.

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[The nomination of Vice Adm. Edmund P. Giambastiani, Jr., USN, was reported to the Senate by Chairman Levin on July 31, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 31, 2002.]

# NOMINATIONS OF GEN. JAMES L. JONES, JR., USMC, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES EUROPEAN COMMAND AND SUPREME ALLIED COMMANDER, EUROPE; ADM. JAMES O. ELLIS, JR., USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE COMMANDER, UNITED STATES STRATEGIC COMMAND; LT. GEN. MICHAEL W. HAGEE, USMC, FOR APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDANT OF THE MARINE CORPS; CHARLES S. ABELL TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS; REAR ADM. THOMAS F. HALL, USN (RET.), TO BE ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS; AND CHARLES E. ERDMANN TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

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**FRIDAY, SEPTEMBER 27, 2002**

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

The committee met, pursuant to notice, at 9:06 a.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Ben Nelson, Warner, Inhofe, Hutchison, and Burns.

Committee staff members present: David S. Lyles, staff director; Gabriella Eisen, nominations clerk.

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

Minority staff members present: Judith A. Ansley, Republican staff director; L. David Cherington, Scott W. Stucky, and Richard

F. Walsh, minority counsel; Edward H. Edens IV, Brian R. Green, Gary M. Hall, Carolyn M. Hanna, Mary Alice A. Hayward, Ambrose R. Hock, George W. Lauffer, Patricia L. Lewis, Thomas L. MacKenzie, and Joseph T. Sixeas, professional staff members.

Staff assistants present: Dara R. Alpert, Daniel K. Goldsmith, and Nicholas W. West.

Committee members' assistants present: Frederick M. Downey, assistant to Senator Lieberman; Marshall A. Hevron and Jeffrey S. Wiener, assistants to Senator Landrieu; William K. Sutey, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator Ben Nelson; Benjamin L. Cassidy, assistant to Senator Warner; J. Mark Powers and John A. Bonsell, assistants to Senator Inhofe; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders and Lance Landry, assistants to Senator Allard; James P. Dohoney, Jr. and Michele A. Traficante, assistants to Senator Hutchinson; Arch Galloway II, assistant to Senator Sessions; Kristine Fauser, assistant to Senator Collins; and Derek Maurer, assistant to Senator Bunning.

**OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN**

Chairman LEVIN. Good morning everybody. The committee meets today to consider six important senior military and civilian nominations. We will do this in two panels.

On the first panel the committee will consider the nominations of General James L. Jones, Jr., United States Marine Corps, to be Commander, United States European Command, and Supreme Allied Commander, Europe; Admiral James O. Ellis, Jr., United States Navy, to be Commander, United States Strategic Command; and Lieutenant General Michael W. Hagee, United States Marine Corps, to be the new Commandant of the Marine Corps.

Admiral Ellis currently serves as the Commander of the United States Strategic Command, a command that will inactivate next week. It will be replaced by a new United States Strategic Command and will combine the functions of the current Strategic Command with the United States Space Command. Admiral Ellis has been nominated by the President to head the new Strategic Command.

General Jones is well known to us as the current Commandant of the Marine Corps, where he has served our Nation and the Marine Corps with such great distinction. Some of us even remember when he had an office in the basement of the Russell Senate Office Building as a colonel, as head of the Marine Corps liaison office for the Senate.

I understand that General Jones is a first in the history of the United States Marine Corps. He is the first Commandant to go from the position of Commandant to another senior military position, and I think that most marines, General, probably think that you are being demoted. [Laughter.]

General Hagee currently serves as the Commanding General, First Marine Expeditionary Force. General Hagee has commanded marines at all levels, so he knows the Marine Corps very well. Sitting on the same panel with the current Commandant, General Hagee may find himself in a very interesting predicament if we ask him the right questions, which we intend to do. [Laughter.]

On behalf of the entire committee, I would like to welcome each of you and your families to our Armed Services Committee. You are very familiar with all of us, I believe personally and as a committee. I want to thank each of your family members in advance for the sacrifices that they will be asked to make. You each have a long record of public service, so your families have some idea of what they're in for. Certainly the members of this committee know the strains that public service can put on normal family life and none of our nominees would be able to serve in these positions without the full support of their families. We want to thank you and them in advance for the hardships that they and you will put up with during your service.

Admiral Ellis, I understand that your father passed away. You have the sympathies and the condolences of every member of this committee, and I know this is a very difficult time for you personally.

Admiral ELLIS. Thank you, sir.

Chairman LEVIN. We have a tradition in the committee of asking our nominees to introduce family members who are present and I'm going to ask you to do that when we get to your statements. I'm going to ask you, though, just to withhold that for a minute because we have some pressing scheduling needs of a number of our members.

I'm going to ask the first two of our colleagues to make introductions. I see that Senator Hutchison is here. Senator Inhofe also wants to make an introduction, and then I am going to call on Senator Ben Nelson, who has to catch a plane, to ask some questions even before you are able to make your statement. This is all in an effort to work around these scheduling difficulties.

So let me start with—I don't know who has a more difficult schedule here—whether it's Senator Inhofe or Senator Hutchison.

I am going to recognize Senator Warner first. Let me ask the two of you if you can decide who has a more pressing schedule.

Senator INHOFE. I would like for Senator Hutchison to proceed, I'm not in that big of a hurry. I'm looking forward to introducing Admiral Hall, who is a very close personal friend, but that can come later.

Chairman LEVIN. Right. Let me first call on Senator Warner. As always, that comes first.

Senator WARNER. I suggest maybe I follow my colleagues here.

Chairman LEVIN. Let's do it that way then.

Senator Hutchison.

## STATEMENT OF HON. KAY BAILEY HUTCHISON, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator HUTCHISON. Thank you very much, Mr. Chairman, and thank you, Senator Warner.

I am so pleased to be here today to introduce General Michael Hagee to the committee to be the nominee for the Commandant of the Marine Corps. I agree with Senator Levin that for marines, that is the very highest post in the entire career of a United States Marine.

My friend and colleague Phil Gramm was unable to be here but he joins me in extending his strong support of General Hagee's nomination.

Before I begin, I do want to say how pleased I am with both of the other nominees for confirmation today and particularly General Jones, who I worked with for a long time. Back when Bill Cohen was a United States Senator, we all went to Bosnia together when the Serbs were still shooting from the hills, and we had to exit under cover. I have watched General Jones and his leadership, and I couldn't be more pleased that he too is being promoted, or at least making a lateral transfer to continue the great service to our Nation.

Admiral Ellis, your reputation is renowned in the U.S. Navy, and we thank you very much.

I want to say, there is something very special about Texas and the Marine Corps. More marines per capita join the Corps from Texas than any other State in the Union, so we are especially proud that the Commandant is among those ranks. General Hagee grew up, went to junior high school and high school in Fredericksburg, Texas, which is also the home of another naval hero, Admiral Nimitz.

General Hagee spent a year at the University of Texas at Austin, where he got his real world experience, and then attended the U.S. Naval Academy, where he graduated in 1968.

His distinguished career in the Marine Corps has prepared him so well for this role. He began his service when the war in Vietnam was at its height. He has been successfully leading marines ever since. His command experiences placed him at the helm of a platoon, five companies, a rifle battalion, a Marine Expeditionary Unit, and the First Marine Expeditionary Force.

General Hagee has also had assignments during his career in addition to all of those wonderful combat and leadership roles. He was an educator at the U.S. Naval Academy, teaching electrical engineering, humanities, and social science and character development. There he learned valuable innovation and human development skills that complement his vast command experiences.

It is my pleasure to welcome General Hagee, introduce him to this committee, and certainly support his nomination fully. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Hutchison.

Senator Inhofe, I believe you are going to introduce Admiral Hall?

Senator INHOFE. Yes.

Chairman LEVIN. Thank you so much, Senator Hutchison. We appreciate you coming by.

Senator WARNER. Have a safe journey back to your family. You've had a long hard week. I know how hard you worked this week.

Chairman LEVIN. Thank you.

Senator Inhofe.

Senator INHOFE. First of all, let me tell you that everything that Senator Hutchison said about our nominees, I concur with heartily. I have had occasion to spend personal time with each one of them and it has been a real honor. We are so proud to have all of you

taking the new positions that you will be assigned to, and I look forward to this confirmation.

I can't beat Senator Hutchison in terms of the percentage of the marines that come from Oklahoma, but I will say this—all of the field artillery training takes place at Fort Sill in Oklahoma.

We are honored to have before us Rear Admiral Thomas Hall, who has been nominated to be the Assistant Secretary of Defense for Reserve Affairs. If you were to travel around the world, you would only find one town that has a producing oil well in the center of Main Street. It's Barnsdall, Oklahoma. Barnsdall, Oklahoma is where Tom Hall was born and where he was raised. He has deep roots in Oklahoma.

I know I share him partly with you, Senator Warner, because he does currently live in Virginia, but his brother trained our K–9s when I was mayor of Tulsa, so we have a lot of ties. I think that Admiral Hall has received every honor you could receive in Oklahoma, including, of course, being in the Oklahoma Military Hall of Fame.

Admiral Hall holds a masters degree from George Washington University. He is a distinguished graduate from the Naval War College and the National War College. He got his flag rank in 1987.

He served a number of capacities in Keflavik, Iceland, but he was the 22nd Commander of the Iceland Defense Force and, Mr. Chairman, about 10 years ago I had occasion to fly an airplane around the world replicating the flight of Wiley Post. I have to say the most enjoyable of those nights going around the world was the night I spent in Iceland with the hospitality of Admiral Hall. I thanked you for that many times, and I thank you again. You have a real love and devotion to service.

Admiral Hall has received the Distinguished Service Medal, the Defense Superior Service Medal, and the Legion of Merit.

I don't think there is anyone who is as qualified as he is with his background to serve as the Assistant Secretary of Defense for Reserve Affairs. He has had hands-on experience running the Reserves for the Navy for 10 years now, so I think we are all honored to have him in that capacity and I am looking forward to serving with Admiral Hall.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe, and thank you very much, Admiral.

Now, we're going to continue to go out of order and call on our colleague Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman, and thank you, Senator Warner, for the courtesy this morning.

First of all, I want to welcome and congratulate each of you, Generals Hagee and Jones, and Admiral Ellis. It's a pleasure to have military officers of your caliber and experience in the military to begin with, let alone taking on new commands, so I congratulate each of you.

A special word for Admiral Ellis, who has had the good fortune of becoming a Nebraskan. There are many ways of becoming a Nebraskan, but one of the best ways is to be there, and we appreciate very much the personal relationship that we have been able to de-

velop since your first assignment to Nebraska. Now the expansion of the command to include Space Command is more of an indication of your capacity than almost anything else, the recognition of your ability to be able to assume these additional responsibilities. So I congratulate you and I congratulate Secretary Rumsfeld and President Bush for their wisdom in this selection.

As you have had the opportunity to begin the process of the consolidation of the missions, clearly there are challenges because of geography, many of which can be overcome with technology. I just wonder if you have found the cooperation and kind of resources that are necessary in order to effect this kind of consolidation, recognizing it's a first and that it's not always easy to be first, in attempting to do something of this nature. Can you just give us some idea of what you have experienced?

Admiral ELLIS. I would be glad to, Senator. The support that we've received in the 4 months since this announcement has been made of the intent to blend these two missions into a single new United States Strategic Command has been absolutely extraordinary, at every level. Clearly the support has been forthcoming from the Office of the Secretary of Defense and Chairman of the Joint Chiefs. But most importantly it has also been very apparent as we have worked with the men and women of exceptional talent who are a part of each of those commands, and have really risen to an increased awareness, an appreciation for the challenges that are going to confront us, and the opportunities that the blending of these two missions will offer to the Nation.

So the excitement is palpable at all levels. The resources are beginning to flow. Obviously we've got milestones that we are going to be reaching over the next year as we move toward full operational capability, but I've been very satisfied and pleased with the support at all levels, and yours as well. Thank you, sir.

Senator BEN NELSON. Thank you. You stand it up one day but it takes a long period of time to effect the success of the operation. Can you give us some idea what this combination will do to enhance our capacity to defend ourselves against those elements in the world that would otherwise do us in?

Admiral ELLIS. Yes, sir. I think, as you're well aware since we've discussed it many times, and I know the chairman and Senator Warner are as well, the unique characteristics of this command reside around the global approach to global challenges and global capabilities that are now ours. The challenges have been handed to us in some cases by others. The capabilities have been created by our own technologies and obviously in many ways, transcend the regional allocation with which we've historically dealt with these challenges.

So we see a tremendous role in supporting the forward-deployed combatant commanders, General Jones when he's confirmed, and all of my colleagues that are doing such great work for the Nation out there. We see our role as supporting them and providing a full range of information, intelligence, communications, and surveillance capabilities on a global scale to meet their needs as they satisfy our national security requirements. So we see great potential.

The excitement that's been engendered by the creation of this new command has also allowed us to begin discussion and consid-

eration of missions that historically have been unassigned. They may well too, over time, come to this new organizational element that we are standing up in Omaha.

Senator BEN NELSON. I appreciate very much your willingness to take the assignment and the confidence that has been placed in you is well deserved.

My compliments also to my friends from the Marine Corps. I suspect, General Jones, the transition that you are about to undertake will be a greater challenge for those accepting a marine for the first time in the position than it will be for you, but we wish you the very best, and full cooperation in every respect.

Of course, General Hagee, in any way that we can be of support or assistance, obviously we stand ready to do that.

I thank you, Mr. Chairman, and thank you, Senator Warner.

Chairman LEVIN. Thank you very much, Senator Nelson.

Senator Warner.

**STATEMENT OF SENATOR JOHN WARNER**

Senator WARNER. Thank you, Mr. Chairman. Mr. Chairman, I'd like to start picking up on your heartfelt expressions to the families of these nominees. It has been my experience observing through the many years that I have been privileged to serve with and alongside the men and women of the Armed Forces, that the family unit is absolutely the base on which the individuals who wear the uniform are able to do so. So we thank those who have joined us here today.

This is a very moving hearing for me, seeing General Jones here. If you will indulge me in a story, Mr. Chairman, when I was privileged to be elevated from Under Secretary to Secretary of the Navy, I elected to the astonishment of everybody, particularly the Secretary of Defense, to have the oath of office not on the parade grounds of the Pentagon, but at 8th and I, as a modest way of showing my appreciation for all the marines did for me to form me as an individual and enable me to take on responsibilities in life. That was something of an uneventful event but it went off quite well, as everything does at 8th and I.

Years later then-Major Jones appeared at the Senate, only to tell me that he was the captain that marched the troops in review the day I took the oath of office, as a young captain. So, we bonded by eye contact as far back as 1972, and then had the most remarkable and warm friendship, sharing from the depths of our own hearts and experience our views about the security of our Nation and particularly the men and women who serve in the Marine Corps and other services. So I commend you, General.

I guess I have to also say that he's going to Europe, which has a very special part in this officer's background, having spent much of his early childhood and formative years there. The marines came into their own in the Battle of Belieu Wood, and he has visited that hallowed ground, as I have, and I hope maybe to accompany you back to that ground some day.

General JONES. It would be a great honor.

Senator WARNER. My father served in World War I as an Army doctor and cared for the wounded during that engagement.

Admiral Ellis told me something that's very amusing. We likewise had a wonderful relationship. I remember visiting with him when he was the NATO South Commander and in the final days of that conflict, he and General Clark—what was the name of that British General, Jackson?

Admiral ELLIS. Myrick Jackson, sir.

Senator WARNER. But Admiral Ellis advises me that he has been before the committee five times in the last 9 months. It's rather like schoolmasters bringing in the recalcitrant students to check them out; I think that is a record for anyone coming up for confirmation before the Senate Armed Services Committee. But you have a distinguished career and we are thankful that you're taking on, together with your family, these added responsibilities so important today.

General Hagee, while we're just getting to know one another, I wish you well. We here on the committee are very proud of you and the President's selection of each of you for these positions, and I know you will do quite well.

You bring a technological background to this post at a time when our Armed Forces are transforming into the highest technological capability they can achieve, and you will be on the forefront of that.

So I welcome all of you today and your families. Thank you, Mr. Chairman. I will put my statement in the record.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

FIRST PANEL

Thank you, Senator Levin.

I join you in welcoming General Jones, Admiral Ellis, Lieutenant General Hagee and their families. Gentlemen, congratulations to you and your families on your nomination.

General Jones, I commend you on your superb service as the 32nd Commandant. We have been friends for years—since your days years ago as a major and lieutenant colonel in the Marine Corps Senate Liaison Office in the Russell Building. We have all followed your remarkable career with great pride. The Marine Corps under your leadership, throughout Operation Enduring Freedom and in our national response to the global war on terrorism, has only enhanced its reputation. I was most pleased that the President selected you as his nominee to be Commander in Chief, United States European Command and Supreme Allied Commander, Europe. It is a milestone for the Marine Corps, and it is a position that will draw upon your extraordinary military career and your unique familiarity with Europe and our NATO allies. You have my support for this important billet.

Admiral Ellis, we welcome you back to the Senate. There is no question that the new Strategic Command—formed from the merger of the United States Strategic Command and United States Space Command—will pose significant challenges and require the leadership skills you have already demonstrated. You have performed superbly in your present capacity, and I anticipate that you will continue to excel in this new organization.

General Hagee, welcome. You have had a most impressive array of assignments leading up to this hearing, and you are uniquely well qualified to serve as the 33rd Commandant of the Marine Corps. Your headquarters experience in United States European Command as Deputy Director for Operations; in the United States Pacific Command as Director for Strategic Plans and Policies; with the CIA as Military Assistant to the Director; and in OSD and Headquarters, Marine Corps, will serve you well.

Your operational experience—starting with your combat service in Vietnam as a platoon and company commander—and culminating in your present assignment as Commanding General of the First Marine Expeditionary Force—clearly indicates you have earned the privilege of commanding marines. Following in the footsteps of General Jones will not be easy. But I assess that you are up to the task.

We are fortunate as a nation that the President has nominated such extraordinarily well qualified individuals for these important assignments. You have my support.

SECOND PANEL

Secretary Abell, welcome back to the Senate. It is always a pleasure to see you and your talented wife, Cathy. I compliment you on the initiatives you have taken in your present position as Assistant Secretary of Defense for Force Management Policy. The pay raises the administration has proposed, particularly for our experienced mid-grade officers and enlisted personnel, have contributed to unprecedented retention statistics. The ideas and energy you have brought to the Department have resulted in increases in pay, compensation, and quality of life for those who serve our Nation in uniform. I particularly want to recognize you for the superb work you perform in overseeing the military promotion system within the Department. This committee takes its "advice and consent" role very seriously. We thank you for your dedicated efforts in this regard.

Mr. Hall—Admiral Hall—welcome to you and your wife, Barbara. You had an impressive career on active duty as a naval aviator, and your service before retirement as the Chief of Naval Reserve laid the groundwork for the full integration of the Naval Reserve into the Navy's "total force." After retirement, as Executive Director of the Naval Reserve Association, you have distinguished yourself as a strong, principled advocate for the men and women who increasingly have been called upon to defend this Nation.

Mr. Erdmann, welcome to you and your wife, Renee. Thank you for being here today and for your continued desire to serve the Nation as a judge of the United States Court of Appeals for the Armed Forces. I note with admiration your service to the State of Montana in the fields of law enforcement, education, and as an Associate Justice of the Montana Supreme Court. Add to that your active duty military service in the late 1960s as an enlisted marine, your 20 years of subsequent service with the Air National Guard as a judge advocate, and your recent extraordinary service assisting the High Representative in Bosnia and Herzegovina in implementing judicial and election reform, and it is difficult to imagine a more qualified individual for this important judicial post.

I thank all of you for your willingness to serve.

Chairman LEVIN. Thank you so much, Senator Warner.

Our nominees have all responded to the committee's prehearing policy questions, and our standard questionnaire. These responses will be made part of the record. The committee has also received the required paperwork on each of the nominees and we will be reviewing that paperwork to make sure it's in accordance with the committee's requirements.

In response to advance policy questions you have agreed to appear as a witness before congressional committees when called, and to insure that briefings, testimony and other communications are provided to Congress.

Before we begin our first round of questions, there are several standard questions that we ask every nominee who appears before the committee. I would appreciate your answers for the record on each of them.

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

Admiral ELLIS. I have, sir.

General JONES. Yes, sir.

General HAGEE. Yes, sir.

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

Admiral ELLIS. No, sir, I have not.

General JONES. No, sir.

General HAGEE. No, sir.

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

Admiral ELLIS. Yes, sir, I will.

General JONES. Yes, sir.

General HAGEE. Yes, sir.

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

Admiral ELLIS. Yes, sir, I will.

General JONES. Yes, sir.

General HAGEE. Yes, sir.

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

Admiral ELLIS. Yes, sir.

General JONES. Absolutely.

General HAGEE. Yes, sir.

Chairman LEVIN. Okay. Let me call upon each of you for any opening statement that you might wish to make, and please introduce your family members to us.

Admiral Ellis.

**STATEMENT OF ADM. JAMES O. ELLIS, JR., USN, NOMINEE FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE COMMANDER, UNITED STATES STRATEGIC COMMAND**

Admiral ELLIS. Thank you, Senator. Mr. Chairman, Senator Warner and distinguished members of the committee, it's an honor and a privilege to once again appear before you today as the nominee for the position of Commander of the new United States Strategic Command.

As you've noted, Senator, it was almost 1 year ago to the day that I appeared before you under what are seemingly similar circumstances, but as in so many other events of the past year, what a difference a year makes.

I am profoundly grateful to the Secretary and the President for nominating me to take the helm of this truly historic and transformational command. As many of you know, I rarely use the word transformational, my view being that if you must continue to remind people that something is transformational, perhaps it is not. But in this case I am absolutely convinced that the creation of this command provides a unique opportunity to literally redefine how our military will organize, plan, support, and execute operations across the full spectrum of global challenge now and well into the 21st century.

The concept of merging the United States Space and United States Strategic Commands has been proposed and studied several times over the last decade, but it could not be executed. Now, however, not only are the conditions right, but the rationale is compelling. We are in an era of new adversaries presenting us with global challenges, and new types of warfare and capabilities are emerging which transcend regional boundaries. Now more than ever, it is imperative that we make substantive, innovative and forward-looking changes in how we organize and operate in peace, crisis and conflict.

The efforts that are being undertaken in Omaha are far more than a simple headquarters merger. In fact, as you have noted, Mr. Chairman, on the 1st of October, the United States will officially disestablish the current United States Space Command and the United States Strategic Command and create in their place an entirely new combatant command effectively redefining the term strategic.

It is true that the command will inherit the important missions with which you are so familiar and which have been so ably performed by the talented professionals assigned to those two commands over decades. But we will perform them with a new focus and a new perspective—that of a global warfighter, organized, resourced, and ready to more fully operationalize and integrate the missions of space, computer network operations, rigorous strategic planning, and rapid execution of global operations.

We will stand ready to take on new missions as the needs of the Nation may, and likely will require, while retaining the rigorous, exacting and responsive oversight of the Nation's nuclear forces.

To accomplish all of this, the command will organize in entirely new ways, shedding the constraints of traditional and often stovepiped organizational structures and developing innovative, flexible, and efficient cross-cultural teams of highly trained professionals that can meet the fast-paced and often challenging and changing requirements of the 21st century.

Additionally, new relationships will be developed with the service component commands, as well as with defense and space agencies, to better respond to our Nation's needs.

If confirmed, I commit to working closely with the broader space community, spanning government and industry, to insure we remove barriers and continue the growth in intellectual capital and warfighting capabilities that has occurred under the stewardship of the United States Space Command. We are the world's preeminent space faring nation and I am committed to insuring we retain and advance that position.

I also commit to you that if confirmed to lead this visionary command, I will add all of my energies to those of the incredibly talented men and women of the current United States Space and United States Strategic Commands, and will be honored to work with this committee to meet the many challenges and pursue the many opportunities that lie ahead.

I thank you for your past confidence and support and look forward to your questions, Mr. Chairman.

Chairman LEVIN. Thank you, Admiral Ellis. Are you accompanied by any family members today?

Admiral ELLIS. I am not, sir. My wife is unable to be here. My son is an Army Ranger with the 2nd Ranger Battalion, and is on 1-hour alert and is not here, and my daughter and her husband live in California, but none of them could join us today.

Chairman LEVIN. We know how much they are with you in spirit.

General Jones.

**STATEMENT OF GEN. JAMES L. JONES, JR., USMC, NOMINEE FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES EUROPEAN COMMAND AND SUPREME ALLIED COMMANDER, EUROPE**

General JONES. Thank you, Mr. Chairman. It is a great honor to be here, and I do have some family that I'm very proud of and would like to take just a few minutes to introduce, if I might.

First my mother, Charlotte Jones, who is here, lives in Virginia. My father passed away in 1986, but he was a distinguished marine in World War II and was one of the founders of Marine Corps reconnaissance, and participated in many reconnaissance missions from submarines, on rubber boats in many of the island campaigns. I am very happy that my mother is here, and I am deeply appreciative of the education and experiences that she has provided and the guidance and the leadership in my formative days in Europe and throughout my life. So Mom, thanks for being here.

My son Jim and my daughter-in-law Stacy are here.

Senator INHOFE. Why don't you have them stand up so we know who they are.

General JONES. My mother. My son Jim and his wife Stacy have just presented us with a grandson 3 months ago. Thank you very much.

My Aunt Charlotte.

Chairman LEVIN. We will exchange pictures later on. [Laughter.]

General JONES. Another future marine, I might add.

My Aunt Charlotte, who is the spouse of the late Lieutenant General William K. Jones, who was one of the giants of the Marine Corps, having fought in three wars, World War II, Korea and Vietnam. Their son, Lieutenant Colonel William K. Jones, United States Marine Corps Retired, is here as well. Bill, will you please stand? Thank you.

I am also very honored to be flanked by Jim Ellis and Mike Hagee. Many of the committee staff will recall that Admiral Ellis also served, we served alongside each other in the Navy-Marine Corps Senate Liaison Office many years ago in the early 1980s. Admiral Ellis was a lieutenant commander, I think, and I was a major when I first arrived over here, and here we are some few years later.

Senator WARNER. Must be a pretty good job.

Chairman LEVIN. I wouldn't want to have to deal with us, I'll tell you that.

General JONES. The Admiral and I are going to co-author a book, and I'm sure you will be interested. [Laughter.]

It's also my great honor to be seated next to the 33rd Commandant of the United States Marine Corps, once confirmed. Mike Hagee is an absolutely wonderful nominee. He and his wife Silka have meant so much to the leadership of the Marine Corps already and under his leadership as the 33rd Commandant, they will take the Marine Corps deeper into the 21st century and make it even better than it is today. Mike, it's a great honor to be here with you, and congratulations.

Mr. Chairman, I am deeply honored by this nomination. As you pointed out earlier in your remarks, I had no anticipation that I would be asked to do anything beyond being the 32nd Com-

mandant, and that would have been more than enough to satisfy any ambition that I had whatsoever, never having expected that honor just 3 years ago.

However, the opportunity to make a further contribution in what I consider to be still our most important alliance in a very important part of the world that is dynamic and changing almost every day is absolutely a challenge that I welcome and that I am deeply humbled by, and I will certainly attempt to do my very best.

I spent 15 of my formative years in Europe and I was privileged to return there on occasion for different assignments as the J–3 of the U.S. European Command, and as a commander of the 24th Marine Expeditionary Unit during the Kurdish relief operation, where I believe we met each other in northern Iraq. So the opportunity to continue in uniform and to try to make a difference and to represent my country as the Commander of U.S. European Forces and as the Supreme Commander of Allied Forces in Europe is a great honor.

It comes at a difficult time. It comes at a moment where the global war on terrorism has made a difference not only in our Nation but in the nations around the world. It comes at a time when NATO is in fact expanding, which will represent some challenges, but also some opportunities. It comes at a time when we are trying to make our forces and the forces of our allies more responsive. It comes at a time when we need to look to see if the 20th century models aren't in need of some readjustment to make ourselves more efficient not only in the utilization of our resources but in the way we carry out our missions.

It comes at a time when the leadership of America is particularly important to make sure that the world continues on in its quest for peace, its quest for providing opportunities for women and children and families all over the world. This is still a dangerous environment and it's one in which we can make great contributions. If confirmed, I look forward to being able to try to move the ball forward and advance the causes for which our country stands and for the last 50 or 60 years since the end of World War II have made such a dramatic contribution to the peace and stability that exists worldwide, and in the very important European theater and the trans-Atlantic partnership that I know we all still believe in deeply.

Thank you very much for the opportunity to be here and I look forward to answering your questions.

Chairman LEVIN. Thank you very much, General.

General Hagee.

**STATEMENT OF LT. GEN. MICHAEL W. HAGEE, USMC, NOMINEE FOR APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDANT OF THE MARINE CORPS**

General HAGEE. Mr. Chairman, Mr. Warner, other members of the committee, I would like to take just a moment and thank Senator Hutchison for her kind and gracious introduction.

I would also like to introduce my family. First my wife of 33 years, Silka. My son, who you can see is in the Navy, serving at the Naval Academy right now teaching electrical engineering there. My daughter Stephanie is also here.

Senator WARNER. Where did he get that idea?

General HAGEE. He didn't follow me into the Marine Corps, as you can see. My daughter Stephanie also lives in Annapolis and works for CASA, Court Appointed Special Advocates.

Chairman LEVIN. Nice to have you all here.

General HAGEE. Sir, I am deeply humbled and honored to sit before you as the President's nominee to become the 33rd Commandant of the United States Marine Corps. I come from a naval family. My father served with distinction as a Navy chief during World War II. He was really the motivation that caused me to come into military service. I have been blessed to have served with some tremendous Americans and to have really found a career that is more a call than a profession. If confirmed, I would take the service chiefs' challenge of organizing, equipping and training the superb young men and women who are in your Marine Corps very seriously and it would be uppermost in my mind.

I'm also honored to sit here with two superb naval officers who have served our Nation with dedication and class. Sir, I look forward to your questions.

Chairman LEVIN. Thank you very much, General.

Admiral Ellis, let me start off with you. The December 2001 Nuclear Posture Review adopted a new concept of a triad that is much broader than the old triad concept that dealt with air, sea, and land delivery capabilities for nuclear weapons. The new triad concept is not limited to nuclear weapons and delivery systems. My first question is, does the Nuclear Posture Review and this new triad concept mean a different role for the Strategic Command?

Admiral ELLIS. Senator, that's an excellent point and I think you have keyed in on a number of the elements that are addressed as part of this new organizational alignment. As you recall, the three elements that are part of the so-called new triad are obviously the kinetic piece, the nuclear, and the advanced conventional and nonkinetic options that you addressed for the first time. As part of that, we have been instructed to consider how to fold those new capabilities into the Nation's strategic war plan.

There is also a defensive aspect to it that missile defense and other capabilities deliver, and the final leg of that new triad, as you recall, is the more responsive infrastructure.

A key piece of that as well was the knitting together of those three elements by more robust command and control communications systems, planning systems, more responsive capabilities, and the like. Indeed, this new command is focused on all of those DOD elements that have been identified as essential to redefining and strengthening the Nation's deterrent capability for the years ahead.

Chairman LEVIN. Does the new Strategic Command take on war planning and targeting for strategic use of nuclear and conventional weapons?

Admiral ELLIS. The planning responsibility that has historically been ours in support of the Nation's strategic war plans will remain. It is also anticipated that we will blend in the appropriate planning required to support the conventional and other capabilities that will be part of our Nation's strategic concepts as well.

Chairman LEVIN. How does that role then get coordinated with the regional and the other commanders?

Admiral ELLIS. It's going to require, and we have already begun, a very robust dialog and interaction with the regional combatant commanders. As I said in my opening statement, many times we will be in support of their efforts and needs as they, at the tip of the spear, deal with the challenges that inevitably confront them in the far corners of the world. So we will expand on the already robust interaction, link ourselves electronically with forward deployed elements, expanding on the space and information operations elements and the planning cells that we routinely dispatch to their headquarters under the current construct to support their planning and integration needs.

Chairman LEVIN. Steps have recently been taken to reduce the number of operationally deployed nuclear weapons. Agreement has been reached on that. What are the next steps in your judgment that can be taken to reduce the total number of nuclear weapons in the stockpile?

Admiral ELLIS. The President has set as a goal, which we fully support, of reaching the lowest level of operationally deployed strategic nuclear warheads consistent with the Nation's national security needs. We have set as a goal over the next decade under the Nuclear Posture Review, reduction to between 1,700 and 2,200. We are in the process of establishing interim milestones along that glide slope and defining the final stockpile composition that will be required.

As you and I discussed before, it's important that the stockpile numbers that we arrive at are reliable and fully supportive across the full range of potential reliability and sustainability issues that are so important for maintaining that credible deterrent. Those pieces of analysis will evolve as studies continue over the next year.

Chairman LEVIN. Will that include the reduction, or potential reductions, in the number of weapons in the stockpile as well as the number that are operationally deployed?

Admiral ELLIS. Yes, sir. The final stockpile number, as you're well aware, required to support the operationally deployed levels will be assessed and refined as the details of the Nuclear Posture Review are translated and implemented over the next years. Clearly, it's not our intent to maintain one more of those systems than is absolutely necessary for national security needs. But it's equally important that we not maintain one less than we need as well.

Chairman LEVIN. What is the time line? You say years. Are those judgments going to be made in a matter of 1 year or 2 years?

Admiral ELLIS. Yes, sir, I would say that's probably the right time frame. We have identified an interim level to achieve in 2007. The precise composition of the legs of the current triad, the ICBM, submarine launched force, and bomber force, their contributions will be refined and defined as we move beyond that. Clearly, that will drive the appropriate size of the stockpile. The supportability and the sustainability issues along with the stockpile stewardship program will define exactly and quantify the precise level of the stockpile.

Chairman LEVIN. Thank you. General Jones, in your answer to one of the committee's prehearing questions, you called for the roles and functions of the Joint Chiefs to be reexamined and appro-

priately redefined, and made the following statement: "Today's JCS finds itself immersed in Title 10 responsibilities at the expense of providing military advice on pressing global issues." It's a significant statement, and I'm wondering whether or not you would explain a little further in which Title 10 responsibilities the JCS is immersed, and who do you think should have the responsibility for them in lieu of the JCS?

General JONES. The Title 10 responsibilities I was referring to are the appropriate responsibilities that are conferred upon service chiefs to organize, train, and equip the force. What has happened, I think is that over the years, as Goldwater-Nichols was implemented and the role of the Joint Staff and the Chairman and the Vice Chairman have been crystallized more effectively, the service chiefs have found the majority of their time occupied with the organize, train, and equip functions, with a corresponding lesser amount of time dedicated to participating in the day-to-day dialog of worldwide operations and emerging problems that should require a more focused attention.

It's a question of devoting time to the issues, and I think part of it can be self adjusted. I see some self adjustment being done right now in the JCS. We find ourselves occupied now, obviously, with the significant importance of the potential crises that we deal with on a daily basis, particularly since the attack on our country last year, but the JCS now is into a more balanced division of time and labor on the more substantive issues.

But in the preceding years, and I have talked about this with my colleagues, we agree that we have let the advisory nature of our major responsibilities wane just a little bit in favor of the understandable amount of time that it takes to organize training and equip the force. So I think that the value of the JCS serves a very useful function in providing advice to the Chairman, the Secretary of Defense, and to the President on the weighty issues of our time.

I think it would be worthwhile to look at it to make sure we have the right balance in terms of how the members of the JCS spend their time, so that you don't get too far away from the issues and focused on the internal management of your own service at the expense of the more collegial function that the JCS can and should play.

Chairman LEVIN. Thank you.

Senator Warner.

Senator WARNER. Senator Inhofe has a scheduling issue, so I defer to him, Mr. Chairman.

Chairman LEVIN. Senator Inhofe.

Senator INHOFE. Let me first thank Senator Warner for helping me accommodate a little conflict I have since I won't be able to stay very long. Thank you, Senator Warner.

Senator WARNER. You're welcome.

Senator INHOFE. Admiral Ellis, I was elected to the House in 1986. I remember when I came to Washington in January of 1987 and the first weekend I was here, I went to the U.S.S. *Coral Sea.* I flew aboard on a COD and watched the night maneuvers with the fairly new FA–18s. I noticed that you were the first commanding officer of the Strike Fighter Squadron 131, deploying in 1985 with

the new FA–18s. I have often wondered if you might have been in those night maneuvers when I was down there.

Admiral ELLIS. I was indeed, sir.

Senator INHOFE. Your status has always been very high, but it just jumped another few steps with me.

I know that it has nothing to do with the position you will be assuming, but you were the Director of Operations, Plans, and Policies on the staff of the Commander in Chief of the U.S. Atlantic Fleet, so I know you dealt with training on Vieques. Did you ever train on Vieques?

Admiral ELLIS. Yes, sir. I oversaw all of the training, as you might imagine, for the Atlantic Fleet, and at that time Vieques was a part of that training regimen.

Senator INHOFE. Was that a significant part of the training?

Admiral ELLIS. Yes, sir. I was privileged to host you a couple of years ago when you, at a great personal effort, made a trip through all of the training ranges which we had available in the Mediterranean and in the United Kingdom. Those types of facilities, particularly those in which we can bring together all of the naval, and that means both Navy and Marine Corps, combat power for integrated and joint training are particularly useful elements of the overall warfighting preparation.

Senator INHOFE. I appreciate that, and I also appreciate the time that you devoted to helping me see first hand what the alternatives were. Something good is happening in Puerto Rico right now. The Navy's esteem has gone up significantly; in fact they're up to 50 percent now in terms of people wanting to support the Navy with live-fire. So we may be seeing, after we examine a lot of the alternatives which you, General Hagee, will have to be overseeing to some degree, we may want to go back and review that, so I appreciate your comments.

General Hagee, in addition to that trip, a few months ago I went to the U.S.S. *JFK*, the War Air Service Program (WASP), and talked to Admiral Natter, the Atlantic Fleet Commander, and Admiral Dawson. I spent quite a bit of time with him, the Second Fleet Commander. I also spoke with the commander of the Marine Expeditionary Unit and commodore of the WASP, as well as the commander of the *John F. Kennedy* battle group, to find out what they thought at their hands-on level of the quality of training. I won't belabor this because I think we've talked about this often, but I remember that the commanders believe that live-fire training is better than inert, and I asked the question, if live-fire is a 10 what is inert? They all agreed it was about a five. Would you agree to that assessment and evaluation?

General HAGEE. Yes, sir. You can do a great deal with simulated training, but in the end you must have live-fire coordinated training.

Senator INHOFE. Admiral Ellis, it was brought home to me by several people in different capacities in the Navy that if it's inert versus live, it's a totally different type of training. I liken this to when I was in basic training. I thought I was pretty good at crawling on my hands and knees under the barbed wire until they used live-fire over me and then it was different. Would you agree with that?

Admiral ELLIS. Yes, sir. The whole end-to-end system, for projecting combat power from our very capable aircraft carriers involves the buildup of live weapons, their transfer to the flight deck, and a very rigorous and precise loading evolution. The rules are different, as you might expect, with live ordnance than they are with inert. The procedures are different and as General Hagee has noted, in the final analysis, before you can certify these forces, live training is essential.

Senator INHOFE. Vieques is the only range on the east coast where naval gunfire qualification can take place right now.

Admiral ELLIS. Yes, sir.

Senator INHOFE. General Hagee, I look forward to working with you. I know I don't have to ask the question. I know that you will show the same amount of courage in facing these tough issues as General Jones did. I look forward to working with you on assuring that we have the very best training for these people that we send into combat environments. It will be a privilege working with all three of you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Warner.

Senator WARNER. Thank you very much.

General Jones, I want to follow up on Chairman Levin's comment with regard to your response. We're glad that you made that response, because our committee, Senator Levin, and I have been thinking about what reviews we should make of Goldwater-Nichols, and the American public think that you as a member of the chiefs and having risen through your respective service to the top post, are drawing on that vast experience, of course with Title 10, but to advise the chairman and to advise the President, and to counsel with Congress.

Did the language of Goldwater-Nichols precipitate this or centralize so much of the responsibility with the Chairman and the Vice Chairman that somehow the other members, their load on the oars was relieved?

General JONES I call it——

Senator WARNER. We have to go back and look at this. I think this is one of the most beneficial parts of this hearing.

Chairman LEVIN. That's a very significant statement and we should follow up on it, and you're being very candid as always and being very balanced in your approach, but I think we should really dig deeper and take full advantage of your experience and that of the other chiefs.

General JONES. I call it an unanticipated consequence. I don't think, and I've talked to many of the people who wrote Goldwater-Nichols.

Senator WARNER. Well, you're looking at two of them right here.

General JONES. Yes, sir.

Senator WARNER. So I mean, we bear full responsibility.

General JONES. What I'm suggesting is that after a number of years of implementation, that it would be useful to make sure that not only on this issue but on some of the other issues that I raise in my response, that we have it about right, and some of it is self-correction and some of it is us. Some of it is us as service chiefs

who sometimes allow ourselves to be captured by the inner workings of our own services so much that you can have a tendency to say "well, I'm sure they're taking care of it."

So in my dealings with the Chief Naval Officer (CNO), the Chief of Staff of the Air Force, Chief of Staff of the Army, we have talked about this as colleagues, and we have self-corrected to a certain point to make sure that the equities that we think we are obligated to bring to the table on the very important issues, that we actually make sure that we participate in. It's very easy to take your eye off the ball sometimes because there's so much to do.

I am simply suggesting not that anything is broken, but that we need to make sure that the contribution that the Joint Chiefs can make as a body is still something that is valued and necessary and expected, and I think that the adjustments will come very quickly.

I would like to emphasize that I see some of those happening already. Certainly since last year, I have seen the focus of the JCS as a corporate body involved in the evaluation of plans, the dissection of crises, providing the military options for the Secretary to consider his representation to the Commander in Chief, has been happening much more frequently than in the past. So it's nuance, it's not a situation where—and it's very personality dependent, but the awareness of the responsibility of the Joint Chiefs and making sure that we adhere to those expectations is something that I felt strongly enough to mention in the context that I did.

Senator WARNER. Well, I am certainly grateful that you have done that. Senator Levin and I, you all coming before us always state, "if confirmed." Well, if reelected, we would like to continue, mark a quarter of a century of service here sitting right next to each other all these many years, and we will address this function. We won't go into it now, but possibly some statutory emphasis on what we see as the need for greater balance between these two responsibilities may be needed, and thank you again.

General Jones, the subject of NATO has been of great interest to me and members of this committee for these many years, and both Senator Levin and I can remember in our early days, actually I guess this is when you gentlemen were down in the liaison offices, there were battles on the floor about the funding for NATO, whether or not this nation should still have the major role, and through the heroic efforts of previous Chairmen John Stennis, Tower, Goldwater, Scoop Jackson, and others, we emerged through those battles and kept the strong congressional support.

But am I just speaking for myself now, I'm concerned about the future of NATO. We're about to have another round of expansion, I think we go up to 26, I believe my speculation in the paper, and I'm not going to draw that out of you now. You want to stay clear of that until we do get that confirmation done. But that's a lot of voices sitting around trying to reach a consensus. Fortunately you have in Lord Robertson one of the stronger men that have occupied the position that he has, but achieving that sort of consensus is going to be somewhat more difficult.

I'm worried about the future of NATO in terms of the conflicts and the threats that face the world. Here we are with this tragic situation in Iraq, the tragic situation in the Middle East between the people of Israel and the Palestinian people, and against that

background was the effort 4 years ago to put into the charter an amendment for out of area operations.

I think NATO served a very valuable function in the Balkans, Bosnia, and Kosovo, but I see no comments with regard to the Middle East. Yet that conflict permeates, it has a core and it emanates throughout the Muslim world. I've said many times, and I won't draw this into a question but I've said many times, as recently as a few days ago in the hearings, I think that NATO could offer up itself as a peacekeeping function if there was the invitation to participate both from the Israeli government and such government as remains in the Palestinian people to come and perform that role so that that violence can be stopped and constructive talks can begin. I mean, just in the last 48 hours, we have seen more chapters of problems over there.

We also have the Iraq situation. There was some discussion that perhaps NATO ought to have a voice in some of the planning of this situation. How do you feel about the expansion of the charter and the challenges posed out there by this world where terrorism has become the prime concern of all the member nations and less state versus state conflict?

General JONES. Senator, I think that NATO has both a large and difficult task ahead of itself and I would frame it in a number of ways.

Certainly NATO's response to the global war on terrorism and the attack on the United States by invoking article 5 clearly answered the question as to whether NATO was willing to consider out of area operations. I think NATO is, from what I can see on this side of the Atlantic, properly focused and paying attention to the ramifications of the global war on terrorism.

Similarly, I think that there seems to be, and I hope there is, a willingness to transform some of the military capabilities that may be obsolete in terms of redundant headquarters, particularly at the second and third tier level of headquarters, to be able to make—and I've seen indications that NATO is willing to develop a rapid reaction force for out of area operations. Five member countries in NATO are building a fairly impressive amphibious power projection capability. NATO special forces are quite good and interact and are interoperable with ours. NATO enlargement presents a challenge, but an opportunity as well.

I think obviously, how we extract ourselves from the Balkans in a way to leave that region peaceful and secure and full of hope and opportunity for the future is also one of the major challenges, not to mention the emerging relationship with Russia in the new environment as well.

I will be able to report to you more fully in the months ahead, but I think I see a certain amount of optimism and a certain amount of potential for NATO continuing to be in the 21st century as important as it was in the 20th century, particularly in terms of these historical alliances that mean so much to our own future and security as well.

Senator WARNER. Well, fortunately we have your services and I think you are ably qualified to do these things.

Mr. Chairman, I have a few more questions, but I notice that my time has expired. Why don't you take a few and I'll come back?

Chairman LEVIN. All right. Just picking up on the NATO question, one of the issues which has troubled me for a long time as we expand NATO is some of the questions that have been raised about its military effectiveness as it expands, and how to keep it relevant in the out of area issues.

But I have also been troubled as it expands by the greater potential just numerically, that at some point one of the members of NATO, for instance, would no longer qualify for membership in terms of being a democratic country, and yet, there is no way to remove someone from NATO. There is no provision to kick anybody out of NATO, even if a country turns bad and would no longer be eligible for admission.

Yet that country has a veto, all countries have a veto, so now we'll have 26 countries with a veto over operations and decisions of NATO, and I view that as a risk. I'm not trying to focus on any particular country, new or old, that's not the point. The point is just statistically it becomes more likely that a problem like that could occur in the future.

Now you are candid, creative, and a provocative thinker, and those are very great attributes as far as I'm concerned. We're going to need your thinking along that line as to how do we address that issue. I don't particularly want to probe that today with you, it's perhaps not the best time to do it, but if you have any thoughts now on that I welcome them but if not, after you're confirmed, I would hope you would address that issue. People seem to acknowledge it theoretically, but just sort of lay it aside because it's not one of the most pressing issues obviously, we hope that will never happen and there's no evidence it will happen. But do you want to comment on that, or if not at the moment, would you keep an eye on that issue and let us know what your thinking is about that as you take over this responsibility?

General JONES. Thank you, sir. That is a serious issue and with your permission, I will invoke the latter part of your statement and do some thinking about it.

Chairman LEVIN. Another provocative comment that you made in answers to the committee's questions was that there is a current perception of American unilateralism in the conduct of our national foreign policy. It's a concern that I share by the way, but my question is this: Is there a role for the next EUCOM commander and the new SACEUR in advising the administration on that issue?

General JONES. I think the current SACEUR and the current commander, General Joe Ralston, has done a wonderful job in maintaining the close communication that's required between his billet, not only his European responsibility, but also with the Secretary of Defense and the Secretary of State, and I know that for a fact. If confirmed, it would be my intent to make sure that on those issues that are clear and unambiguous, that I maintain the close relationship with the Chairman of the Joint Chiefs, the Secretary of Defense, and the Secretary of State, which I'm required to do as well, on those issues.

Where there are issues that are important, particularly where the militaries of the world's greatest military alliance are concerned, I will be very candid, very forthright in terms of my perceptions, and I tried to do that in my statement.

Chairman LEVIN. Thank you. General Jones, there appears to be a consensus that our NATO allies need to transform to enhance their military capabilities just as we're already doing. What is the nature of the transformation that our NATO allies should be carrying out in your judgment? Should they be seeking the kinds of capabilities that our military has, perhaps collectively? Is there room for the development of niche capabilities by some of the smaller allies?

General JONES. I think that there are several areas that need to be explored, and I have talked on several occasions with General Ralston about this. General Ralston is an officer known by the members of the committee and an officer of tremendous confidence who has done a terrific job in his assignment at NATO leading the U.S. forces in Europe.

I think at the macro level we would be talking about making sure that the various military headquarters that we have in NATO are, in fact, useful in a military sense and have the appropriate efficiencies to be able to cause the people to provide the command and control and the leadership required of a very sophisticated and large force.

I will have to get back to the committee on this because I don't know all of the things that I will know in a few months, but I think that it would be wrong to expect that all of our allies will transform their forces to try to mirror the capabilities that we have. That might be impossible to achieve and it is probably not the right way to go. But I do think that we can, using the niche capabilities that you mentioned, Mr. Chairman, fashion a force that is appropriate to the task at hand, capable, rapid, and will meet the threats of the 21st century by capitalizing on the unique capabilities that member countries can achieve, all the while encouraging those countries that are reluctant to fund or to provide the resources required for full partnership, to contribute more fully to that capability.

But one of the first things I would try to do is assess the various capabilities throughout the alliance and then come to some sort of understanding as to how best to shape that force so it can meet the—and stay apace of the transformations that the United States is attempting to do in its own forces and to share that kind of information with regard to, for example, the joint aspects of our operations, which are becoming very second nature to the way we do things.

It is always with a great deal of pleasure that I listen to my colleagues on the Joint Chiefs talk about that, with great familiarity about the interoperability of our force. Using that model, I think we can provide a lot of assistance and encouragement to our allies in NATO to do the same thing within the limitations of each country's capabilities and willingness to provide the resources required. So there is a lot of work to do there, but I believe there are also a lot of efficiencies that we can continue to harvest, and in the end I think we can shape a force within the alliance that will be up to meeting the tasks and the challenges of our 21st century.

Chairman LEVIN. My last question for you, General Jones, relates to what the role might be of either the European command or possibly even NATO in a war with Iraq, whether that war is a

U.N. authorized operation or whether or not the United States goes in to war alone.

General JONES. In the U.S. construct, Mr. Chairman, the European commander would be a supporting commander to the main effort led by the U.S. Central Command under General Franks.

With regard to the international aspect of things, we would have to see how that develops, but there can be any number of adjustments to that. But from a U.S. perspective, the supportive relationship between EUCOM and central command is fairly clear.

Chairman LEVIN. Any role for NATO?

General JONES. That would be a political decision that I would await and, if confirmed as the Supreme Allied Commander, would then execute my responsibilities in context with that political decision.

Chairman LEVIN. Okay. General Hagee, just a couple of questions for you. First the zinger I promised you. What's the biggest headache your predecessor is leaving you? [Laughter.]

Senator WARNER. That was my question.

Chairman LEVIN. Was it? Senator Warner wanted to ask this question, so my time is up. Senator Warner.

Senator WARNER. We will have that as a joint question. I was going to ask it of General Jones—what is it that you feel you wanted to achieve, didn't achieve, and you pass on to your successor to achieve?

Chairman LEVIN. That's the more politically correct, diplomatic way of phrasing it.

General JONES. So it's my question, is that right? I think that the aspect of transformation is very important and it's a word that I don't use freely either, but I think the Marine Corps is on the threshold of moving forward in a very dynamic way with regard to transformation.

Not only the technological leap that we can harvest, like tilt rotors for example. You're not surprised that I bring that up.

Senator WARNER. Which is a program in your professional judgment that is now in a much more improved condition?

General JONES. Absolutely. I think all of the work that the committee did in holding the hearings after these tragic accidents, causing us to go back and relook at not only the technology but the engineering, and where we are today, is absolutely different, obviously, than just 2 years ago. I believe the program will now prove itself on the basis of its merit. The technology is accepted, the engineering fixes have been implemented, the test program is correctly loaded, it's event driven, not time line driven. We have been under the scrutiny, the correct scrutiny I might add, of Under Secretary Aldridge, of our Secretary of Defense, our Deputy Secretary of Defense, and all of those distinguished people in OSD who have that very awesome responsibility to make sure that we field the best equipment for our men and women in uniform.

They have all been down to Patuxent River and they have seen the program and seen the airplane fly, and I believe that there is some real optimism now as to how we can bring this into the inventory.

To get back to transformation, the technological piece, the operational transformation in terms of our concepts. The performance

of marines in Operation Enduring Freedom really opened our eyes as to the potential that can be achieved in projecting forces from a sea base in the 21st century.

I would say, to answer your question, the one area that I wish I could have done more in, or we could have done more in, would be in acquisition reform and reform of our business practices. I've been privileged to answer questions to that effect. Acquisition reform is beyond the competence of any one service chief. You can do some things inside your own service, but I believe that we have to be able to acquire things quicker and more efficiently.

We can't have major programs that take 10 years for example, with technology changing every 18 months. Some of our major programs will have obsolete aspects to them when they come aboard, and that causes many difficulties.

So to cut to the chase, to answer your question, if I wish I could have done something that I don't think I quite got done, it would be in the area of acquisition reform. This is another unintended consequence of Goldwater-Nichols. I do not believe that it was the intent to reform acquisition and to cause the service chiefs whose Title 10 responsibilities are to organize, train, and equip, to be essentially divorced from the acquisition process, but that's what happened.

By law the service chief's responsibility stops at identifying the requirement, and yet I expect to be held accountable when something like the V–22 crashes, killing crew and passengers. I expect that this committee will call me in to be accountable as you correctly did, but the law and the expectation are out of sync, because by law I'm not supposed to have too much to say in the acquisition aspect of things.

So that would be one area I think that Mike can follow through on. I think the overall reform of our business practices still needs to be examined. I am encouraged by some of the progress that has been made in the Defense Department, but we still have an agency construct that consumes roughly 20 to 25 percent of our defense budget, and I'm confident that there are more efficient ways in which we can handle the taxpayers' resources and acquire, buy, and contract things more efficiently. If I were to say what it is that I wish I could have done, I wish I could have done more in that field.

Chairman LEVIN. I think what we should do now because of a number of answers you have given, and I know that Senator Warner made reference to this as well, is ask our staffs to talk to all the chiefs, just ask the chiefs what their thinking is in terms of the Goldwater-Nichols issues that you raised or any other issues that should be raised. We ought to task our staffs to do this jointly, to get a letter out to the chiefs in preparation of some kind of a deeper inquiry that we could make next year perhaps.

Whoever happens to be chairman, assuming we are reelected next year, I think we are both very much interested in the subject which you have raised today and related subjects relative to Goldwater-Nichols. So if you're willing to have a joint task of our staffs——

Senator WARNER. I think so, and may I suggest, I think you inferred it, that we include the retired chiefs.

Chairman LEVIN. Retired chiefs, absolutely.

Senator WARNER. Because they could be very forthcoming.

Chairman LEVIN. The chiefs and those who are about to retire and have retired, I think would be very useful.

I have no further questions of General Jones. I do have some more of General Hagee.

General Jones sure took you off the hook. You owe him big for that last answer, for a lot of other things too I am sure, but let me turn it over to Senator Warner.

Senator WARNER. Well, I want to follow on to this question of NATO. I am among those Senators who have been involved with NATO ever since I was at the Pentagon 30 some odd years now, and it's the most magnificent military alliance in the contemporary history of mankind. I don't know of anything that has lived up to its expectations and exceeded them more than NATO, and you are inheriting a magnificent organization. I just would hope that on your watch, it won't die because of obesity.

I mean, you are going up to 26, you're faced with the absence of increases in their defense budgets commensurate with what we're doing here. They are falling behind in technology. This is a very interesting concept that my colleague touched on, the idea of a division of labor where maybe the United States and one or two others in NATO would be responsible for the high tech missions and the others the low tech missions.

I'll listen to it, but you know, some people think the heavy lifting is in the low tech, the higher propensity for casualties, and I think you have to be very cautious as that moves forward.

We have the right man at the right time, and you have Lord Robertson, so let's think positively. But we have to move on because we are so fascinated with this panel, but we have a lot of people waiting here.

Admiral Ellis, your command and your responsibilities are so key to world peace, what comparable commands are in other major military nations, and to what extent do you plan to work with such counterparts that may be in those commands?

Admiral ELLIS. Senator, that's a good point. Here again, in parallel with General Jones' comments, it's clear that we are leading in the way in which we have addressed organizationally the global capabilities, the global requirements, and the global systems and challenges that confront us as a Nation but, largely as a result, as you are so aware, of the unique role that we occupy in today's world.

I am committed, however, to working both on the space side as well as the expanded roles on the military or the strategic side that we discussed earlier with those appropriate partners on the international scene.

I mentioned the conversations and the interaction with our own agencies and the like, but clearly there are international implications associated, particularly on the space side, as you are well aware.

Senator WARNER. Do Great Britain, France, Russia, China, do they have comparable commands placing comparable emphasis?

Admiral ELLIS. They have similar elements, sir, but they are not collocated in a single command as we are proposing to do in the

new United States Strategic Command. The special relationship we have with the U.K., with which you're so well aware, is probably the most parallel or similar to that which we're undertaking, but even then it's not precisely duplicated. There is an appropriate level of interaction there.

As we look at the more routine military to military contact, which is an important part of the international relationships that you described earlier, both inside and outside NATO, we see a role on the space side as well as on the global support side for this new command. We look forward to appropriately engaging in that in the construct of an approved DOD engagement plan to make sure that we are in sync with the regional combatant command who obviously has primary responsibility in his area of responsibility for that type of engagement, again, under the approved construct of the Department of Defense.

So we see this as a teaming effort. There are going to be areas and systems and communications and satellites and space operations and the like where clearly, we will be able to offer insight and engagement opportunities to supplement those that the regional combatant commanders will be undertaking.

Senator WARNER. This brings me to my final question with you, and I think I'll read it because it's quite technical. I believe that a clear understanding of the mission is important for any organization to succeed. Before the merger of Space and Strategic Command, each organization had a clearly defined mission, quite different from the mission of the other. The task of defining a clear mission for the merged command will not necessarily be an easy one. How do you define the mission of the new Strategic Command?

Admiral ELLIS. Well, I chuckle, sir, because that is the single issue that is under final review here as we approach the day, next Tuesday, when we establish the command. Words are important, because that really is the vision. That really is the understanding the entire organization has. Clearly, it needs to blend the elements that I spoke to in my opening remarks, sir.

We are going to address global challenges and global requirements in a way in which they have never been done before on a global scale. We are going to continue to advance the Nation's unconditional access to space and build on the utility and the surety of those space resources in ways that we have not been able to do in the past. Finally, as you and I have talked about on a number of occasions, it's absolutely essential that we retain the rigor and the oversight and the precision that comes with our stewardship of the Nation's strategic nuclear forces.

So the mission statement, when it's finalized, will contain all of those elements, as well as the reality that we have now established a command that in all likelihood is going to get additional currently unassigned and previously unassigned missions that will migrate to it in the very near-term. So it is much broader, but it needs to be clearly clarified and codified in a way that's focused and understandable by the people that I hope with your concurrence of the committee and the full Senate, that I will be privileged to lead over the next 2 years.

Senator WARNER [presiding]. Thank you.

General Hagee, one of the advantages the Marine Corps has is that it's small, and it can be reshaped more quickly to meet the ever changing threat equation in the world. I think under the leadership of General Jones, the Corps has done just that.

Your sister service so to speak, the Army, is struggling to maintain what is necessary by way of a heavy side to its equipment, to its missions, should that eventuality face this nation. We never want to abandon the ability to respond in terms of tanks, artillery, and other heavy equipment. But yet the Army, I think, recognizes that given the threat of state versus state combat and very significant numbers of Armed Forces is taking second role in terms of threat to terrorism. They are looking at moving toward becoming lighter in this transformation movement. Then that puts a competitive element in the roles and the missions between the Department of the Army and the Department of the Navy with respect to the Marine Corps.

Do you have some thoughts on that, and I hope that you can work with the Army as well as General Jones has done in his tenure.

General HAGEE. Sir, if confirmed, I would intend to work very closely with all the service chiefs. I really see the two forces as being complementary. Maybe the most recent example is what occurred in Afghanistan.

Senator WARNER. We all watched that.

General HAGEE. With Task Force 58.

Senator WARNER. Right.

General HAGEE. Being expeditionary, bringing their sustainability with them from the sea, being able to project combat power almost 400 miles inland, stabilizing the situation. Then when it was in hand, pulling back out to sea, recocking for any other missions, and transitioning to an Army force designed to do that particular operation.

Senator WARNER. Well, I think that if you follow the approach and the guidelines of General Jones, you're going to be all right.

Lastly on the question of naval aviation, General Jones and Admiral Clark I think made great progress in merging more and more of the components of the respective branches, Navy and Marine Corps, in aviation. I presume you're going to follow through with that.

General HAGEE. If confirmed, I absolutely will, sir. I think it is a brilliant stroke, it's good for the Navy, good for the Marine Corps, and good for the Nation.

Senator WARNER. Thanks, Mr. Chairman. This has been a distinguished panel. Aren't we fortunate we don't have all 19 here, this would be an all day hearing.

Chairman LEVIN [presiding]. Just one question for you, General Hagee, and this has to do with the operations of marines in an urban terrain or an urban area. You put some focus, and we totally agree with you on the importance of UAVs in terms of the vision of the Marine Corps and our other services in the coming decade. But how do the Marine Corps or our other services obtain the surveillance and situational awareness in built up areas, is a far more complex question. I'm wondering whether you have any comments

about the progress of pursuing those technologies which might provide some support for operations in urban terrain?

General HAGEE. Senator, that's an excellent question. I'm quite excited about some of the technologies that are coming forward today that might help us in that area, some of the robotics that we're experimenting with, and some of the UAVs that we're experimenting with. We don't have a solution right now, but as I said, I'm quite excited about some of the technologies that are out there and if confirmed, I would continue to follow that particular development.

Chairman LEVIN. Good. We thank you all. Senator Warner, are you all set?

Senator WARNER. I noticed the presence of Conrad Burns here, a former Marine. Perhaps he should indicate how he is going to vote now on this new Commandant, and General Jones. Does our colleague have a voice here that should be listened to on this panel before it's dismissed?

Chairman LEVIN. He will be introducing one of the next panelists and maybe could think about a politically astute answer to that question as he's walking up to introduce one of the nominees. Or you're free to comment now, Senator Warner solicited it, so what's your option there, Conrad?

Senator BURNS. I appreciate your courtesy, but you both have done very well.

Chairman LEVIN. Thank you again, gentlemen. Your service is tremendous, your patriotism, your commitment to your service, and more important to your nation, is really very impressive. Thank you. Thanks again to your families.

We are going to try to vote on these nominations next Monday afternoon during the vote that we will have on another matter on the Senate floor, so it is our expectation and hope that we will be able to get these nominations to the floor by next Monday evening.

Senator WARNER. That's essential.

Chairman LEVIN. We will move to our second panel now. Our panel includes Charlie Abell, who is currently the Assistant Secretary of Defense for Force Management Policy. This is another position that's going to go away when the new Deputy Under Secretary of Defense for Personnel and Readiness is appointed. I guess depending on how you answer the questions today, Charlie, this could be you.

Before assuming duties as Assistant Secretary of Defense, Secretary Abell was a professional staff member here on this committee, where he worked on personnel issues and obviously knows the personnel business.

In addition to his service as a career naval officer, Rear Admiral Thomas Hall has served as chief operating officer and executive director of the Naval Reserve Association. The position to which he is nominated, the Assistant Secretary of Defense for Reserve Affairs, is a critical position given the increased role of Reserves in our national defense.

Charles Erdmann has been nominated to be a judge on the United States Court of Appeals for the Armed Forces, sometimes referred to as the Supreme Court of the military justice system. Mr. Erdmann was a colonel in the Montana Air National Guard

and served as a supreme court justice on the Montana Supreme Court. He has recently been involved in judicial reform in Bosnia.

Senator Burns, as has been noted, is with us today and well qualified for a whole host of functions, duties, responsibilities, and friendships, but he is here today to introduce Mr. Erdmann, and we call upon him at this time.

**STATEMENT OF HON. CONRAD BURNS, A U.S. SENATOR FROM THE STATE OF MONTANA**

Senator BURNS. Thank you, Mr. Chairman. Just listening to the testimony of the first panel today, it's a remarkable thing this country has as a resource of when the torch is passed, to men and women who are attracted to military service and military leadership, and I think today was a good example. It seems like we have an endless resource of outstanding individuals to assume those posts.

Mr. Chairman and members of this committee, I'm pleased to speak on behalf of Chip Erdmann on his nomination to the United States Court of Appeals for the Armed Forces. This is an extremely important court and I can't think of anybody that is more uniquely qualified than Mr. Erdmann. I have known Chip for a number of years and I have always been impressed by his integrity, but most of all by his professionalism.

He was a successful attorney in private practice when he was appointed to the Montana Supreme Court, where he was known for a common sense approach as a judge who left policy determinations to the legislature rather than create law from the bench.

More recently, he was chief judge of the Bosnian election court in Sarajevo, the only American to serve as an international judge in Bosnia, and helped that country on its way toward becoming a truly free democracy. That court, by the way, had six national judges, two Croats, two Serbs, two Bosniaks, and Chip. He was able to get a consensus of the entire court on all but a few decisions. He has also been instrumental in reforming the entire judicial system in Bosnia and helping establish the rule of law.

He brings an understanding of the military environment and military law to this court. He left college in 1967, enlisted in the United States Marine Corps, where he served honorably for 3 years. He spent 20 years as a judge advocate in the Air National Guard, serving in positions from the fighter wing level to the most recent assignment as Air Guard advisor to the United States Air Force, Europe (USAFE) staff judge advocate.

Following September 11, he was activated to serve as the legal advisor to Major General Larry Arnold, and Commander of the U.S. Continental Region of NORAD.

His judicial, military, and international experiences all provide him with the necessary background and expertise for this court and I am pleased to commend him to you today. I thank the chair and the members of this committee for your consideration of this nomination, and I thank you, Mr. Chairman.

Chairman LEVIN. Thank you so much, Senator Burns. We very much welcome that introduction and your comments, they are very helpful. We will place your full statement in the record.

Both Senator Baucus and Representative Rehberg, who could not be with us today, have forwarded statements of support for Mr. Erdmann and join you in this recommendation, and we thank you all.

[The prepared statements of Senator Burns, Senator Baucus, and Representative Rehberg follow:]

PREPARED STATEMENT BY SENATOR CONRAD BURNS

Mr. Chairman, members of the committee, I am pleased to be here to speak on behalf of Chip Erdmann on his nomination to the United States Court of Appeals for the Armed Forces.

This is an extremely important court and I cannot think of anyone more uniquely qualified than Chip. I have known Chip for a number of years and have always been impressed with his integrity and professionalism.

He was a successful attorney in the private practice when he was appointed to the Montana Supreme Court, where he was known for his common sense approach and as a judge who left policy determinations to the legislature rather than create law from the bench. More recently he was the Chief Judge of the Bosnian Election Court in Sarajevo—the only American to serve as an international judge in Bosnia—and helped that country on its way toward becoming a truly free democracy. That court, by the way, had six national judges, two Croats, two Serbs, and two Bosniaks (Muslims) and Chip was able to get the consensus of the entire court on all but a very few decisions.

He has also been instrumental in reforming the entire judicial system in Bosnia and helping to establish the rule of law.

Chip would also bring an understanding of the military environment and military law to this court. He left college in 1967 to enlist in the Marine Corps where he served honorably for 3 years. He spent over 20 years as a judge advocate in the Air National Guard, serving in positions from the fighter wing level to his most recent assignment as the Air Guard Advisor to the USAFE staff judge advocate. Following September 11 he was activated and served as the legal advisor to Major General Larry Arnold, the Commander of U.S. Continental Region, NORAD. His judicial, military, and international experiences all provide him with the necessary background and expertise for this court and I am pleased to commend him to you today.

I thank the chair and the other members of the committee for your consideration of this nomination.

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PREPARED STATEMENT BY SENATOR MAX BAUCUS

Good morning Mr. Chairman. Thank you for the opportunity to introduce a fine Montanan who is truly a credit to his profession. Colonel Charles Erdmann, Chip as we call him, is currently being nominated to be a judge on the United States Court of Appeals for the Armed Forces.

The U.S. Court of Appeals for the Armed Forces is our Nation's highest military court—a civilian court designed to provide civilian oversight of the military justice system. Service on this court requires an understanding of military law, the judicial process, and the special rights and responsibilities of our service members. I can think of no better candidate than my fellow Montanan, Colonel Erdmann.

As I often say, folks around the country are always impressed with the strong Montana work ethic. Chip embodies this work ethic, which is demonstrated by his distinguished background:

Chip has 20 years experience in government service and private practice of law in Montana in both criminal and civil proceedings. In addition, he served as a justice on the Montana Supreme Court.

While these experiences are impressive, what makes Chip even more dynamic is his international experience.

Chip has served as Chief Judge of the Bosnian Election Court and Head of Human Rights Department, Office of the High Representative of Bosnia and Herzegovina, where he was responsible for development and enforcement of economic and social rights; rule of law reform; revision of property laws; development of non-governmental organizations and civil society; establishment of gender equity programs; monitoring of domestic war crimes trials and liaison with the international tribunal for the former Yugoslavia in The Hague.

These experiences, while adding to his impressive background, clearly were posts that would test the character and moral fiber of any individual. Chip carried out his mission with the greatest integrity and honor.

Finally, I would like to point out the depth of Chip's experience by highlighting his military involvement:

He enlisted in the Marine Corps in 1967, served 3 years, and was discharged as Sergeant. He served over 20 years as judge advocate in the Montana Air National Guard and has served as staff judge advocate to fighter wing; Air National Guard Judge Advocate Assistant to the Commander of First Air Force; and Air National Guard Advisor to the USAFE staff judge advocate.

Chip's unique combination of judicial, military, and international experience along with his integrity and temperament make him an ideal selection for this important court.

I thank the committee for your consideration of Colonel Erdmann and I urge the committee to support his nomination just as I do.

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PREPARED STATEMENT BY REPRESENTATIVE DENNY REHBERG FROM MONTANA

Dear Chairman Levin:

I understand that Charles "Chip" Erdmann's confirmation hearing before the Committee on Armed Services is scheduled for September 27, 2002. Unfortunately I will be out of Washington that day and will be unable to attend the hearing to formally introduce Chip to the committee.

I would therefore appreciate it if you could include this letter in the formal record of the hearing. I have known Chip for a number of years and cannot think of anyone better qualified for a position on the Court of Appeals for the Armed Forces.

Chip had a long and successful career as an attorney in Government service and in private practice before he was appointed to the Montana Supreme Court. While on that court he established a reputation as a fair, impartial, and common sense judge.

Chip then took his talents to the former Yugoslavia where he worked on judicial reform issues in both Bosnia and Serbia. He was the Head of the Human Rights Department in the Office of High Representative of Bosnia and Herzegovina and later was the Chief Judge of the Bosnian Election Court. He recently returned from a final assignment in Bosnia where he designed and implemented a comprehensive reform of the prosecution and court systems.

Chip is also no stranger to military life. He enlisted in the Marine Corps in 1967 and was discharged a Sergeant after 3 years of service. Later he joined the Montana Air National Guard as a judge advocate and served with distinction in a number of State and national positions.

As you can see he would bring a wealth of experience to the Court of Appeals for the Armed Forces and would ensure that our men and women in the Armed Forces have access to justice of the highest caliber. I therefore urge the committee's support of this nomination.

Senator WARNER. Thank you, Senator Burns. I join in that.

Chairman LEVIN. We sent advance policy questions to each of you, where you've each agreed to appear as a witness before congressional committees when called, to insure that briefings, testimony, and other communications are provided promptly to Congress, and now let me ask each of you the standard questions that are asked of every nominee who comes before this committee.

First, have you adhered to applicable laws and regulations governing conflict of interest?

Secretary ABELL. Yes, sir.

Admiral HALL. Yes, sir.

Mr. ERDMANN. Yes, sir.

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

Secretary ABELL. No, sir.

Admiral HALL. No, sir.

Mr. ERDMANN. No, sir.

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

Secretary ABELL. Yes, sir.

Admiral HALL. I will.

Mr. ERDMANN. Yes, sir.

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

Secretary ABELL. Yes, sir.

Admiral HALL. Yes, sir.

Mr. ERDMANN. Yes, sir.

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

Secretary ABELL. Yes, sir.

Admiral HALL. They will.

Mr. ERDMANN. Yes, sir.

Chairman LEVIN. Let me at this point ask each of you if you have an opening statement, and please introduce any family members that you might have with you. Secretary Abell.

**STATEMENT OF HON. CHARLES S. ABELL, NOMINEE TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS**

Secretary ABELL. Thank you, Mr. Chairman. I will introduce my wife Cathy, who has accompanied me here today.

Senator WARNER. Would you also include your special assistant seated next to your wife?

Secretary ABELL. Yes, sir. Cheryl Black, an alumni of Senator Warner's office, I was able to steal her away.

Chairman LEVIN. We welcome you both.

Secretary ABELL. Mr. Chairman, it's a thrill to be back in front of this committee again.

Senator WARNER. Come on, Charlie. Drop that word from the record.

Secretary ABELL. No, sir. It is nice to be back. It's great to see good friends and former colleagues sitting behind the Senators as well.

I'm deeply grateful to the President for nominating me to this position, and to Secretary Rumsfeld for his confidence in my being able to continue to serve on his staff.

As you noted, Mr. Chairman, I have had the privilege to serve as the Assistant Secretary for Force Management Policy for the past 16 months. This has been an exciting period filled with unpredictable events and many challenges. I look forward, if confirmed, to continued opportunities to serve and to the increased responsibilities as the principal Deputy Under Secretary of Defense for Personnel and Readiness.

As I testified in my earlier confirmation hearing, I pledge to serve the soldiers, sailors, airmen, and marines, active, Reserve, and retired, and their families and the civilian employees of the Department of Defense to the best of my abilities.

Thank you, Mr. Chairman. I look forward to your questions.

Chairman LEVIN. Thank you, Secretary Abell.

Admiral Hall.

**STATEMENT OF REAR ADM. THOMAS F. HALL, USN (RET.), NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS**

Admiral HALL. Thank you, Mr. Chairman and Senator Warner. I have a very brief statement, but first I would like to introduce my wife Barbara. We recently celebrated our 39th wedding anniversary and I am honored to be her husband. Our son Tom could not be with us. He is a Boy Scout executive in Chicago.

I am deeply honored by the confidence that the President and Secretary Rumsfeld have shown in me by nominating me for this position and I appreciate what members of this committee have done for our young men and women in uniform in the past. We are all deeply appreciative of that.

I spent the better part of the last 10 years dealing in Reserve matters in command of the Naval Reserve or working Reserve issues, and it has given me a deep appreciation for the contributions of the guardsmen and Reservists in our country.

In 1959 I left Oklahoma, and I left with a train ticket, $30 in my pocket, and everything I owned in a cardboard suitcase. I had one dream, and that was that I could graduate from college, become a naval aviator, and serve my country. What a great Nation this is. It allowed me to do that and a lot more. I also left with a dream, that I could make a difference in the lives of the people that I worked with and, if confirmed, that dream remains alive today, and it would be to make a difference in the lives of the young men and women of our guard and Reserve that have pledged us their time and their talents, and their lives if necessary in support of our country.

I stand ready to answer any questions you might have.

Chairman LEVIN. Thank you so much, Admiral.

Mr. Erdmann.

**STATEMENT OF CHARLES E. ERDMANN, NOMINEE TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES**

Mr. ERDMANN. Thank you, Mr. Chairman, Senator Warner. I would first like to recognize and introduce my wife Renee, who accompanied me here today from Montana. Unfortunately our four children and five grandchildren are scattered around the country and were unable to join us today.

Senator WARNER. What area of Montana?

Mr. ERDMANN. Outside of Helena, sir.

I am honored to appear before the Senate Armed Services Committee today as the President's nominee for the Court of Appeals for the Armed Forces, which is a crucially important court in the military justice system. I would like to thank Senator Burns for his support and for taking time out of his busy schedule to appear here today and also Senator Baucus and Representative Rehberg for their support of my nomination.

If confirmed, I am committed to insuring that the court continues to operate in an independent and impartial manner and to protect the rights of our servicemen and women as they are scattered across the globe defending the United States.

With that, I am ready to answer any questions that the committee may have.

Chairman LEVIN. Thank you so much, Mr. Erdmann.

First, Secretary Abell, let me ask you about the Defense Advisory Committee on Women in the Services, DACOWITS, which was reestablished in March of 2002, which is different from the committee which was automatically terminated just a few days before that. What differences can you identify between the new and the old DACOWITS and why was it changed?

Secretary ABELL. The change was a result of a review of all committees and commissions that the Department had, Secretary Rumsfeld asked for them all to be reviewed when he came in. As a part of that review, some committees, commissions, and councils were eliminated, DACOWITS was retained.

The charter was modified to continue to emphasize the recruitment, the advancement, the assignment policies of professional women in the military, but also to add a piece that asked them to look at the quality of life related issues and family issues that affected these professional military women as well.

The size of the committee was reduced from 35 to some number that the Secretary will ultimately determine but less than that, and we want the committee to have more analytically based recommendations when they forward them to the Secretary. Previous committees' recommendations, while many were insightful, had an anecdotal base, and we're looking for a more focused approach from this new committee.

Chairman LEVIN. The news accounts indicate that the Department of Defense is going to exercise greater control over the issues that DACOWITS addresses. Will DACOWITS, the new one, still have the ability to address issues that may be unpopular with the Department and with military leadership?

Secretary ABELL. Yes, sir. The issues that will be suggested to the committee will be few. I would expect that each year, we would ask the committee members to look at four to five issues as they go out and visit installations and units, but that is only the base. We would expect and hope that they will add to those issues and give us their candid views on any issue that comes before them.

Chairman LEVIN. Is the committee free to look at any issue that it determines to be important, relative to its function, or is it limited to issues that are referred to it by the Department?

Secretary ABELL. No, sir. It's free to look at anything that it chooses. It is an advisory committee and so we expect its advice to the Secretary on any issue it deems important.

Chairman LEVIN. It's my understanding that TACOM has been working for 6 years to establish a science and technology personnel demo, which was about to begin finalizing the process when the Department stopped all such demos pending further review, and Congress has specifically authorized these types of demos. Given that we know the unique problem facing the Department in hiring scientists and engineers, why hasn't the Department released the TACOM demonstration, if you know?

Secretary ABELL. Mr. Chairman, we're seeking an alternative personnel system with more flexibility and more agility than the civilian personnel system Department-wide, so as part of our stew-

ardship we looked at the many demonstrations that were out there, and noted that there were again, many. They were focused, they were slightly different from one another, so we undertook a study of the best practices of all of these demonstrations in an attempt to find those common areas and the best way, the best practices among all of them. Then it's our intent to, where we can, where we have those authorities, implement a more common flexible agile personnel system using the authority that Congress has given us, but also to then take that model and come back to Congress to seek such authorities for the entire department.

I expect that the various authorities for the laboratories and science and technology community to be released within the next couple of weeks. We have concluded our review of the best practices of all those.

Chairman LEVIN. That was my next question, so you expect this will happen in a few weeks?

Secretary ABELL. Yes, sir.

Chairman LEVIN. Now, Congress has attempted to assist the Department in meeting its need to hire engineers and scientists in a number of ways. Recently a group of senators requested information from the Department on the status of the execution of legislative provisions that addressed this issue, what is the status of the response to that senatorial inquiry?

Secretary ABELL. Senator, I checked on that last night. I'm told that since we have concluded our best practices review that the draft of that, the most recent draft of that, should be on my desk when I return from this hearing.

Chairman LEVIN. All our services are reporting record successes in recruiting and retention of military personnel. Because of the higher than expected retention rates, services are now cutting back on their recruiting goals so that they can stay within their end strength limits. But even with those successes the Department has requested an increase of over 20 percent in the fiscal 2002 level for advertising and defense-wide recruiting. If recruiting and retention are successful as they apparently are, why does the Department have such a need for a substantial increase in the advertising budget?

Secretary ABELL. Senator, that's a good question. Recruiting is a tough business. We are all after the highest quality young men and women in America. Our competitors are the leading colleges and universities and the best businesses. We all want that same young man or woman coming out of high school. So our recruiters have to work extraordinarily hard. We need to provide them all the advantages we can, whether that be bonuses or technology at their fingertips to be able to convince young men and women to serve.

In addition, I would point out that the cost of advertising increases at several times the rate of inflation, so it's a tough business, quality costs, and we have to be able to pay that price in order to continue to be able to meet our recruiting needs.

Chairman LEVIN. Well, I don't think the inflation rate has gone up 20 percent, or the cost of advertising per unit, however it's defined, has gone up. I don't think that that really answers the issue about the numbers now being so good that we are actually cutting back on the number of people that we need to recruit. So I would

like you to give a little thought on that and give us a little more detailed answer on why we need a $110 million increase in an advertising program.

Secretary ABELL. I will do so, but I need to point out that the reason the services, at least a couple of services were able to reduce their recruiting goals this year was that retention rates are higher than expected, which is a blessing to us, but it does not indicate that the recruiting business is any easier.

Chairman LEVIN. It's easier if the numbers are reduced.

Secretary ABELL. Yes, sir, I understand.

[The information referred to follows:]

Senator Levin, the Department requested $449 million for recruitment advertising in the fiscal year 2003 President's budget. Per the President's budgets for fiscal years 2002 and 2003, recruitment advertising in the Department grew from $388.9 million in the fiscal year 2002 request to $449 million for fiscal year 2003, an increase of 15.4 percent. Service budget requests are below:

[In millions of dollars]

| | Fiscal year 2002 | Fiscal year 2003 | Change | Percent |
|---|---|---|---|---|
| Army | 170.2 | 181.5 | 11.3 | 6.6 |
| Navy | 79.1 | 90.7 | 11.6 | 14.6 |
| Marine Corps | 45.7 | 46.6 | .9 | 1.9 |
| Air Force | 77.1 | 88.6 | 11.5 | 14.9 |
| JRAP | 16.8 | 41.6 | 24.8 | 147.6 |
| Total | 388.9 | 449 | 60.1 | 15.4 |

The single largest component of this growth was $24 million for the Joint Recruiting Advertising Program. This increase would have provided for a fully integrated advertising and marketing campaign aimed at adult influencers of youth, an audience not primarily targeted by the services' campaigns.

However, the Fiscal Year 2003 Defense Appropriation Act reduced the Joint Recruiting Advertising Program (JRAP) by about $24 million, cutting the growth in total advertising significantly from $60 million to $36 million. This resulted in only a 9 percent growth rate in the total program—barely covering the inflation rate for advertising. Inflation is typically higher in the advertising world (about 9 percent annually) than in the overall economy as measured by the Consumer Price Index (CPI)—1.5 percent from September 2001 to September 2002.

The Army's and Marine Corps' increases were below the average inflation rate for advertising. The Navy's requested increase was necessary to include funding that was added to the Navy advertising budget for the Joint Services Kiosk project (electronic recruiting) for which the Navy recently assumed responsibility. The increase in the Air Force advertising budget was necessary to fund a half-year shortfall in television advertising, and to sustain a special events marketing campaign.

The Army and Navy are cutting recruiters over the next few years while increasing their advertising expenditures (as shown above). These recruiter cuts were endorsed by the respective recruiting commands. However, as explained above, the advertising increases are mostly consumed by inflation, which is generally higher in the advertising world than the overall economy as measured by the CPI. So, the expenditures for advertising in "real" terms simply maintain the levels that produced recruiting success in fiscal year 2002. Recent research indicates that increases in advertising are more cost-effective than additional recruiters in attracting high-quality recruits.

As the services recruit a more highly educated force to meet the needs for a military that is advancing technologically, the services compete intensely with private sector employers who are also seeking well-educated employees. Advertising is a very important factor in maintaining the military's "market share" of the high quality youth population.

Chairman LEVIN. Each year, Secretary Abell, the Service Members Legal Defense Network, SLDN, publishes a conduct unbecoming. This is a report on the Department of Defense homosexual conduct policy and as in prior years this report, which is the eighth,

alleges many violations of the don't ask, don't tell, don't pursue, don't harass policy. The number and the nature of the incidents documented in this report suggests that although the Department of Defense quickly discharges service members for their sexual orientation, it does not appear to take as seriously the obligation to hold other service members, particularly leaders, accountable for asking, pursuing, and harassing.

Now there are four recommendations which they make in this report. One, hold the services accountable for failure to implement a 13-point anti-harassment action plan which was promulgated by the Department of Defense in the year 2000; two, permit service members to report anti-gay harassment and crimes without fear of being outed and discharged; three, to recommit to insuring full and adequate training on the policies, investigative limits, and privacy protection; and four, to hold accountable those who ask, pursue, or harass. Does the Department still support the 13-point anti-harassment action plan which was promulgated in July 2000?

Secretary ABELL. Yes, sir, it has been implemented by all three services.

Chairman LEVIN. What have you done to ensure that each of the services has implemented that plan?

Secretary ABELL. Sir, we'll check on it. I have met with representatives of SLDN. They have given us specific instances to follow up on. I have checked on those. I am confident that the services are implementing the 13-point plan, that there is no institutional bias against reporting, and that there is no institutional bias against pursuing or prosecuting those who might violate the policy by trying to retaliate against someone who does report. That's not to say there aren't incidents out there, but we chase those down as we find them.

Chairman LEVIN. Does the Department have a policy to permit service members to report anti-gay harassment and crimes without fear of being outed or discharged? Is that part of your policy?

Secretary ABELL. Yes, sir.

Chairman LEVIN. Finally, those four recommendations of the SLDN, do you have any comments on those, the ones I read?

Secretary ABELL. Mr. Chairman, I would tell you that we have implemented those. I think our disagreement with SLDN is a matter of to what degree. They would suggest that perhaps we could be a little more focused on that than we are. I have chosen to follow up to see that they're effectively implemented, and then trust the commanders in the field to do the business of their commands.

Chairman LEVIN. Thank you. Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. Secretary Abell, I reread your biography, I guess for the 20th time, but I've always been impressed how you started your career as an enlisted soldier and concluded by retiring as a Lieutenant Colonel with very distinguished service in Vietnam, two tours, combat decorations, the Bronze Star, Purple Heart, and Legion of Merit. The men and women of the Armed Forces certainly look up to you for your achievements, as they do you, Admiral Hall, for your achievements in the military, and we are fortunate that each of you have volunteered to continue your public service. I thank you.

Mr. Erdmann, I congratulate you. You likewise have a distinguished career and come from a State which I have enjoyed spending time in over the years. In 1943, I was there at age 15 as a fire fighter, if you can believe it. All able bodied men, remember, were in the marines and the Army then, so they scooped up what they could find and here I came, but I enjoyed that area. I remember those experiences very well.

Gentlemen, the thing that's concerning me the most, and again, I draw on very modest experience in active and Reserve service myself, but I remember the fall of 1950 when we were engaged in war in Korea, and MacArthur for some reason that nobody knows, went out and made the announcement that the war would be over and we would all be home by Christmas. For those who had been called to active duty from their Reserve service and taken from their families and their jobs very precipitously, as it had to be done there in 1950, because our Armed Forces had been stripped down in size.

I have just the most vivid memories of the hardships of those officers in my units who were several years older than I, most of them had been in World War II. Now we have this very significant recall going again, to bring back guardsmen and Reservists.

I would like to have you, Secretary Abell, and you, Admiral Hall, talk about how we are going to address those problems, because I have a lot of compassion for those individuals. I don't fault the decision to recall them, but I do think we have to be on a program where their needs have to be addressed in terms of their ability to return to their civilian status, although hopefully remaining in some Reserve or guard component, and resume their family life and jobs.

Can you tell us about that, Secretary Abell, and then Admiral Hall, it will be within your purview of responsibility.

Secretary ABELL. Yes, sir. As the global war on terror began, we called up a number of Reservists, some number just shy of 100,000 for the Department of Defense, and it was our view at that time and our expectation, and it was communicated to these Reservists that they would be called up for 12 months. Most of those Reservists have completed their 12 months or are completing their 12 months, and are released to go home.

There are some 14,000 that have been asked to stay for 2 years.

Senator WARNER. That's because of special skill and shortages in the active forces; is that correct?

Secretary ABELL. Those are skill shortages and the still very high levels of force protection that are required today. We are working very hard to make sure that those 14,000 don't have to spend a year. We are looking forward to some authorities in the authorization bill, anticipating that we will have authority to be able to hire some contract guards at our bases, again, freeing up some of those brought up for force protection.

In other areas, we are examining the force structure needs and finding ways to either move active component resources into those shortage skills or to examine whether those shortage skills should be better performed by a civilian or a contractor. So, it's our hope and intent that these 14,000 are not required to spend the entire 12 months with us.

Managing the expectations of our young men and women is important, whether it's the Reserve components or the active component. If we tell a carrier battle group that sails out of Norfolk that they will be back in 182 days, and we bring them back in 270 days, we also have not lived up to their expectations, and caused them and their families great angst. We respect that, we try not to do that.

The same is the case of these Reservists. We celebrate their service, we want them to stay with us. We're going to do everything we can to get them back home so that they will be with us when we need them next.

Senator WARNER. Admiral Hall.

Admiral HALL. Over the past 10 years that I have been involved with Reserve affairs, I think we have had seven call-ups of our guardsmen and Reservists, and I think from that we have learned some pretty important principles, and I would list four. One is that we need to be very judicious in the use of our Reserves, and we always have to keep that in mind.

Senator WARNER. Judicious in the call-ups?

Admiral HALL. Yes, sir. Also in the use of them. Second, rely on volunteers as much as you can, because many times you can get your skill sets and all from volunteers. Third is to worry about returning those Reservists and guardsmen as quickly as we can to their families, and worry about their families, and you mentioned that earlier, because those are very important. Worry about their medical requirements. Lastly, worry about the employers. The employers support the Guard and Reserve because many are small employers and self employed people. So those are the four principles, and certainly if confirmed, I would look forward to keeping those principles in mind as we use our guardsmen and Reservists.

Senator WARNER. I thank you for that, but keep a watchful eye on that, because we might look behind us someday and we have inadequate guard and Reserve. Also, I hope that the proud record of the Guard and Reserve participation all the way from beginning in Bosnia has been extraordinary, how many Air National Guard were involved in their early operations in the airlift over there. But don't ever let this Senator hear about any second class status for guardsmen and Reservists. You've got an eye on that, Admiral?

Admiral HALL. Yes, sir.

Senator WARNER. Because I personally experienced that in my brief tours of military service as a Reservist. The old timers always had a feeling that if you weren't regular, you weren't up to snuff.

Now on Tricare, Secretary Abell, you know that's a program that this committee has taken tremendous initiatives on. For a number of years the Tricare program was under funded in the Department of Defense. Year end shortfalls caused unwise business decisions and created patient safety issues. This past year, with support within the Department for full funding and support from OMB, the President's budget request included a significant increase to the defense health program to insure full funding and successful implementation of Tricare.

The committee recently received a reprogramming request which proposed reallocating defense health programs to other defense pri-

orities. Are you confident the defense healthcare benefit is adequately funded for the coming fiscal year?

Secretary ABELL. Yes, sir. We were blessed with the great support of Secretary Rumsfeld and OMB on our budget submitted for fiscal year 2002, and this reprogramming was made possible because we actually were more conservative in our budget estimates than we found in execution for the Tricare for Life program. Of course in 2003 and beyond, that program will be paid for by accrual, so it will not be part of our budget that we send to you. So we believe that those accrual estimates are much more accurate based on the actual practice that we saw.

Senator WARNER. Secretary Abell, we have before the committee here in the conference a question of end strengths, and one aspect of that in particular concerns this Senator, and that is the need for the Secretary of Defense to have a small fraction, usually a half percent of flexibility, so that the year end, in order to come into alignment with the congressional mandates on end strength, that he doesn't have to inflict hardships on people to make those very rigid criteria.

Could you share with the committee your views on this?

Secretary ABELL. Yes, sir. It's my view that end strength floors are a management tool that actually cause us and the military departments to do things that a wise manager would not do, and in order to meet an end strength floor, if a particular service's estimates are going to run just under, then the services, because of their desire to comply with all the laws and the guidance from Congress, will do things like holding discharges from the month of September until October.

Senator WARNER. I'm familiar with those hardship cases. Don't you feel that Congress should continue to provide what it has in the past?

Secretary ABELL. Absolutely, sir.

Senator WARNER. Well, I feel very strongly about that.

Mr. Chairman, I'd like to submit some additional questions to these nominees for purposes of responding in the record, if that's agreeable.

Chairman LEVIN. Fine.

Senator WARNER. I have to depart so that I can rejoin you at 12:00.

Chairman LEVIN. Admiral Hall, you made reference to this in one of your principles, and that is that our Guard and Reserve personnel have a significant mission when they're mobilized, to make sure that they're properly utilized. We continue to hear complaints about failure to utilize properly our Guard and Reserve personnel. I know you have probably had some of the same complaints in your capacity as executive director of the Naval Reserve Association.

I think that you're probably by training and experience going to take some extra efforts to make sure that people who are ordered to active duty will in fact be called up for a valid purpose and that they are used for that purpose, and we look forward to your bringing that determination and expertise to that particular goal, because it really is important. You are nodding your head, so I know you are in agreement with that.

Admiral HALL. Yes, sir.

Chairman LEVIN. Do you have any views about the use of national guardsmen and women in a Title 10 versus a Title 32 status?

Admiral HALL. Well, I think both of those particular titles allow the flexibility that's needed for the Federal and State mission. Title 32 is a particularly complex law which I am not entirely versed in, but clearly the use of Title 32 and the Federal funds for training missions for our guardsmen, I think is appropriate, so I believe there is a flexibility within both of those titles to allow both Federal and State authorities to employ those guardsmen as they need to.

Chairman LEVIN. Mr. Erdmann, you have a unique perspective to assess the military justice system, because you are a former enlisted Marine, you have been a judge advocate in the Air National Guard. Do you believe generally that the rights afforded the service members who are tried by court-martial are comparable to the rights of individuals that are tried in civilian courts?

Mr. ERDMANN. Mr. Chairman, I think that they are comparable, certainly, and in some instances they go beyond what are afforded to individuals in the civilian courts.

Chairman LEVIN. Are there areas where they are less?

Mr. ERDMANN. There is no specific area that comes to mind where they are less. I know that there are some concerns and some comments about the role of the convening authority in both pretrial and post-trial issues. That certainly leads to a perception that there could be some mischief by the convening authority. In my knowledge, those are exceptional situations, with the number of courts-martial that occur. There just aren't that many circumstances. Unfortunately when they occur, they are very newsworthy and they get a lot of play.

Chairman LEVIN. In response to your prehearing policy questions, one of the most significant decisions of the Court of Appeals of the Armed Forces that you have cited is the case of *U.S. v. Thomas,* in which the court said that unlawful command influence is "the mortal enemy of military justice." You have identified in a separate question real and perceived instances of unlawful command influence as one of the major weaknesses of the military justice system.

Can you give us a little more of your views on unlawful command influence?

Mr. ERDMANN. Well, Mr. Chairman, I certainly agree that it is the mortal enemy of the military justice system. I think that tension is always going to be there as the commander has to have the necessary authority to insure discipline and good order in the military, but at the same time the safeguards have to be in place to insure that the rights of the individual service members are protected.

I think that by and large that system works. Unfortunately, it goes beyond insuring that there is no illegal command influence, and what is necessary is to remove the perception of that illegal command influence, because as you're aware, in many cases perception becomes reality in the minds of the service members. I think that's an ongoing task. I think that this court needs to con-

tinue to be very vigilant in that area and continue to come down very strictly in opposition to unlawful command influence.

Chairman LEVIN. Thank you. Let me finally ask you about your experience with the Office of the High Representative of Bosnia and Herzegovina. I gather you were involved in a number of fascinating issues, including the development and enforcement of political, economic, and social rights, revision of property laws, the establishment of the rule of law, development of nongovernmental organizations in civil society, establishment of gender equity programs, monitoring of domestic war crimes trials, liaison with international criminal tribunals for the former Yugoslavia in The Hague.

Can you just comment briefly about how you got into this office and what your experience was there?

Mr. ERDMANN. Thank you, Mr. Chairman. Actually, I got in as a result of my membership in the National Guard. I was asked if I would go over to Bosnia in a civil affairs capacity and I obviously jumped at the chance. When I got to Bosnia, I was assigned to the Office of the High Representative as a civil affairs officer. My first assignment was to work with a German prosecutor in establishing the first what they called anti-fraud unit, which was an anti-corruption unit. Certainly the Chairman is aware of the large degree of corruption that was in the Bosnian Government after the war and among various Bosnian politicians.

While we were working on that, we discovered that there was no overall coordination for judicial reform in Bosnia, there was no real direction as to what the international community expected and in fact there were many different efforts from within the international community, some in conflict.

After my 6-month tour with the Air National Guard, I was asked by the High Representative, who was then Carlos Westendorph, if I would stay in a civilian capacity. I agreed to do that and became the first judicial reform coordinator for the High Representative. I did that for another 6 months and devised a comprehensive judicial reform strategy for the country.

I was then ready to come home but was asked to become the head of the Human Rights and Rule of Law department. That included all of the various issues that you just mentioned. It was a fascinating and often times very frustrating experience, and I did that for 12 months.

We had a staff of about 70 international and national attorneys that were working in that regard, and it was in fact nation building, as opposed to the peacekeeping aspects, which I think is a vital companion effort. If we are not successful at nation building, we will be back in there peacekeeping for the prolonged future.

I was then asked to be the chief judge of the Bosnian Election Court. That was a Dayton institution, that came from the Dayton peace agreement. The elections had been taken over completely by the international community and supervised by the Organization for Security and Cooperation in Europe, but they quickly determined that if there was a dispute coming out of any aspect of the election system, the way they initially envisioned it, it would go to a national Bosnian court. There they would end in the same problems because in those days depending on what part of the country

you lived in, the dominant national political parties controlled the courts.

It was a very interesting court. I learned a lot about collegiality on that court. As Senator Burns mentioned, there were six national judges on it, two Croat, two Serbs, and two Bosniaks, who are the Muslims. We reached almost all of our decisions on consensus. When I would go into those sessions—I don't speak the language—we would have five or six interpreters to help get through it, and obviously everything took two or three times as long. But working with the members of that court, and by the way, all the members of that court were judges in their regular life in Bosnia, several were members of the Bosnian Supreme Court. Working with those individuals certainly gave me faith that there is hope for that country.

Since that time, I worked both for the State Department and the United States Agency for International Development (USAID) in Serbia and in Bosnia. Last November I was asked to do an assessment of the judicial reform program that had unfortunately come off the tracks, it was not succeeding very well. I wrote a paper recommending the direction it should take, and the Peace Implementation Council adopted that in February of this year.

I was then asked to go back and have just spent the last 4 months in Bosnia getting that implemented and getting that up and going. That involves the review of every sitting judge and prosecutor in Bosnia, opening all of those positions to any qualified applicant, the creation of an independent High Judicial Council, taking the political aspects, the executive, and the legislative out of the system.

In the past there, it was the dominant parties that made all the decisions on the judiciary, and then they were rubber stamped by the parliaments, and everyone knew who they owed their allegiance to. We raised the salaries and we have tried to make those independent, and it's a tough job but hopefully it will succeed.

Chairman LEVIN. It's an important job, and I'm sure a fascinating job. I spent a few days there—a lot of visits, a lot of meetings, so I can just imagine what the challenges are trying to do that. But if they can't in dispensing justice overcome ethnic differences, there's no place they can do it, so they really have to lead the way, and I guess you helped them lead the way and set an example for society as a whole in the judicial system.

We thank you all. We will move very promptly on your nominations. You are all very well-qualified and we look forward to your service. Thank you.

The committee stands adjourned.

[Whereupon, the committee adjourned at 11:25 a.m.]

[Prepared questions submitted to Gen. James L. Jones, Jr., USMC by Chairman Levin prior to the hearing with answers supplied follow:]

## QUESTIONS AND RESPONSES

### DEFENSE REFORMS

*Question.* Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and im-

pact of these reforms, particularly in your assignments as Commanding Officer, 24th Marine Expeditionary Unit, during Operation Provide Comfort; as Deputy Director of Operations, U.S. European Command, and Chief of Staff, Joint Task Force Provide Promise; as Deputy Chief of Staff for Plans, Policies, and Operations, Headquarters Marine Corps; as the Military Assistant to the Secretary of Defense; and in your current assignment as Commandant of the Marine Corps.

Do you support full implementation of these defense reforms?

Answer. I have consistently supported full implementation of the Goldwater-Nichols legislation. The Goldwater-Nichols Act remains critical to promoting joint approaches and capabilities among the services. It provides for an effective balance between organizing, training, and equipping our forces and employing them in pursuit of our national interests. Not surprisingly, over time, the implementation of this act also produced some unintended consequences that, in my view, should be examined. I also support the Special Operations reforms and have taken steps to insure that the Marine Corps and the Special Operations Command become more closely affiliated.

*Question.* Based upon your experience, what is your view of the extent to which these defense reforms have been implemented and the impact that they have had?

Answer. We have certainly come a long way toward realizing the goals of the Goldwater-Nichols Act, but it remains unfinished work. Most of the services struggle, to some extent, with the management challenge of the career patterns of our personnel. It is difficult to manage these careers through the multiple requirements of service qualifications and joint service requirements simultaneously. Each service contributes unique, yet complementary capabilities to joint warfighting; yet, in order to comply with the Joint Officer Management Policy of the Goldwater-Nichols Act, we ask each service to adhere to a restrictive "one-size-fits-all" personnel policy. The Senate has, over the years, indicated that the joint officer provisions need careful review, and Congress has already made some necessary adjustments. In my opinion, each service needs more latitude in managing personnel policy in accordance with its own unique needs, culture, and core competencies, all the while remaining in compliance with the spirit of Goldwater-Nichol's purpose.

Nonetheless, we have made significant progress—the services are providing combatant commanders—including the Commander, Special Operations Command—with the finest complementary capabilities and the best trained and equipped forces in our history. This improving capability began to reveal itself during Operation Desert Storm, and reached new heights of effectiveness most recently during Operation Enduring Freedom (OEF). During OEF we demonstrated the ability to conduct deep maneuver from a sea-base, requiring minimal host nation support. The immediate tactical cohesion and military successes that resulted between all elements of the force is one of the long lasting "lessons learned" of our efforts in the war against terrorism to date. While we aren't yet as interoperable as we would like in some areas, we are vastly improved over our capabilities demonstrated during Operations Desert Shield and Desert Storm some 11 years ago.

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

Answer. The most important aspects of the Goldwater-Nichols Act were that it: streamlined the chain of command and increased the effectiveness of the Joint Staff, improved the quality of joint service, created an architecture that facilitated interservice cooperation and experimentation, and created a better process for identifying joint warfighting requirements.

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

Answer. As we transform the U.S. national security structure to meet current and emerging threats, I would anticipate some new legislative proposals to move beyond Goldwater-Nichols, as well as other laws that were enacted in a different era. Just as Congress is currently crafting legislation regarding the Department of Homeland Security, more initiatives will be required to ensure interagency cooperation and a more inclusive approach to national security across several of the agencies of our government. More specifically, I would recommend that the following areas be examined:

> *1. Acquisition Reform:* Though not resulting from the Goldwater-Nichols Act, our acquisition process is too cumbersome to be responsive in an environment of rapidly changing conditions, technologies, and requirements. Simply put, it takes too long to acquire the new technologies we need to maintain our advantage over potential adversaries. We should examine the impact of current law with regard to existing rules of accountability for the success or failure of our major programs.

Acquisition laws/regulations seem to have been written under the assumption that, left unchecked, most people in responsible positions will choose the wrong/illegal course of action. My experience is quite the contrary. Service chiefs are, in fact but not in law, held accountable for failures in their programs, particularly when those failures result in loss of life. This is as it should be. At the same time, current law severely restricts service chiefs from any participation in the acquisition process beyond the responsibility of requirement identification.

*2. Personnel Policy Reform:* In our effort to standardize how we treat service members across the Department of Defense, our laws increasingly limit the flexibility required to maintain individual service competencies and cultures. Four services with unique and important cultures, organizations, demographics, and needs, require more effective management tools than a single, rigid set of personnel policies. Our young men and women join the Armed Forces to become a soldier, sailor, airman, coast guardsman, or marine. That they will become members of our Nation's Joint Forces for operational employment is to be celebrated, but their identity will always be to their service culture. This fact remains the foundation of our strength and creative diversity. We should understand that our distinct service cultures are both necessary and will ultimately be responsible for any real transformation in our military capabilities.

*3. Role of the Joint Chiefs:* The roles and functions of the Joint Chiefs needs to be re-examined and appropriately redefined in order to continue the tradition and expectation of being able to provide the best military advice to the Secretary of Defense and the President. The collective experience of this important body, the diversity of the Chiefs' institutional perspectives, and the Goldwater-Nichols imposed spirit of cooperation and collective responsibility, provide for a needed partnership to complement the important missions of the combatant commanders. Today's JCS finds itself immersed in Title 10 responsibilities at the expense of the equally important function of providing military advice on pressing global issues. I do not believe that it was the intent of Congress to reduce this function at the time of Goldwater-Nichols passage.

*4. Consolidation of Common Functions:* We must find ways to continue to reduce or eliminate redundancy in logistics, intelligence, and medical services. Command and control, communications, and information management, are additional areas which are ripe for reform as well. Fifteen defense agencies and seven field activities provide support to the Defense Department, collectively accounting for over $65 billion in annual expenditures, or about 20 percent of the DOD budget. Insulated as they are from true competitive pressures, these agencies lack the incentives necessary to be efficient in today's environment. Many of our agencies perform functions that are available commercially, frequently at less cost. In previous testimony, I have recommended that a comprehensive examination of the functions and organization of our agency structure be conducted as a matter of some priority. I continue to support such a requirement.

DUTIES

*Question.* What is your understanding of the duties and functions of the Commander in Chief, U.S. European Command (EUCOM) and NATO's Supreme Allied Commander, Europe (SACEUR)?

Answer. The Commander of the U.S. European Command is responsible for coordinating and conducting all U.S. military operations and activities across the 91 countries in the European Command area of responsibility (AOR) in pursuit of U.S. national military objectives. This AOR includes all of Europe, two-thirds of the African continent, the Middle East, and the Caucasus Region. After 1 October, it will include Russia, Iceland, Greenland and approximately half of the Atlantic Ocean as well. He is also responsible for the health, welfare, and security of the approximately 117,000 service members forward deployed within that AOR. Further, he coordinates the efforts of the Service Component Commands assigned to the European Theater.

The primary responsibility of the Supreme Allied Commander Europe (SACEUR) is to contribute to preserving the peace, and to assure the security and territorial integrity of the 19 allied member states. In so doing, the SACEUR is responsible to the Military Committee for the overall direction and conduct of all alliance military matters within Allied Command Europe. This includes the responsibility for providing military advice and maintaining close relationships with the military leadership of the member nations. The responsibilities of the Commander EUCOM and the SACEUR are complementary, and the fact that they have traditionally been

vested in one officer allows for effective coordination between the U.S. and NATO military command structures.

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

Answer. I have been fortunate to serve in a number of assignments, which, I believe, have prepared me for these duties. As the Commanding Officer, 24th Marine Expeditionary Unit, I participated in Operation Provide Comfort's JTF "Bravo" during the Kurdish relief effort of 1991. This operation represented the largest humanitarian peace operation the U.S. had participated in up to that time, and NATO's first out of area operation. As the Deputy Director of Operations, U.S. European Command, and Chief of Staff, JTF Provide Promise in Bosnia-Herzegovina (1992–1994), I was exposed to the unique challenges of U.S. participation in coalition operations in the region, and in establishing our national presence in the Former Yugoslavian Republic of Macedonia. In my current capacity, I have become familiar with the challenges of providing the military forces employed by our combatant commanders. These assignments have given me an opportunity to acquire some of the operational and diplomatic skills that, I would imagine, are important for any SACEUR/CINCEUR.

On a personal note, I was fortunate to be able to spend my formative years in Europe (1947–1961). This experience provided me with a cultural education and an understanding of European perspectives from a very young age. My parents remained in Europe long after my return to the United States, and through my frequent visits and increased professional contacts, I was able to broaden and deepen my sense of European perspectives. If confirmed, my intimate and life-long association with Europe should be of assistance in executing my duties as CINCEUR/SACEUR.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform these duties?

Answer. Key to my ability to perform the duties of CINCEUR and SACEUR will be early visits to the countries within the AOR, meeting the Chiefs and Ministers of Defense, and meeting with our ambassadors and their country teams. Gaining an immediate appreciation of their insights and perspectives will be most important. I will need to meet with our commanders and our forces throughout the theater, particularly those involved in the ongoing operations in Bosnia, Kosovo, the Former Yugoslav Republic of Macedonia, Georgia, and Turkey.

*Question.* In carrying out your duties, how will you work with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for International Security Policy, the Assistant Secretary of Defense for International Security Affairs, the other combatant commanders, and the Chiefs of Staff of the services?

Answer. Regular and consistent communication with all of the leaders mentioned in the question above will be a priority should I be confirmed as the next Commander of EUCOM and as SACEUR. As political and military events and issues change, there is a corresponding necessity for timely consultations and decisions. If confirmed, I intend to seek the guidance and counsel of those mentioned in the question. I would intend to achieve the same spirit of cooperation with these leaders that I have enjoyed while serving in my current assignment.

*Question.* In carrying out your duties, how will you work with the Secretary of State, the Under Secretary of State for Political Affairs, the Assistant Secretary of State for European and Eurasian Affairs, the U.S. Permanent Representative to the North Atlantic Council, and the U.S. chiefs of mission to the countries in EUCOM's area of responsibility?

Answer. Engaging and maintaining close communications with each of these leaders is also very important to succeeding as the Commander, EUCOM and as SACEUR. Today's "challenge" is an interagency and coalition one. Close cooperation between State and Defense Department officials is absolutely critical.

MAJOR CHALLENGES AND PROBLEMS

*Question.* In your view, what are the major challenges that will confront the next CINCEUR/SACEUR?

Answer. The next CINCEUR/SACEUR faces five broad challenges: the global war on terrorism; NATO enlargement; the transformation of alliance military capabilities; the stability and security of the Balkans; and the evolving relationship with Russia during this period of change. Each of these issues also presents important opportunities for the United States and her allies.

NATO nations, as well as several countries throughout the EUCOM area of responsibility, are contributing to the global war on terrorism. Among NATO nations,

this has not been limited to being a military effort alone. Numerous international government agencies are involved in the prosecution of the war. The next Commander, EUCOM and SACEUR will continue to cultivate and manage allied and interagency support at the military level. Particular attention to the force protection requirements of U.S. and allied service members, their families, and the infrastructure, will be a pressing requirement. As the U.S. security establishment transforms to meet current and emerging challenges, the next CINCEUR/SACEUR must facilitate and manage the activities leading to military transformation within the theater. Service and interagency transformation efforts must be coordinated and integrated as they are implemented within the European Command. We must advocate truly new ways of combining the elements of military power, leveraging our strengths while denying our adversaries opportunities to gain any advantage against us. This will require bold action to modify and streamline command structures, develop relevant capabilities, and retire obsolete command structures and equipment. Our forces will become more capable, deployable, sustainable, and survivable in order to meet the needs of the future international security environment. The next SACEUR/CINCEUR must work to facilitate these changes.

Likewise, within NATO, the next SACEUR must provide the strategic leadership and vision to implement the political decisions regarding transformation at the military level. NATO enlargement; the enhanced Defense Capabilities Initiative; the NATO Command Structure Review; and new NATO relationships with Russia, Ukraine and many other nations are among the transformational efforts that will be at the forefront during the near future. A major post-Prague Summit challenge lies in ensuring that the new invitees stay the course, continue to invest in the collective security, and implement the key defense reforms required for NATO interoperability. The development of newly invited countries into contributing members of NATO security will be a long-term process. We will also be required to adjust the Partnership for Peace (PFP) program. As new members join NATO, they leave the receiving end of the PFP program. Although PFP has been an extremely successful program, it must be updated to the needs of the remaining members.

Lastly, I am mindful of the value of stability and security in the Balkans to Europe and the United States. In Bosnia and Kosovo, the next CINCEUR/SACEUR will need to work closely with NATO, U.N., international community, and local political authorities to facilitate restoration of the rule of law and public confidence in civil police. As progress continues in this area, we can continue to downsize both the NATO and U.S. military footprint as has happened during General Ralston's tenure. Similarly, the next CINCEUR/SACEUR will need to remain closely engaged with international efforts in the Former Yugoslavian Republic of Macedonia (FYROM) and Kosovo. With continued vigilance, this mission will be a NATO success story of historical proportions.

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

Answer. In all the areas mentioned above, the key to success will be proactive engagement, vision, and clear direction. The next EUCOM Commander and SACEUR must establish clear priorities and provide a strategic vision to guide transformation, foster relationships, and set the conditions for the successful integration of the new member countries. Constant assessment and the courage to adjust as required will be critical enablers as we address the security challenges ahead.

*Question.* What do you consider to be the most serious problems in the performance of the functions of CINCEUR/SACEUR?

Answer. The most difficult challenges facing the next EUCOM Commander and SACEUR will be associated with helping NATO define itself as an alliance which should have a goal of being even more effective in the 21st century than it was in the 20th century, should that be possible. As an expanding alliance which brings the promise of future security and freedom to its collective members, it has the potential to do many great things in the years immediately ahead. That an American officer is privileged to lead this historically unique alliance, from the military standpoint, should continue to be a matter of national pride. The challenges to the alliance are many. Today, some even question its relevance, absent the threat of the former Soviet Union, and others do not embrace the investment requirement for "transformation" of the alliance's military capability. Still others are concerned by the current perception of American unilateralism in the conduct of our national foreign policy. Clearly, we will also have to address the very real and very substantive intricacies involved in any future NATO enlargement. There also exists the perception of a widening gap in military capabilities between the United States and our NATO allies. These are examples of the complexities of the relationships that the EUCOM Commander and SACEUR must recognize in the important relationships we have with our friends in an expanded Europe and a potentially emergent Africa.

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

Answer. I believe it would be imprudent for me to arbitrarily establish timelines or specific management actions without first taking the opportunity to confer with our national leadership and the political and military leadership of NATO, as well as that of the nations within the EUCOM region. If confirmed, I intend to address the many challenges which face the alliance and our U.S. presence in Europe in ways which are clear, unambiguous, and effective.

PRIORITIES

*Question.* If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the CINCEUR/SACEUR?

Answer. If confirmed, my foremost priority as the Commander, EUCOM and SACEUR will be to ensure the readiness, interoperability and force protection of U.S. forces deployed within the theater. This is critical if we are to be capable of executing military missions in pursuit of national objectives. I will work diligently with the service chiefs and service component commanders to ensure that the weapons, training and equipment are appropriate to the mission, and that the supporting infrastructure in both the work and living environments adequately supports our service members and their families.

In both roles, my priorities will be consistent with my response to Question 3. In the global war on terrorism, my priority will be to promote and sustain allied and interagency support for military activities—not only in Europe, but also in Africa, the Caucasus and the Balkans where often fragile governments can sometimes unknowingly and/or unwillingly provide terrorists with operating bases and network support.

Leading the transformation of U.S. European Command and NATO forces to be better able to meet current and emerging threats will be a priority. This will require me to work closely and diligently with the leadership of the service component commands, interagency leaders, allied Chiefs and Ministers of Defense, and various organizations in the international community. It will also require me to keep my leadership here at home and within NATO both consulted and informed.

Finally, facilitating those things that we can do on the military level to promote progress in reestablishing the rule of law and generating popular confidence in civil police institutions, so that we can eventually remove the NATO military presence in the Balkans, will be a continuing priority.

RUSSIA AND THE CASPIAN SEA

*Question.* If confirmed, you would be the first CINCEUR to have Russia and the Caspian Sea assigned to your area of responsibility.

What do you see as the most significant issues that will have to be faced vis-á-vis Russia in the next year or so?

Answer. The most significant issues we will face with Russia in the near-term are:

*NATO-Russia Council:* Russian President Putin has made an impressive and clear choice to seek greater integration with the west and this includes NATO. NATO, and in particular President Bush, has responded to that choice with a new mechanism for communication and cooperation, the NATO-Russia Council. In the next 12 months, we must capitalize on the historical opportunity to forge new military-to-military initiatives and programs focused on institutionalizing NATO-Russia interoperability at the tactical and operational level.

*Deepening Cooperation in the Global War on Terrorism (GWOT):* Russia is a geo-strategically important partner for the United States and for the west in general. Under President Putin's leadership, Russia has been an important partner in the war on international terrorism. Russia is a country rich in resources and scientific knowledge and capability. We will need to capitalize on these factors, as well as Russia's strong connections to Central Asia and the Caucasus, to achieve our mutual objectives in the war on terror. At the same time, we need to continue to emphasize that some of the methods used by Russian forces in the name of the war on terror (most notably the prosecution of the campaign in Chechnya and the bombing of sovereign Georgian territory) currently impede our ability to progress towards the achievement of our mutual goals.

*Counter-proliferation:* Russia must come to fully understand that its transfers of nuclear and other dual-use technology to unstable regimes or regimes tied to terrorism are just as dangerous to Russia as they are to the U.S. and other European nations. Russia's current programs, while providing short-term economic

and industrial benefits to Russia, threaten to undermine current regional stability and security and seed a complex and dangerous future security environment.

*Military-to-Military Contacts:* The U.S. should strengthen bilateral and multilateral military contacts with Russia at the operational and tactical levels to increase interoperability of U.S.-Russian forces. Our engagement strategy must be multi-dimensional, maximizing the unique engagement tools available to us in the European theater. Examples of such tools include the Marshall Center, the Warrior Preparation Center in Hohenfels, and co-deployment in the Stabilization Force (SFOR) in Bosnia and the Kosovo Force (KFOR). We must take the valuable accomplishments from our common mission in SFOR and KFOR and apply this experience to advance our cooperation in the global war on terrorism. At the same time, our engagement strategy should be geared toward building enduring relationships at every level: investing in the future by working with tomorrow's leaders while simultaneously enhancing the quality of our relationship with today's leaders and commanders.

*Unified Command Plan (UCP) Change:* We must create new mechanisms for coordinating military-to-military cooperation directly with the Russian General Staff and identify and prioritize activities that directly support EUCOM missions and goals. In the past, the Russians have dealt with the U.S. Joint Staff for all military-to-military contacts. EUCOM will henceforth coordinate most of these contacts and this change will require the Russian General Staff to adjust accordingly. There are numerous direct benefits for Russia in this changing relationship. Russian forces and our European Command have a long history of interaction over the past 7 years in the Balkans and in other EUCOM based activities. In addition, the Russian General Staff will now coordinate directly with the commanders and staff who control U.S. military assets in Europe. This experience and command authority will benefit the overall military-military relationship.

*Question.* What do you see as the impact of the development of the oil and natural gas resources of the Caspian Sea on United States' relations with Azerbaijan, Armenia, Georgia, Turkey and Russia?

Answer. Security cooperation is already a U.S. priority for this region, particularly as mutually beneficial relationships enhance our collective abilities to combat global terrorism. Development and transmission of energy resources in the Caspian Sea region only increases the importance of our relationships with these countries. More specifically, the commercial dimensions of energy development underscore the requirement that EUCOM's security cooperation initiatives be coordinated with non-military approaches. In the context of energy development, regional stability becomes an even greater priority.

Conflicts between Armenia and Azerbaijan, internal strife within Georgia, and various cross-border flare-ups are inherently detrimental to economic development in this region. The interests of all parties—the Caucasus nations, Turkey, Russia and the U.S.—will suffer if the region is not stabilized. This region already presents a unique set of challenges. With the emergence of Caspian Sea energy development as a priority issue, the level of complexity only increases. To succeed in this environment, EUCOM will continue to pursue approaches that are based on a broad, all-encompassing vision for the region. Where possible, EUCOM would be well served to develop a consensus among these nations that cooperative efforts will reap long-term benefits, whether they are related to the GWOT or economic development.

*Question.* In your view, what are the major challenges that will confront the next CINCEUR/SACEUR?

Answer. The major challenges confronting the next Commander, EUCOM/SACEUR with regard to Russia and the Caspian Sea include fostering stability in the Caucasus region; establishing a foundation for regional cooperation as it pertains to Caspian Sea energy development; building on bilateral and multilateral relationships to enhance our capacity to combat terrorism; and supporting the voices of democratization and military transformation in Azerbaijan, Armenia, Georgia and Russia.

NATO CAPABILITIES

*Question.* In their Statement on Capabilities issued on June 6, NATO Defense Ministers stated that "We recognize that the ability of the Alliance to fulfill the full range of its missions in the changing security environment will depend largely upon our ability to increase substantially the proportion of our combat forces and support forces that are available for deployment on operations beyond home territory or where there is no substantial host nation support." General Klaus Naumann, former chairman of NATO's Military Committee, writing in the Summer 2002 NATO Re-

view, put it boldly that, "Unless the November meeting of Allied leaders in Prague, originally billed as the 'enlargement summit,' is truly turned into a 'transformation summit,' NATO will have outlived its utility and will fade away."

What are your views on the need for the transformation of NATO forces and the likelihood that NATO member nations will be willing to devote the required resources to bring that transformation about?

Answer. The world's security environment has and continues to change. NATO must transform to maintain its effectiveness as an alliance in this changing environment—just as our own U.S. military must transform. The Secretary of Defense has proposed a new command structure to aid in NATO's transformation, which was reviewed by the first meeting of the Senior Officials Group (SOG) on September 6. The proposal would transform the current Allied Command Atlantic (ACLANT) from a strategic regional command into a strategic functional command specifically tasked for the transformation of the alliance. Our allies also recognize that transformation is needed, and many are proposing plans or preparing their positions on transformation for decision at the Prague Summit. Transformation will be the foremost agenda item at Prague, where the strategy is to pursue "new capabilities" (to include a new command structure), "new members" (potential enlargement), and "new relationships" (such as the new NATO-Russia Council).

As to our allies' willingness to devote resources, I can only speculate at this point. Much depends on the final transformation plan on which the 19 member nations agree and how that plan is supported by each nation. We must continue to push our view of a transformed NATO and for burden sharing that supports that transformation.

*Question.* In your view, what are the major challenges that will confront the next CINCEUR/SACEUR?

Answer. Breaking down resistance to change and providing a vision for NATO transformation will be major challenges in the coming years. The next Commander EUCOM/SACEUR will be at the forefront of sweeping changes in the NATO command and force structure. Allied Command Europe (ACE) will likely take on a larger area of responsibility as the only operational Strategic Command. To further streamline the command structure, NATO will need to consolidate second and third tier headquarters, and this will be difficult for some nations who highly value the current NATO headquarters on their territory. Force structure must also change to match the new command structure—a process which is now underway through the development of deployable, Graduated Readiness Force Headquarters. Forces need to be more capable, deployable, sustainable, and survivable to meet the needs of the future international security environment. The next Commander EUCOM/SACEUR must work to facilitate these incredibly important, and necessary, changes.

EUROPEAN SECURITY AND DEFENSE POLICY (ESDP)

*Question.* The European Union is establishing—separate from NATO—its own military capability, centered on a rapid-reaction force that will consist of 60,000 troops drawn from the militaries of the European Union members.

How will the establishment of this force impact NATO's military capabilities?

Answer. The military capability that the European Union (EU) is developing is, in great part, not "separate from NATO." In effect, the dual EU/NATO members have largely pledged forces that are now triple-hatted to support existing NATO missions, a sovereign national mission and the new EU mission. The impact on NATO military capabilities is not significant unless a situation arises in which the EU requires the dual-hatted forces. The EU and NATO have not yet worked through developing the arrangements for EU access to these assets and capabilities (also known as "Berlin Plus"). On the positive side, ESDP does have a civilian "peace support" capability that, as evidenced by the EU takeover of the United Nations International Police Task Force in Bosnia, can complement military personnel who are less-suited to police operations. I am also hopeful that the European Union will prove more persuasive with respect to influencing the EU's NATO members to invest more on collective security, resulting ultimately in improved NATO military capabilities.

*Question.* In your view, what are the major challenges that will confront the next CINCEUR/SACEUR?

Answer. The EU's relationship with the non-EU NATO members and the nature and complexity of that relationship as it affects NATO linkages will remain a challenge. Additionally, should EU and NATO enlargement occur, the resolution of Berlin Plus will take on added importance and urgency. Finally, there is the matter of the International Criminal Court and current efforts to sign bilateral agreements with nations in order to protect U.S. forces deployed abroad. The next Commander

EUCOM/SACEUR will need to monitor each of these issues closely, and give his best military advice to U.S. and NATO political leaders on potential impacts as each of these issues develop.

NATO ENLARGEMENT

*Question.* NATO will be deciding what nations, if any, it will invite to join the alliance at the November 2002 Summit in Prague.

Assuming further enlargement of the alliance follows that summit, what challenges do you foresee that would have to be addressed (1) on a bilateral military to military level and (2) on the alliance level?

Answer. On a bilateral basis, EUCOM will need to take account of enlargement decisions in its security cooperation program. The bilateral military-to-military exercises and other activities will support integration of the invited nations into NATO, while adjustments will be made to focus on the needs of those partners not invited to join. This will be a seamless transition, based on EUCOM's well-established cooperation with members of NATO's Membership Action Plan (MAP) and Partnership for Peace (PfP) Program.

On an alliance level, NATO and the new invitees will need to work out specific action plans to prepare for accession. These plans, which will build on the current work under the individual annual plans for MAP members, will focus on the critical legal, security, and interoperability objectives needed for integration as NATO members upon accession. Much progress has already been achieved through MAP, applying the lessons learned from the most recent accession of Poland, Hungary, and the Czech Republic. As in the case of those three nations, we must expect that effective integration of new members will require sustained efforts by those governments and their armed forces so that they can contribute to all alliance missions. It should be noted that most MAP nations have already gained much useful practical experience through their participation in alliance operations in the Balkans or in Operation Enduring Freedom.

*Question.* Do you believe that a refusal by a candidate nation for NATO membership to agree to exempt Americans from the jurisdiction of the International Criminal Court would warrant U.S. opposition to such membership?

Answer. No. While we should continue to pursue Article 98 exemptions, linking the signing of such agreements with enlargement decisions would be an error. Other NATO allies would perceive that type of action as unjust unilateral pressure.

*Question.* Based upon your experience as the EUCOM Deputy Director of Operations (J–3) and Chief of Staff, Joint Task Force Provide Promise, for operations in Bosnia-Herzegovina and Macedonia and your dealings with various NATO nations and international organizations, would you favor streamlining the NATO chain of command and decisionmaking process in a post-enlargement era?

Answer. Yes. NATO leaders have already launched a comprehensive review of the command and force structures. Streamlining the NATO command structure is already a necessity and will be even more important in the post-enlargement era. This is an inherent part of the NATO transformation process.

*Question.* The military operations NATO conducted in Kosovo revealed the problems inherent in conducting a military operation by consensus. At that time, agreement was needed only among the current 19 members. Would NATO be able to effectively conduct a military operation in the future with potentially 28 members?

Answer. Increasing the number of NATO members from 19 to 28 should have very little impact on decisionmaking. The last round of enlargement, growing NATO from 16 to 19 members, had no noticeable effect on NATO decisionmaking. Today, NATO leads operations in Kosovo with the forces of 34 nations—and appears to be doing so with no problems with regard to decisionmaking. Our challenge will be to maximize the efficiency of the process by streamlining command structures and pushing decision making down to lower levels when reasonable.

*Question.* In your view, what are the major challenges that will confront the next CINCEUR/SACEUR?

Answer. A major post-Prague challenge will be ensuring the old and new invitees stay the course, continue to invest in defense, and implement the key defense reforms required for NATO interoperability. Turning newly invited countries into contributing members of NATO security will be a long-term process. Another challenge will lie in adjusting the PfP program. As new members join NATO they leave the receiving end of the PfP program. Although PfP has been an extremely successful program, it must be updated to the needs of the remaining members, many of whom will require more help than the invited nations.

ALLIED COMMAND EUROPE MOBILE FORCE (LAND)

*Question.* NATO has announced the disbandment of Allied Command Europe Mobile Force (LAND)(AMF(L)). The NATO announcement stated, in part, that "The concept of rapid deployment and flexible multinational forces, which was characteristic for AMF, is being incorporated into NATO's new concept of graduated readiness forces. Therefore the command and control structure of AMF(L) can be dissolved. . . ." It would appear that AMF(L), a force that was created by NATO as a small multinational force that could be sent on short notice to any part of Allied Command Europe under threat, is the type of force that is suited to today's security environment.

What are your views on this NATO decision?

Answer. I concur with NATO's decision to move toward more rapid, deployable and responsive forces. The concept behind AMF(L) remains valid, but the new graduated readiness forces will be better at realizing the objectives of that concept than the AMF(L). What NATO gains with the new Graduated Readiness Forces is a rotational pool of air, land and maritime forces, available for rapid deployment. These forces will be capable of carrying out a full range of alliance missions, from out-of-area crisis response to Article 5 actions. I believe this is a win-win concept for both NATO and the U.S. by improving the readiness and operational flexibility of alliance forces.

*Question.* In your view, what are the major challenges that will confront the next CINCEUR/SACEUR?

Answer. First, I believe it is very important to recognize that not all of the challenges ahead can be conveniently categorized under the rubric of ally "deficiencies." Our allies have developed superior capabilities and concepts of their own. We should recognize and incorporate the strengths they bring to the alliance, as well as the significant capabilities many are currently developing. Special Operations Forces are an example of a traditional strength for many NATO members, while increased investment in amphibious shipping by several members holds great promise for an increased out of area, expeditionary capability. Having said this, clearly there are areas where NATO must improve. For example, we have the continued challenge to assist NATO in implementing the Graduated Readiness Force Headquarters and streamlining the command and force structure, as well as the imperative to assist NATO in its transformation efforts. We should encourage our allies to take on tasks and build capabilities for which the U.S. has been the sole available provider. This will require our continued assistance and demonstrated support to ensure the success of their efforts.

IRAQ

*Question.* U.S. European Command (EUCOM) is presently commanding the forces operating from NATO ally Turkey in Operation Northern Watch to enforce the no-fly zone north of the 36th parallel in northern Iraq. In the aftermath of the Persian Gulf War, you participated in EUCOM's Operation Provide Comfort in northern Iraq under EUCOM. Iraq is within the Central Command's (CENTCOM) area of responsibility.

If the United States should attack Iraq in the future and if part of the attacking force is based in Turkey, do you anticipate that EUCOM will exercise operational control over that part of the force that would operate from Turkey?

Answer. Per direction of the Chairman of the Joint Chiefs of Staff (CJCS), the EUCOM and CENTCOM staffs have been conducting parallel planning since early July in regard to potential operations in Iraq. In this planning effort and during any actual operations, CENTCOM is the "supported" combatant command; EUCOM the "supporting" combatant command. Any EUCOM naval, air, land and Special Operations Forces designated to support potential operations in Iraq—to include those forces that might be based in Turkey—will remain under EUCOM's operational control (OPCON) but under CENTCOM's tactical control (TACON). Both EUCOM and CENTCOM feel this is the appropriate command relationship in that it provides the CENTCOM commander with total authority, flexibility, and control concerning the manner in which these forces would be employed in Iraq—without burdening him with the tasks of getting them into the Iraqi theater of operations and sustaining them once they are there.

*Question.* If so, how would unity of command and deconfliction of the attacking force be accomplished?

Answer. As mentioned above, it is envisioned that CENTCOM will provide the sole commander making all decisions regarding force employment for any future operations in Iraq. This is not militarily difficult, but it is an important question to resolve at an early stage. We have done so.

*Question.* In your view, how important do you believe the cooperation and involvement of regional and allied nations would be to an attack on Iraq?

Answer. The cooperation and involvement of regional and allied nations is highly desirable in such an undertaking. The combatant commander has more varied and robust response options at his disposal in order to accomplish the mission if a strong coalition is formed and maintained. Success, both during hostilities and during post-conflict stabilization, is enhanced by increased participation of others in the region, and by allied partners from across the international community.

*Question.* What lessons, if any, did you learn from your participation in Operation Provide Comfort?

Answer. Operation Provide Comfort demonstrated two important lessons to me. First, that humanitarian and peace enforcement operations, like combat operations, are bolstered by the combined efforts of coalition partners. 25,000 elite members of European Armed Forces worked closely with American military personnel to ensure that the Kurdish relief effort was successful. We accomplished our mission because of our teamwork and the resources found in our diverse strengths. Second, that military power can be used in a credible way to accomplish stability and security missions with minimal violence. Operation Provide Comfort allowed half a million Kurds to return to their homes without bloodshed because the actions of European and American forces sent an unambiguous message that we had both the will and the capacity to achieve our objectives.

*Question.* In your view, what are the major challenges that will confront the next CINCEUR/SACEUR?

Answer. Working as a member of the U.S. Government (USG) interagency team, garnering the complete and timely military cooperation of regional partners and complex alliances is a traditional and continuing challenge. Sustaining the war on terrorism by conducting security cooperation activities and deterring proliferation of chemical, biological, radiological, nuclear, and enhanced high explosive (CBRNE) weapons, associated technologies and delivery systems will remain critical objectives. Ensuring that current and future operations are adequately supported as we adjust NATO and coalition command and force structures in the months ahead will present ongoing challenges. Finally, expanding European regional stability and security south and east will remain a goal of any conflict resolution with Iraq.

AFRICAN CONTINGENCY OPERATIONS TRAINING AND ASSISTANCE PROGRAM, FORMERLY KNOWN AS AFRICAN CRISIS RESPONSE INITIATIVE (ACRI)

*Question.* EUCOM is the DOD executive agent for the military aspects of the African Crisis Response Initiative (ACRI). Some have suggested an expansion of the ACRI program to prepare African nations forces for peace enforcement as well as peacekeeping. Others believe that the ACRI program should be limited to preparation for peacekeeping. Still others believe the ACRI program should be terminated due to the strain on Special Operations Forces and the limited returns from the program.

What are your views on the ACRI program?

Answer. For the past 5 years, ACRI was a valuable tool in pursuing our engagement strategy in Africa. It not only built and strengthened partnerships with key African allies such as Senegal, Uganda, Malawi, Mali, Ghana, Benin, Cote d'Ivoire, Kenya, and Ghana, it has also created a real capacity for African nations and organizations to deal with African problems.

African military leadership's feedback about ACRI was that the program was not tailored to a partner nation's unique capabilities and experiences. The African Contingency Operations Training and Assistance Program (ACOTA, formerly ACRI) addresses this issue in the form of a Program Development Team (PDT) charged with creating a concept of training after consultation with the host nation military and civilian leadership. A comprehensive military assessment is critical for ACOTA to achieve its goals and objectives. A military assessment will provide the requisite objective analysis of capability and then determine what training is required to address those capabilities.

We recognize that each African military is unique and, accordingly, the ACOTA program will be individually designed in coordination with each African partner country to address that country's specific capabilities, needs, and priorities. In turn, the partner countries can target the program narrowly or broadly across the full spectrum of ground, naval, and air forces humanitarian relief and peace support operations skills and capabilities.

Participation in ACOTA can enhance unit readiness. As we continue to pursue the global war on terrorism, the role of Africa in this war will take on increased importance. Our best strategy in Africa is to work towards the long-term objectives of

building stability and security to avoid near-term problems. Programs such as ACOTA remain an integral part of this strategy.

WAR ON TERRORISM

*Question.* Although the main focus of the United States has been on the war in Afghanistan, U.S. Special Operations Forces are training host nation military forces in the Philippines, Georgia, and Yemen to enhance their counterterrorism capabilities.

Please describe the Georgia Train and Equip Program (GTEP).

Answer. GTEP is a time-phased training initiative that will enhance the capability of selected Georgian military units to provide security and stability to the citizens of Georgia and the region. The training was designed to educate the Georgian Ministry of Defense (MOD) on how to organize and employ their military forces, and to train five Georgian military units to provide them with a solid base upon which to build. Staff training was focused at the national level on joint interoperability and interagency coordination to enable the Georgian Ministry of Defense (MOD) to integrate with non-MOD agencies to build a cohesive national defense structure.

*Question.* Provide an estimate as to when the Georgian security forces might be able to deal with the presence of outside forces in the Pankisi Gorge.

Answer. [Deleted.]

It is our understanding, however, that current Georgian laws and/or policies may prevent or hinder the use of the Georgian forces in an internal security situation. When these forces might be able to deal with the presence of outsides forces in the Pankisi Gorge is a question best answered by the Georgian civilian and military leadership.

*Question.* What do you see as EUCOM's role in the war on terrorism?

Answer. First and foremost, EUCOM's role is to protect the citizens, forces, and critical infrastructure of the United States, our friends and our allies from attack—or threat of attack—by a terrorist group or organization. A key component of this role is to prevent terrorists and terrorist organizations from developing, otherwise obtaining, and/or using weapons of mass destruction.

Second, EUCOM's task is to work with the U.S. Government (USG) interagency and our coalition partners to find and defeat terrorist organizations. Simultaneously, we must work with the USG interagency and our coalition partners to convince their supporters—both state and nonstate actors—to stop their support for terrorism. Failing this, we must be prepared to compel these supporters to stop their activities—using force when deemed appropriate. EUCOM must also work to establish arrangements and structures in the area of responsibility (AOR) that prevent the emergence or re-emergence of terrorism. This includes the absolutely essential role of building and maintaining a core coalition of nations committed to a long-term fight to defeat terrorism.

*Question.* What do you see as NATO's role in the war on terrorism?

Answer. NATO continues to play a critical role in the war on terrorism. NATO's response to the September 11 attacks reaffirmed the importance of the transatlantic partnership. The decision to declare Article 5 within hours of the attacks was not just a statement of solidarity. It was also a commitment by allies to offer the best practical support possible. The U.S. asked for a range of specific measures, such as enhanced intelligence support, blanket overflight rights and access to ports and airfields. Our allies gave us everything we asked for and more. The debate over out-of-area operations effectively ended as NATO countries deployed troops to Afghanistan in support of the war. Because of NATO engagement in central Asia via the Partnership for Peace Program, we were able to use bases in Uzbekistan. Because of NATO's emphasis on multinational interoperability, British tankers refueled U.S. Navy fighters over Afghanistan. NATO is a flexible alliance, contributing directly to the war on terrorism and adapting to meet the new threats of the 21st century. It provides the political base, the interoperable military capability and the foundation for building the right coalition to fight the war on terrorism.

BOSNIA AND HERZEGOVINA

*Question.* There is a strong consensus that the long-term stability of Bosnia is dependent upon bringing persons indicted for war crimes (PIFWCs), particularly Radovan Karadzic, to justice. On August 16, the NATO-led Stabilization Force (SFOR) concluded a large-scale operation whose purpose was to pursue information related to Karadzic's support network in southern Republika Srpska. Also on August 16, the High Representative, Paddy Ashdown, appointed a Senior Deputy High Representative to be the Head of the Rule of Law Unit. U.S. Ambassador to Bosnia, Clifford Bond, and the SFOR Commander, U.S. Lieutenant General John Sylvester,

USA, both have called for a professional, capable police, backed up by reformed prosecutorial, judiciary, and penal systems in Bosnia as the basis for an exit strategy for SFOR. In the meantime, the European Union (EU) is planning to provide an EU Police Mission (EUPM), comprised of about 550 personnel, to take over from the U.N.'s International Police Task Force (IPTF) in January 2003.

Please describe your view of the basis for an exit strategy for SFOR and the role that you believe the Office of the High Representative can play in achieving it.

Answer. As you have pointed out, any exit strategy for Bosnia must address all of the elements of the rule of law in Bosnia, including prosecutorial, judiciary and penal-system reform. On that point I am in full concurrence with General Ralston, LTG Sylvester, and Ambassador Bond.

The key challenge that we face in Bosnia-Herzegovina is the absence of an effective rule of law. It is manifested by the actions of an underpaid or sometimes unpaid police force, which supplements its income through graft and corruption; prosecutors and judges who take actions and make decisions based too often on ethnic backgrounds or political connections; a penal system which selectively implements, or which fails to implement sentences; and politicians who use the government bureaucracy to subvert various aspects of the legal system.

With this challenge in mind, I believe the new High Representative, Lord Paddy Ashdown, can play a very important role in facilitating SFOR's exit strategy. I am greatly encouraged by reports that he is following through on his promises made to the Bosnian people to fight corruption and create jobs. In his short tenure as High Representative, Lord Ashdown has already relieved many corrupt officials from their functions. His decisiveness in tackling corruption in the judiciary realm seems to indicate promise for his slogan: "First justice. Then jobs. Through reform." His progress in this realm can only help speed up the timetable for an eventual SFOR disengagement.

*Question.* Do you believe that a EUPM of only about 550 personnel is sufficient to oversee the development of a professional, capable police force that is required for Bosnia?

Answer. Yes, although the task before them will be challenging. The key will be for the EUPM to ensure that their efforts are well coordinated with the rest of the international community. The EU is apparently of the opinion that the U.N. mission has largely fulfilled its mandate of police training, so the EU focus will be different. The EU goal is to wean the Bosnian police from a "cycle of dependence." The EU believes the local police will continue to defer policing to international monitors as long as they are available. Therefore, the EU plans to focus on mid- and upper-level management, not street policing. The challenge is to identify those mid- and upper-level managers who are corrupt or inept, then get rid of the corrupt ones and train the inept ones. This should tie in well with Lord Ashdown's 10-point plan to fight corruption and create jobs, and the shakeup of the judiciary that has accompanied his efforts.

I think the primary challenge that lies before the EUPM will be to get the local people involved in policing their own society and managing the rule of law without outside assistance or supervision. It is my hope that in addition to cleaning up corrupt mid- and upper-level management the EUPM will likewise place a strong focus on training local people so that they can ultimately police themselves.

KOSOVO

*Question.* NATO Defense Ministers on June 6 approved a restructuring of the command and control structure of SFOR and the Kosovo Force (KFOR) along regional lines and the attainment of full operational capability of Operational and Strategic Reserve Forces. This NATO decision also involves, by the end of 2002, the draw down to 12,000 troops for SFOR, while KFOR will reduce to 32,000 troops and, by the end of June 2003, further reductions to around 29,000 troops for KFOR.

Please describe the new command and control structure for SFOR and KFOR and what the troop draw down will mean for the U.S. forces in those NATO-led missions.

Answer. The new command and control structure for SFOR and KFOR will reduce and consolidate headquarters and be supported by NATO's development of an over-the-horizon reserve force, a concept which complements the alliance's in-place forces. Lighter, more mobile and more flexible forces will be cost effective, as well as better able to respond to security needs in the region. Relying upon mobility, these strategic forces will enable further force reductions commensurate with the security environment.

With respect to the draw down, improvements in the Balkan security environment have allowed for significant and continued reductions in the level of forces there.

KFOR has already been reduced to 32,000 troops and, by the end of June 2003, will further reduce to approximately 27,000 troops. U.S. force levels will be approximately 15 percent of the overall force levels. There will be approximately 1,800 U.S. troops in SFOR by October 2002 and approximately 4,000 U.S. troops in Kosovo by November 2002. The North Atlantic Council's plan to further reduce NATO forces in Kosovo and Bosnia includes a proportionate reduction in U.S. forces.

*Question.* What do you see as the road ahead for the eventual withdrawal of NATO forces from Kosovo?

Answer. The law enforcement and civil administration programs initiated by the international community are now taking root in Kosovo. These programs strengthen the domestic rule of law each and every day, thereby contributing to safety and security throughout the province. We must also focus on economic developments in the region; crime and corruption, particularly reducing the influence of organized crime; and the return and incorporation of Serbian internally displaced persons. As domestic security strengthens, the need for KFOR diminishes, creating conditions for eventual NATO withdrawal, but this will depend on the eventual political decision on the final status of the province.

NATO–EU RELATIONSHIP

*Question.* NATO has extended the mandate of Task Force Amber Fox in Macedonia, whose mission is to protect EU and Organization for Security and Cooperation in Europe (OSCE) international monitors, until October 26, 2002. That mandate will probably be renewed until the end of the year when the EU is expected to assume responsibility for the operation. Thus far, however, the inability of NATO and the EU to reach an agreement on the use of NATO assets and capabilities by the EU has prevented the EU from assuming responsibility for the operation.

Please provide an update on the effort to negotiate a NATO–EU agreement and the impact that a failure to reach an agreement will have on NATO–EU relations.

Answer. My understanding is that NATO–EU discussions have been stalled because of disagreements regarding the participation of non-EU allies in EU-led military operations and other, more technical issues such as the role of the European Deputy SACEUR. The overall set of arrangements known as "Berlin Plus" has, therefore, not been completed. However, the absence of that agreement has not prevented NATO and EU cooperation in joint political actions to strengthen stability in such tense areas as the Presevo Valley in southern Serbia or in Macedonia. In the longer term, failure to establish the Berlin Plus arrangements would likely lead to the development of EU military doctrines, procedures and mechanisms that would be different from those of NATO, raising the risk of competitive rather than complementary institutions. Accordingly, the member nations of NATO and the EU need to intensify their diplomatic efforts to overcome the current difficulties and establish the arrangements for close and effective cooperation.

JOINT CONTACT TEAM PROGRAM

*Question.* EUCOM's Joint Contact Team Program (JCTP) has been described as one of the most successful of the CINC's theater engagement programs.

Please describe the JCTP and give us your evaluation of the program, including its benefits to the United States.

Answer. The JCTP remains a pillar of EUCOM peacetime security cooperation activities in Central/Eastern Europe and the Trans-Caucasus region. The program supports the EUCOM theater objectives of stability, democratization, military professionalism, closer relationships with NATO members and preparing new members for NATO integration. Over 7,750 military-to-military contacts, or "events," have helped host nations address such fundamental topics as human rights guarantees for soldiers, civilian control of the military, establishment of military legal codes, and programs to develop professional noncommissioned officer and chaplain corps. Jointly staffed Offices of Defense Cooperation (ODC) are the key to executing this program in concert with the other EUCOM Security Cooperation activities.

JCTP conducts basic familiarization and therefore has limited value for the more advanced countries in EUCOM's area of responsibility (AOR). As a result, the numbers of JCTP events in many countries have been reduced to free up resources to expand to more fertile regions. Of particular note is the recent standup of the JCTP in Bosnia and Herzegovina. JCTP events are providing critical information to senior government and military leadership while also providing opportunities for a growing dialog among mid-grade officers from all ethnic groups. Seeds are being planted today which will bear much fruit in the years to come.

JCTP is also expanding in the Trans-Caucasus region. While the program has been active in Georgia since 1999, the repeal of Section 907 of the Freedom Support

Act enabled EUCOM to explore expansion of the JCTP into Azerbaijan and Armenia.

The obvious benefits of the JCTP are increased regional stability and democratization, but the benefits go well beyond these. Over the years, EUCOM has seen an ongoing transformation, restructuring, and downsizing of eastern European militaries. All of the NATO aspirants have benefited from JCTP and their progress towards achievement of their Membership Action Plan goals has been aided by JCTP events. U.S. military actions in Bosnia, Kosovo and, most recently, Afghanistan, have all benefited from access to airspace and resources in Central/Eastern Europe and the Trans-Caucasus. JCTP, as a visible presence, helps to assure this access. Also, many of our JCTP countries are active participants in the global war on terrorism and many JCTP events have been designed to provide necessary information in a timely manner.

In summary, JCTP remains a pillar of EUCOM's peacetime security cooperation activities. With a reduction in the more advanced countries, EUCOM is able to redirect resources where they will provide the greatest return on investment.

*Question.* In your view, what are the major challenges that will confront the next CINCEUR/SACEUR?

Answer. Our challenge is to continue to ensure the relevancy of the JCTP in a changing world. New opportunities in the EUCOM AOR provide opportunities to influence the development of military power, advance democratic principles and expand U.S. access to critical areas of the globe.

CONGRESSIONAL OVERSIGHT

*Question.* In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes, I do. I fully recognize and understand the importance of congressional oversight. I have tried to be faithful to this pledge in the execution of my current responsibilities.

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

Answer. Yes. Although the President is my Commander in Chief, and he and the Secretary of Defense constitute my U.S. chain of command, I recognize that my oath is to the Constitution. That document clearly divides responsibilities with regard to defense between the executive and legislative branches. For both the administration and Congress to execute their respective responsibilities appropriately, it is incumbent upon me to be honest and forthright with both while offering my best military advice.

*Question.* Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the CINCEUR/SACEUR?

Answer. Yes. That is an inherent part of my responsibilities as outlined above, and I will be happy to appear when called.

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

Answer. Yes.

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[The nomination reference of Gen. James L. Jones, Jr., USMC follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*July 22, 2002.*

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

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

*To Be General*

Gen. James L. Jones, Jr., 2699.

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[The biographical sketch of Gen. James L. Jones, Jr., USMC, which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF CAREER SERVICE OF GEN. JAMES L. JONES, JR., USMC

*Date and place of birth:* December 19, 1943, Kansas City, MO.
*Years of commissioned service:* 35 years.
*Date of first commission:* January 1, 1967.
*Military and civilian schools attended:*

| | Date completed |
|---|---|
| Georgetown University | 1966 |
| The Basic School, Quantico, VA | 1967 |
| Amphibious Warfare School, Quantico, VA | 1974 |
| National War College, Washington, DC | 1985 |

*Major command assignments:*

| | From | To | Grade |
|---|---|---|---|
| 2d Battalion, 3d Marines, FMFPac, (Platoon Commander/Executive Officer/Aide de Camp). | 1967 | 1968 | 2dLt/1stLt |
| Training Battalion, MCB, Camp Pendleton (Company Commander) | 1968 | 1970 | 1stLt/Capt |
| Marine Barracks 8th & I, Wash DC (Executive Officer/Company Commander) | 1970 | 1973 | Capt |
| 2d Battalion, 9th Marines, 3d MarDiv (Company Commander, Company H) | 1974 | 1975 | Capt |
| 3d Battalion, 9th Marines, 3d MarDiv (Commanding Officer) | 1985 | 1987 | LtCol |
| 24th Marine Expeditionary Unit (Commanding Officer) | 1990 | 1992 | Col |
| 2d Marine Division (Commanding General) | 1994 | 1995 | MajGen |
| Headquarters, U.S. Marine Corps (DC/S for Plans, Policy & Operations) | 1999 | present | Gen |

*Major staff assignments:*

| | From | To | Grade |
|---|---|---|---|
| Personnel Management Division, HQMC (Assistant LtCol Monitor) | 1976 | 1979 | Major |
| Headquarters, U.S. Marine Corps (Senate Liaison Officer) | 1979 | 1984 | LtCol |
| Headquarters, U.S. Marine Corps (Aide de Camp to CMC/Military Secretary to CMC) | 1987 | 1990 | LtCol/Col |
| Expeditionary Warfare (N–85) (Director) | 1995 | 1996 | BGen |
| Headquarters, U.S. Marine Corps (DC/S for Plans, Policy & Operations) | 1996 | 1997 | LtGen |

*Joint duty assignments:*

| | From | To | Grade |
|---|---|---|---|
| Deputy Director, J–3, U.S. European Cmd | 1992 | 1994 | BGen |
| Joint Task Force Provide Promise (Chief of Staff) | Sep 1993 | Apr 1994 | BGen |
| Office of the Secretary of Defense (Senior Military Asst, Secretary of Defense) | 1997 | 1999 | LtGen |

*Special qualifications:* Designated a Joint Specialty Officer; French speaker.

*Personal decorations:* Defense Distinguished Service Medal w/Oak Leaf clusters; Silver Star; Legion of Merit w/4 gold stars; Bronze Star w/combat "VI"; Combat Action Ribbon.

*Date of rank:* July 1, 1999.

*Mandatory retirement date:* July 1, 2007.

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

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DEPARTMENT OF THE NAVY,
HEADQUARTERS, UNITED STATES MARINE CORPS,
*Washington, DC, September 9, 2002.*

Hon. CARL M. LEVIN,
*Chairman, Armed Services Committee,*
*United States Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: This letter provides information on my financial and other interests for your consideration in connection with my nomination for the position of Commander in Chief, U.S. European Command. It supplements Standard Form 278 (SF 278), "Executive Personnel Financial Disclosure Report," which has already been provided to the committee and which summarizes my financial interests.

To the best of my knowledge, none of the financial interests listed on my SF 278 will create any conflict of interest in the execution of my new governmental responsibilities. Additionally, I have no other interests or liabilities in any amount with any firm or organization that is a Department of Defense contractor.

During my term of office, neither I nor any member of my immediate family will invest in any entity that would create a conflict of interest with my government duties. I do not have any present employment arrangements with any entity other than the Department of Defense and have no formal or informal understandings concerning any further employment with any entity.

I have never been arrested or charged with any criminal offenses other than minor traffic violations. I have never been party to any civil litigation. To the best of my knowledge, there have never been any lawsuits filed against any agency of the Federal Government or corporate entity with which I have been associated reflecting adversely on the work I have done at such agency or corporation. I am aware of no incidents reflecting adversely upon my suitability to serve in the position for which I have been nominated.

To the best of my knowledge, I am not presently the subject of any governmental inquiry or investigation.

I trust that the following information is satisfactory for the committee.

Very respectfully,

JAMES L. JONES, JR.,
*General, United States Marine Corps.*

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior

to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
James L. Jones, Jr.

2. **Position to which nominated:**
Commander in Chief, U.S. European Command.

3. **Date of nomination:**
July 22, 2002.

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

5. **Date and place of birth:**
December 19, 1943; Kansas City, Missouri.

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

7. **Names and ages of children:**
James (33); Jennifer (30); Kevin (27); Greg (27).

8. **Government experience:** List any advisory, consultative, honorary or other part-time services or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

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

10. **Membership:** List all membership and offices held in professional, fraternal, scholarly, civic, business, charitable and other orgainiations.
Member of the Alfalfa Club
Board Member Navy-Marine Corps Relief Society
Board Member Armed Forces Benefit Association

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

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

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

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

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SIGNATURE AND DATE

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

JAMES L. JONES, JR.

This 9th day of September, 2002.

[The nomination of Gen. James L. Jones, Jr., USMC, was reported to the Senate by Chairman Levin on October 1, 2002, with

the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 1, 2002.]

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[Prepared questions submitted to Adm. James O. Ellis, Jr., USN by Chairman Levin prior to the hearing with answers supplied follow:]

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QUESTION AND RESPONSES

DEFENSE REFORMS

*Question.* Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I strongly support the Defense Reorganization Act of 1986 and the Special Operations reforms. They have strengthened our Armed Forces and enhanced the effectiveness of our combatant commanders.

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

Answer. I believe the Department of Defense has vigorously and successfully pursued implementation of these important reforms.

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

Answer. The most positive aspect is the overall improvement in our military operations. The Goldwater-Nichols Act resulted in much needed improvements in joint doctrine, joint professional military education, and joint strategic planning. Another important element is clarity in the chain of command from the President and Secretary of Defense to the combatant commanders and unambiguous responsibility placed upon each combatant commander for execution of mission and preparedness of assigned forces.

*Question.* The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes. The law gives combatant commanders the authority they need to carry out their assigned missions. This has been well demonstrated through the many complex joint operations conducted since the legislation was enacted, including the current global war on terrorism.

*Question.* Do you foresee the need for additional modifications of Goldwater-Nichols in light of the changing environment and possible revisions to the national security strategy? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. It is clear that the Goldwater-Nichols Act has profoundly improved the performance and capabilities of the American military establishment. We have significantly improved our ability to conduct combat operations, manage defense resources, streamline management practices, and address organizational issues within the Department of Defense. As a result, I believe the Goldwater-Nichols Act remains an important and effective piece of legislation, and do not believe any major revisions are required at this time.

*Question.* Based upon your experience as Commander, U.S. Naval Forces, Europe and Commander in Chief, Allied Forces, Southern Europe, do you believe that the role of the combatant commanders under the Goldwater-Nichols legislation is appropriate and that the policies and procedures in existence allow that role to be fulfilled?

Answer. Yes. Unity of command, input into resource allocation, and most importantly, the imperative of combatant commanders to plan and fight in a joint environment are all provided for, while empowering the individual services in their roles of organizing, training, and equipping forces.

DUTIES

*Question.* What is your understanding of the duties and functions of the Commander in Chief, U.S. Strategic Command now that the Space Command and the Strategic Command have merged?

Answer. My duties and functions as the Commander of this new, globally focused, and forward leaning command will be ensuring we do more than simply blend two previously separate organizations and missions. The creation of this command is a reflection of, and response to, the new global security environment, and it holds the very real promise of establishing a single organization with the flexibility, focus, and reach to meet both the current and as yet unforeseen challenges that lie ahead. My most important responsibilities will be to ensure this command not only plans for and if necessary executes the missions that are currently resident in U.S. Strategic and U.S. Space Commands, but also takes full advantage of the synergies created by combining these two commands.

*Question.* What are the mission areas that will transfer from Space Command to the new Strategic Command?

Answer. The current U.S. Strategic and U.S. Space Commands will be disestablished on October 1, and an entirely new command, U.S. Strategic Command will be established to carry out a broad range of assigned missions. In addition to carrying out each of the missions currently assigned to U.S. Strategic Command and U.S. Space Commands, the new Strategic Command will be well-positioned to take on new responsibilities and missions that require a global focus or global reach. In my view, establishing this command is a tremendous opportunity to view the international security environment through an entirely new prism, and develop entirely new mechanisms for dealing with the global issues that face us. For example, the Department of Defense is currently studying several mission areas that have not been assigned previously to a combatant commander, but may make sense as we look out into the 21st century. These missions include kinetic and non-kinetic global strike, department-wide information operations, lead agency for $C^4$ISR, and an integrator for missile defense.

*Question.* What background and experience do you possess that you believe qualifies you to perform the space-related or other new duties that would be assigned to you as a result of the merger?

Answer. I am privileged to have served in a full range of joint and service assignments that heavily integrated space capabilities into successful joint warfighting operations. Also, my personal and professional military education includes two graduate degrees in aerospace engineering and aeronautical systems, which I believe have prepared me well for the highly technical aspects of the space mission. Importantly, if confirmed, I look forward to continuing my education and training with the outstanding men and women of U.S. Space Command as we establish this innovative and globally-focused new U.S. Strategic Command.

*Question.* What are the most important lessons that you have learned as Commander in Chief of the Strategic Command that will help you implement the merger of the Space and Strategic Commands?

Answer. There are two critical lessons I have learned as Commander of U.S. Strategic Command that I believe have prepared me well for this new assignment. First, highly trained and motivated people are the key to success, and this new, highly-technical, globally-focused command will be no different. Second, an organization, whether military or civilian, must be both highly efficient and highly adaptive to ensure success now and into the future. In the 10 months I have served at U.S. Strategic Command, we have embraced and thrived on a full range of change, from the Nuclear Posture Review, to Unified Command Plan changes, to a new national security strategy, and I believe this will be the culture and expectation of the new U.S. Strategic Command.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Commander in Chief, U.S. Strategic Command?

Answer. The decision to establish the new U.S. Strategic Command was made less than 4 months ago, and there are several important areas we continue to work to ensure the success of the new command. First, we are taking a dramatically different approach to componency, and are working with the services to develop innovative arrangements that would allow the command to "reach through" senior service component commanders to conduct rapid, responsive operations, but without requiring ownership of forces and the creation of redundant staffs at our headquarters. We are also considering new organization alignments within the headquarters to more efficiently carry out operations. Importantly, U.S. Strategic Command will leverage the best in information technology to carry out global operations, and we continue to refine our C2 requirements for both current and future missions.

We also are working diligently to strengthen even further our relationships with the regional combatant commanders and the agencies, which have grown dramatically from the increased dialogue resulting from the findings of the Nuclear Posture Review.

*Question.* If confirmed, what roles, including any related to establishing requirements or related to oversight, would you anticipate playing in space programs executed by the military services and defense agencies?

Answer. Space is unquestionably critical to our Nation's future. As U.S. Strategic Command will have oversight on a wide range of issues on a global scale, the command will be in a tremendous position to articulate those requirements that remove old barriers and focus on the "operationalization" of space. On behalf of the regional combatant commanders, the command will serve as the primary advocate for all warfighter space-related needs.

*Question.* If confirmed, what would you anticipate your role would be in establishing requirements for missile defense programs executed by the military services and the Missile Defense Agency?

Answer. With its global focus and space capabilities, U.S. Strategic Command is ideally-suited to contribute to establishing requirements using an operational focus for an integrated, multi-layered, missile defense. Importantly, the command will work and coordinate with the regional combatant commanders to address those global, operational issues and warfighting requirements that have not been fully met to date.

*Question.* Will Strategic Command retain the computer network operations mission that currently is charged to Space Command?

Answer. U.S. Strategic Command will retain the computer network operations mission currently assigned to U.S. Space Command. Importantly, we will take full advantage of the opportunity to examine where we can further develop and integrate the other elements of information operations to more completely and comprehensively meet critical national security requirements.

RELATIONSHIPS

*Question.* Please describe your understanding of the relationship of the Commander in Chief, U.S. Strategic Command, to the following officials:

The Secretary of Defense.

Answer. In accordance with Title 10, United States Code, section 164, the Commander of U.S. Strategic Command performs his duties under the authority, direction, and control of the Secretary of Defense. He is directly responsible to the Secretary of Defense for the preparedness of the command and the ability to carry out missions assigned to the command.

*Question.* The Deputy Secretary of Defense.

Answer. In accordance with Title 10, United States Code, section 132, the Deputy Secretary of Defense will perform duties and exercise powers as prescribed by the Secretary of Defense, and in the absence of the Secretary of Defense, perform his duties. If confirmed, I intend to work closely with the Deputy Secretary on all strategic matters.

*Question.* The Under Secretaries of Defense.

Answer. Title 10, United States Code, and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisors to the Secretary of Defense regarding matters related to specific functional areas. Within these areas, the Under Secretaries exercise policy and oversight functions, and in discharging their responsibilities the Under Secretaries may issue instructions and directive memoranda that implement policy approved by the Secretary. Importantly, as with other communications between the President, Secretary of Defense, and combatant commanders, communications between the Under Secretaries and combatant commanders are transmitted through the Chairman of the Joint Chiefs of Staff.

*Question.* The Assistant Secretaries of Defense.

Answer. With the exception of the Assistant Secretaries of Defense for $C^3I$, Legislative Affairs, and Public Affairs, all Assistant Secretaries are subordinate to one of the Under Secretaries of Defense. Consequently, any relationship U.S. Strategic Command would require with the Assistant Secretaries of Defense would be with and through the appropriate Under Secretary of Defense. Since the Assistant Secretaries of Defense for $C^3I$, Legislative Affairs, and Public Affairs are the Secretary of Defense's principal deputies for overall supervision of $C^3I$, legislative matters, and public affairs, respectively, any relations required between the command and these Assistant Secretaries would be conducted along the same lines as those discussed above regarding relations with the Under Secretaries of Defense.

*Question.* The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman is clearly established by Title 10, United States Code, as the principal military advisor to the President, National Security Council, and Secretary of Defense. He serves as an advisor and is not in the chain of command running from the President and Secretary of Defense to each combatant commander. The law does allow the President to direct communications between the Secretary of Defense and the combatant commanders be transmitted through the Chairman, which keeps the Chairman fully involved and informed as he executes his legal responsibilities. By law, and to the extent directed by the Secretary of Defense, the Chairman serves as spokesman for the combatant commanders and provides a vital linkage between the combatant commanders and other elements of the Department of Defense. If confirmed, I will work with and through the Chairman in the execution of my duties.

*Question.* The Secretaries of the Military Departments.

Answer. Title 10, United States Code, section 165, provides that, subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of combatant commanders, the Secretaries of the Military Departments are responsible for the administration and support of the forces they have assigned to combatant commands. The authority exercised by a combatant commander over service components is clear, but requires close coordination with each secretary to ensure there is no infringement upon those lawful responsibilities a service secretary alone may discharge.

*Question.* The Chiefs of Staff of the Services.

Answer. As a result of the Goldwater-Nichols Act, the service chiefs are no longer involved in the operational chain of command. However, they perform two significant roles. Their primary function is to provide organized, trained, and equipped forces for employment by the combatant commander in the accomplishment of their missions. Additionally, as members of the Joint Chiefs of Staff, the service chiefs have a lawful obligation to provide military advice. Individually and collectively, the service chiefs are a source of experience and judgment every combatant commander can and should call upon. If confirmed, I would work closely and confer regularly with the service chiefs.

*Question.* The Combatant Commanders, including the Commander in Chief of the Northern Command.

Answer. The Commander of U.S. Strategic Command, has both supported and supporting relationships with the other combatant commanders. These relationships are primarily identified in the Unified Command Plan, the Forces For Unified Commands Memorandum, the Joint Strategic Capabilities Plan, specific command arrangement agreements, OPLANs, and CONPLANs. In general, at present U.S. Strategic Command is the supported combatant commander for the national strategic war plan, and is a supporting combatant commander for the remaining plans and missions. In the future, if confirmed, I would look to broaden and enhance the level and range of support to each of the regional combatant commanders.

*Question.* The Director of the Missile Defense Agency.

Answer. The Missile Defense Agency serves as the missile defense systems engineering and development organization for the Department of Defense. It provides the research, development, testing, and evaluation of the missile defense and associated support systems which would be employed by the combatant commanders. Consequently, U.S. Strategic Command will maintain a close and continuous relationship with the Director of the Missile Defense Agency as they develop the systems to support our warfighting requirements.

*Question.* The Administrator of the National Nuclear Security Administration.

Answer. In accordance with Title 32, section 3212, of the National Nuclear Security Act of 1999, the Administrator is responsible to the Secretary of Energy for all Department of Energy programs and activities involving the production, safety, and security of nuclear energy and nuclear weapons, including the Stockpile Stewardship Program. Though the Administrator is outside the Defense Department's chain of command, these issues are of vital importance to U.S. Strategic Command and contribute immensely to our mission of deterrence. If confirmed, I will work closely and confer regularly with the Administrator.

*Question.* The Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Answer. The Deputy Administrator is responsible to the Administrator to oversee programs and efforts to prevent the spread of materials, technology, and expertise relating to weapons of mass destruction (WMD); detect the proliferation of WMD; eliminate inventories of surplus fissile materials; provide for international nuclear safety. These are strategic issues of concern to U.S. Strategic Command, and if con-

firmed, my staff and I will work closely and confer regularly with the Deputy Administrator on these issues.

MAJOR CHALLENGES AND PROBLEMS

*Question.* In your view, what are the major challenges and problems that will confront the Commander in Chief, U.S. Strategic Command?

Answer. We are in a new era of warfare—one in which we face increasingly asymmetric and technologically advanced threats—and the imperative for change is paramount. As we look to the future, we are developing warfighting skills and organizations that are capability-based vice threat-based, and we must integrate a wider range of existing and developing capabilities that have never been previously combined, to better leverage them across the full spectrum of military operations.

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

Answer. The new U.S. Strategic Command will bring together an incredibly broad range of capabilities and weave them into a more effective fabric of organizational structures, people, and forces capable of operating on a global scale and which can be quickly brought to bear on challenges across geographic and intellectual boundaries. I plan to focus on developing strong unity of effort among decentralized organizations, cultures, and processes to provide responsive, synchronized global support to the President, Secretary, and regional combatant commanders.

PRIORITIES

*Question.* If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Commander in Chief, U.S. Strategic Command?

Answer. As stated above, if confirmed, my highest priority will be developing an organization, operating on a global scale, that is flexible and efficient enough to accept new missions as needed. We will structure the command to look to innovation and efficiencies first so as to work effectively support changing mission assignments in the dynamic international security environment of the 21st century.

INTEGRATION OF STRATEGIC AND SPACE COMMAND

*Question.* The mission of the Space Command was relatively easy to define, as was the mission of the Strategic Command prior to the merger. How would you define the overarching mission of the new, merged Strategic Command?

Answer. The mission of U.S. Strategic Command is essentially twofold. At the most basic level, we will provide a global warfighting capability, second to none, to deter and defeat those who desire to attack the United States and its allies. Second, we will provide responsive, adaptive, and synchronized support to the President, Secretary, and regional combatant commanders to meet national security objectives.

*Question.* If confirmed, what steps will you take to ensure that there is a smooth integration of the Space and Strategic Commands?

Answer. Three months ago General Eberhart and I chartered Implementation and Transition Teams, comprised of experienced personnel from within our two commands, to shepherd the integration of the commands through important early milestones. He and I are fully supportive of this change and are both convinced of its value and contribution to national security. Importantly, we have been in close coordination with military and civilian leadership throughout the department as we shape the character and culture of this new organization. We continue to carefully examine the staff structure and organizational construct to ensure we fully address the needs of the new command and its people, both now and as we accept future new missions. We also continue robust dialogue within the two commands and with those from a wider range of partners who will be contributors to our global synergies. As General Myers stated, "the only thing that will limit how far we go with this new command will be people's imagination." I will continue to foster such innovation to ensure the smoothest possible integration of the two commands.

*Question.* In your view what are the most important challenges that you face in implementing the merger of the Strategic and Space Commands?

Answer. The most important challenges are those associated with bringing together these two superb commands in this dynamic international security environment, particularly as we conduct operations in the war on terrorism. As Secretary Rumsfeld stated on numerous occasions, it is not the wrong time to reorganize; it is imperative we reorganize so as to meet the Nation's security needs. So I look upon this as an exciting opportunity to create new organizational constructs. Importantly, we have a clear vision of what is required to complete the transition, and the true metric or our success will be the support we provide to the President, Secretary of Defense, and regional combatant commanders.

*Question.* If confirmed, how will you interact with the military commanders of the Service Space Commands and what role will each of these commands play in the transition to a consolidated Space and Strategic Command?

Answer. The establishment of the new U.S. Strategic Command provides a timely and welcome opportunity to make dramatic improvements in how we provide responsive, adaptive, and synchronized support to the President, Secretary of Defense, and regional combatant commanders. As the organizations chartered with organizing, training, and equipping our space forces, the individual service Space Commands will be full collaborative partners with U.S. Strategic Command in developing the right forces and skills to execute our assigned missions. Also, as discussed earlier, U.S. Strategic Command is taking a dramatically different approach to componency, and is working with the services to develop innovative arrangements that would allow the command to reach through senior service component commanders for execution, without requiring full-time ownership of forces.

*Question.* In your view, what are the advantages and disadvantages of merging the two commands and what will you do, if confirmed, to minimize any disadvantages?

Answer. The advantages of establishing U.S. Strategic Command are numerous and compelling. We have a tremendous opportunity to bring together a wide range of global capabilities under a single unified commander, which will provide integrated, responsive, and synchronized support to the President and regional combatant commanders across the full spectrum of warfighting capabilities.

From my perspective, there are no true disadvantages in creating this command, only the opportunities addressed earlier. We will continue to work the individual issues associated with specific areas such as the stockpile and assured access to space, and I remain mindful of the need to appropriately address this large span of control. As always, I am committed to working with this committee to address these and other important issues.

ADEQUACY OF SPACE LAUNCH CAPABILITIES

*Question.* What, in your view, must the United States do in the future, and what will you do if confirmed, to ensure continued reliable access to space?

Answer. The United States should pursue, and I will advocate if confirmed, a responsive launch capability for the nation. Currently, the Department of Defense is evaluating several expendable and reusable launch vehicles. Evolved Expendable Launch Vehicles or EELVs have the potential to lower launch costs from the existing heritage vehicles and reduce launch generation timelines. In addition, the next generation of launch vehicles, often termed operationally responsive spacelift, may offer the U.S. a unique opportunity to meet post-2010 security requirements, by allowing rapid augmentation and reconstitution of on-orbit capability, and providing an avenue for responsive space control and force application.

*Question.* If confirmed, what improvements would you recommend to the U.S. East and West Coast space ranges?

Answer. As Secretary Rumsfeld and Secretary Teets, Under Secretary of the Air Force, have each stated, we are committed to sustaining reliable access to space. The Eastern and Western space launch ranges are essential to national security, weapons system testing, and the commercial space industry, and we must sustain and modernize these national capabilities. These two ranges are in essence the nation's "Gateway to Space" and I will continue to advocate critical range modernization and capability enhancements.

*Question.* If confirmed, what would be your highest priority with respect to maintaining reliable access to space?

Answer. I fully support the nation's ongoing efforts to maintain reliable access to and operations in space. It is absolutely essential we sustain a process of continually assessing, and when appropriate, upgrading the facilities, launch vehicles, and control systems to maintain our position as the world's preeminent space-faring nation.

*Question.* If confirmed, would you recommend or support any changes in the Air Force Evolved Expendable Launch Vehicle (EELV) program?

Answer. I commit to you that I will examine the EELV program carefully and comprehensively, and will be a full partner with the services and the Department of Defense in reviewing all requirements that impact our reliable access to space.

SPACE REQUIREMENTS

*Question.* In your view, are there current unmet requirements for space systems, and if so, what are they and what should be done to meet any such requirements?

Answer. U.S. Space Command is in the process of finalizing its Integrated Priority List (IPL), which will be merged and prioritized with U.S. Strategic Command's to

create an overall IPL for the new command. U.S. Space Command currently highlights several programs as requiring additional emphasis in the near future. Specifically, the nation will benefit from increased funding of the combatant commander's Integrated Command and Control System, protected satellite communications (AEHF), computer network defense/computer network attack capabilities, space-based surveillance, and space-based missile warning.

*Question.* In your view what space programs should be accorded the highest priority?

Answer. As the command assumes its larger warfighting role on October 1st, our principal focus will be on those elements of the DOD space program that support warfighting and are essential for homeland security. This includes the critical command and control, communications, and surveillance capabilities that are part of the space control, space support, and force enhancement missions.

DETERRENCE AND MISSILE DEFENSE

*Question.* Will the Strategic Command retain all of the duties related to missile defense currently performed by Space Command? If all of the duties will not be retained please identify those that will not be retained and to whom these duties will be assigned.

Answer. The currently approved changes to the Unified Command Plan reassigns Space Command's missile defense duties to the new U.S. Strategic Command and the other theater combatant commanders. Under this construct, U.S. Strategic Command has the responsibility for developing requirements for missile defense and space-based support for missile defense, advocating the missile warning requirements of all combatant commanders, and providing warning of missile attack to the other combatant commanders. We are currently studying the next round of changes, which may include assigning a combatant command the role of global integrator for missile defense.

*Question.* What are your views on the relationship between defenses against long range ballistic missiles and nuclear deterrence?

Answer. The projected evolution of our strategic forces, as envisioned in the Nuclear Posture Review, is the creation of a new triad of offensive forces, active and passive defenses, and a robust infrastructure, all working together to meet the national security objectives of assurance, dissuasion, deterrence and defeat. In this construct, ballistic missile defense is an important, complementary capability that strengthens deterrence.

*Question.* What role do you believe Strategic Command should play in ballistic missile defense?

Answer. Under the approved changes to the Unified Command Plan, U.S. Space Command's previous missile defense duties are assigned to U.S. Strategic Command and the other regional combatant commanders, which includes the duties listed above. Importantly, the Defense Science Board 2002 Summer Study on Missile Defense recommended the Secretary of Defense and Chairman of the Joint Chiefs of Staff assign the global support mission for missile defense to U.S. Strategic Command, which would include responsibility for sensors, communications, planning and coordination with the agencies and regional combatant commanders. The Department of Defense is currently studying this critical mission, and I believe the new U.S. Strategic Command is the command best-suited to performing this role and would support its assignment to the command.

*Question.* The Nuclear Posture Review and your predecessor as commander in chief both advocated strategic force posture based on strong offensive and strong missile defenses. Do you believe that the size and type of the U.S. strategic offensive forces should depend in some degree on the evolution of missile defenses? If so, how, and to what degree?

Answer. Clearly there is a relationship between offensive and defensive forces, but the character of the relationship is not yet defined. As missile defense systems are fielded and become a part of the equation, we look forward to being an integral part of the study and dialogue.

*Question.* In your view, should U.S. strategic offensive forces and missile defenses be linked doctrinally? If you believe they should, how should they be linked? Is there currently such a linkage, and if so how are you involved in this process?

Answer. The relationship between offensive forces and missile defenses merits comprehensive analysis, but at this point remains undefined. There are efforts underway to clarify and codify what we feel is at this point an intellectual link, and we look forward to further study and analysis as defensive systems are developed. U.S. Strategic Command will have a significant role in both offensive and defensive systems, and I am confident we will achieve an appropriate balance.

*Question.* Secretary Rumsfeld recently noted both the need for and the absence of a coordinated strategy for cruise missile defense. What is your view of the current state of cruise missile defense program coordination? In your view, should the newly combined Strategic and Space Commands play a role in cruise missile defense?

Answer. I concur with the Secretary's assessment, and believe U.S. Strategic Command has an important role to play using our critical integrated threat warning and attack assessment capabilities. I envision a strong partnership with NORAD and the regional combatant commanders, and believe the command should assist on the issue where appropriate.

RUSSIAN NUCLEAR FORCES

*Question.* In your view, does Russia's apparent intention to retain MIRVd land based intercontinental ballistic missiles (ICBMs) or mobile missiles pose any threat to U.S. national security interests or to the effectiveness of any U.S. missile defense system?

Answer. Although multiple independently-targetable reentry vehicles (MIRVs) represent a significant military capability, in light of our increasingly nonadversarial relationship with Russia, MIRVd forces pose no significant increase in threat over that posed by non-MIRVd forces. As you would expect, MIRVd forces do pose engineering and design challenges for missile defense systems.

*Question.* In your view, what is the current Russian strategic nuclear doctrine? If Russia has a launch on warning doctrine, what challenge does this pose for the Strategic Command?

Answer. Russia's currently published nuclear doctrine is one of deterrence; they seek to maintain a nuclear potential capable of guaranteeing a level of damage on any aggressor under any circumstance. As part of their deterrent capability, Russia maintains an early warning system capable of warning of a strategic attack on Russia and a survivable, redundant command and control (C2) system for strategic force execution. Although possession of these warning and C2 systems inherently provides Russia with a launch on warning capability, it is not their published doctrine, and in the stable and nonadversarial relationship we now enjoy with Russia, it is not a likely scenario.

*Question.* Do you support military-to-military exchanges between the Strategic Command and counterpart Russian commands and if so, what are your plans to resume these exchanges?

Answer. I fully support continuing, and in fact expanding, our military-to-military exchanges with our Russian counterparts. These exchanges contribute to preserving and enhancing strategic stability as we continue to develop our country's promising relationship with Russia. Strategic Command is currently planning several exchanges in the upcoming year between our forces and those of Russia's strategic and space forces, and we look forward to additional opportunities as part of an approved DOD engagement plan.

*Question.* Do you support efforts to implement the joint data exchange center? What is the current status of the center?

Answer. U.S. Strategic Command supports those efforts that seek to ensure strategic stability with the other nuclear powers. The Joint Data Exchange Center may well play a role in continued cooperation, dialogue, and friendship with the Russian Federation; although, the JDEC program is currently on hold, pending U.S. and Russian government resolution of several issues, including cost sharing, tax, and liability issues.

U.S. STRATEGIC FORCE POSTURE BEYOND THE STRATEGIC OFFENSIVE REDUCTION TREATY (THE MOSCOW TREATY)

*Question.* Have you established a schedule with milestones to come into compliance with the Moscow Treaty? If not, will you establish such a schedule and when?

Answer. As outlined in the Nuclear Posture Review, the military plans to retire all 50 of its 10-warhead Peacekeeper ICBMs and remove four Trident submarines from strategic service. These reductions will occur over the next 4 years and will result in a reduction of over 1,200 warheads. The additional steps the U.S. will take to reduce its inventory to 1,700–2,200 operationally deployed strategic nuclear weapons in 2012 have not been determined, but will likely include some adjustments to all legs of the current triad, while preserving the strengths each leg provides to our deterrence posture. As in the past, U.S. Strategic Command will be fully engaged with the administration and Secretary of Defense as we work to determine the exact schedule for completing the reduction by 2012.

*Question.* In your view, should the United States reduce the total number of nuclear warheads in its inventory, including both tactical and strategic warheads? If

so, how should the United States proceed? In your view, what is the next step in such reductions?

Answer. U.S. Strategic Command fully supports the President's goal of reducing our operationally deployed stockpile to the lowest level consistent with national security. The command was consulted extensively during the Nuclear Posture Review, which studied the full range of strategic issues, and I concur with the determination that given the current international environment, emerging threats, and technology available, the nation's deterrence needs can be satisfied with 1,700–2,200 operationally deployed strategic nuclear weapons. An important and appropriate future step is addressing tactical nuclear weapons and, as the Secretary of Defense and Secretary of State have each stated before Congress, they will be a part of the future dialogue with Russia on this issue.

*Question.* Do you believe that there is a minimum number of nuclear weapons or delivery systems that the United States should maintain under any scenario or circumstance?

Answer. U.S. Strategic Command believes, as the President stated and the Secretary of Defense and Chairman of Joint Chiefs of Staff endorsed, the Nuclear Posture Review fully studied our strategic requirements and determined that our national security needs can be appropriately met at the level of 1,700–2,200 operationally deployed nuclear weapons in the projected national security environment.

*Question.* In your view, what is the minimum number of strategic nuclear warheads that should be assigned to each of the inactive and active inventories of U.S. nuclear weapons as a result of the December 2001 Nuclear Posture Review and the Moscow Treaty?

Answer. Implementation of the drawdown articulated in the Nuclear Posture Review is already underway, and goals have been established to determine the appropriate levels of operationally deployed warheads we will require over the life of the Moscow Treaty. The size of the overall stockpile, active and inactive, to support these levels is part of an ongoing review and will consider the important factors of reliability and ongoing life extension programs.

*Question.* On what strategy are these numbers based?

Answer. U.S. Strategic Command is part of a larger dialogue which encompasses and balances many competing requirements to ensure we maintain a safe, secure, and reliable stockpile now and into the future. In this vein, the Secretary of Defense and Secretary of Energy are working to match DOD stockpile and DOE infrastructure capabilities to establish appropriate warhead levels based on the national security environment, refurbishment schedules, and the challenges associated with aging stockpile and delivery systems. As always, the goal is to maintain a fully credible deterrent capability in support of our national security objectives.

INDUSTRIAL BASE

*Question.* From your perspective, are there key sectors of the U.S. space and strategic industrial base that must be protected in order to sustain U.S. strategic and space forces for the foreseeable future?

Answer. Numerous core industrial capabilities and specialized functional areas have no counterparts in the commercial sector. With the help of our Strategic Advisory Group, the services, and industry, we determined specialized electronics, solid rocket motors, and guidance and reentry system technology are critical and unique sectors of the strategic U.S. industrial base. In the space arena, critical sectors of the industrial base include our national technological capabilities to surveil both earth and space, sustainable and cost-effective spacelift, including launch vehicle technology and ranges, and satellite communication technology.

However, most importantly, in each of these areas the most critical need for sustaining the necessary industrial base is recruiting and retaining the intellectual capital which drives the overall sectors. How we approach and accomplish this important task will be critical to our long-term success.

*Question.* In your view, are the ongoing efforts in this area adequate?

Answer. The Army, Navy, and Air Force have established or proposed coordinated programs to address these areas. Importantly, U.S. Strategic Command will advocate continued assessments of these critical areas and work to ensure our Nation's approach to sustaining the industrial base is an integrated, systematic approach addressing people, platforms, and facilities, and the associated management of associated risks.

TACTICAL NUCLEAR WEAPONS

*Question.* Should tactical nuclear weapons be brought under the auspices of Strategic Command?

Answer. Classified.

*Question.* What is your view as to the role Strategic Command should play with respect to tactical nuclear weapons, whether or not they are brought under the auspices of the Strategic Command?

Answer. Classified.

ANNUAL CERTIFICATION

*Question.* The annual stockpile certification has just recently been completed and submitted to Congress. What do you believe to be our biggest challenge in maintaining the nuclear weapons expected to be in the enduring stockpile in the future?

Answer. Classified.

*Question.* The administrative process for certifying the safety and reliability of the nuclear stockpile requires the Commander in Chief of the Strategic Command and the three nuclear weapons laboratory directors to report annually to the Secretaries of Defense and Energy, who in turn certify to the President whether the nuclear weapons stockpile remains safe and reliable.

Since becoming Commander in Chief of the Strategic Command, have you identified any changes that you would recommend in this annual process?

Answer. I believe the certification process is an accurate and responsive method for annually certifying the safety and reliability of the stockpile to the Secretaries and the President. My assessment as the Commander of U.S. Strategic Command is based on independent analysis conducted by my Strategic Advisory Group's Stockpile Assessment Team, a nationally-recognized group of nuclear weapons experts. Importantly, I am satisfied with the level of cooperation among the nuclear weapons laboratories, NNSA, U.S. Strategic Command, and the Department of Defense, and will continue to work closely with them as we share the collective challenges and responsibilities of maintaining the stockpile.

PIT MANUFACTURING CAPABILITY

*Question.* Have you reviewed the annual requirement for plutonium pit production, by weapons type, in light of the December 2001 Nuclear Posture Review and the signing of the SORT Treaty?

Answer. In support of the Nuclear Posture Review, the nation is beginning to characterize the size of the active and inactive stockpiles that will be necessary to sustain the operationally deployed stockpile over the next decade. As we determine and refine the warhead levels, the Department of Defense will provide a requirement, approved by the President, to the Department of Energy for the numbers and types of weapons to be maintained in the nuclear stockpile. Based on this requirement, the Department of Energy will then determine the number and types of pits required.

*Question.* If such a review has been completed, what are the results of that review?

Answer. Although the National Nuclear Security Administration is still developing a concept for requirements, their early analysis supports establishing a small interim pit manufacturing capability at Los Alamos National Laboratory to meet near-term pit requirements and to continue planning the design of a Modern Pit Facility to meet the most probable range of long-term nuclear weapon stockpile requirements.

*Question.* If such a review has not been completed, are you planning to conduct such a review, and when would that be completed?

Answer. Although U.S. Strategic Command does not play a direct oversight role for pit production requirements, we are close partners with NNSA in maintaining a safe, secure, and reliable stockpile. As the nation completes its review of stockpile requirements and composition, we will work closely with NNSA to ensure we maintain a credible deterrent posture for the nation.

*Question.* Has a validated pit production requirement, by weapons type, been provided to the DOE?

Answer. As stated earlier, as part of the Nuclear Posture Review, we are defining our overall stockpile requirements. As the nation determines the appropriate levels of warheads necessary to meet national security objectives, the Department of Defense will provide a presidentially-approved requirement to the Department of Energy which, in turn, the National Nuclear Security Administration will use to determine the number and types of pits required.

ROBUST NUCLEAR EARTH PENETRATOR (RNEP)

*Question.* In your view are there hardened and deeply buried targets which are beyond the reach of a U.S. military strike, given current U.S. military nuclear and conventional weaponry and capabilities?

Answer. Numerous studies over the last several years have identified facilities that are too hard and/or too deep to be held at risk by our current nuclear and conventional weapons. A review of the full range of options the nation might pursue to deal with these facilities is a prudent and appropriate step at this time.

*Question.* Is there a DOD requirement for producing a feasibility study on RNEP to determine if RNEP could place the most challenging HDBTs at risk?

Answer. The requirement for a feasibility study has been validated many times over the past several years, including the Joint Requirements Oversight Council (JROC) validated HDBT Defeat Mission Need Statement (April 1994), the JROC validated HDBT Defeat Capstone Requirements Document (January 2001), and the Nuclear Weapons Council (NWC) approved RNEP Phase 6.2/6.2A study. Additionally, the mission need for this capability was identified in the SAND DUNE study (March 1998), the Defense Science Board Report on Underground Facilities (June 1998), the HDBT Report to Congress (November 2001), and the Nuclear Posture Review (December 2001).

Importantly, our focus remains on conducting a detailed feasibility study and any production decision would be made as part of a separate process.

*Question.* If there is such a requirement, what are the categories or types of targets that an RNEP would hold at risk?

Answer. The types of targets RNEP would be designed to hold at risk are facilities of sufficient national security interest that may fall into categories such as national leadership, Strategic Command and control, weapons of mass destruction storage and production sites, and ballistic missile storage and launch facilities.

MAINTAINING EXPERTISE IN THE MILITARY

*Question.* If confirmed, what actions would you propose to take to ensure that nuclear- and space-related billets and assignments are not viewed as career-limiting and that nuclear and space programs and activities continue to attract top quality officers and enlisted personnel?

Answer. The sustainment of intellectual capital through the recruitment, retention, and career progression of nuclear and space experts is one of the most difficult challenges facing this nation. Importantly, this is truly a national issue impacting more than just the Department of Defense, and we are engaged in dialogue on many levels to identify and implement possible solutions. The Center for Strategic and International Studies recently completed a study on revitalizing the nation's nuclear expertise, and we are evaluating proposals they have made to partner with U.S. Strategic Command to address this issue. I also recently made a personal video in support of the Defense Threat Reduction Agency's (DTRA) initiative to attract and retain nuclear scientists at DTRA and the nation's nuclear labs. Within the Department of Defense, I have spoken with each of the service chiefs about this vitally important issue, as we will be collaborative partners in developing nuclear and space expertise within the individual services. Finally, I look forward to seeing the results of Air Force Space Command's recently-created Space Professional Development Task Force which is chartered to address the Space Commission's recommendations for this important area.

CONGRESSIONAL OVERSIGHT

*Question.* In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer Yes. If confirmed, it is my duty to keep you, the representatives of the people, informed of the status of our computer network operations, space, and strategic forces.

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

Answer. Yes. It is my responsibility to provide the best military advice regardless of the administration's views.

*Question.* Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate

and necessary security protection, with respect to your responsibilities as the Commander in Chief, U.S. Strategic Command?

Answer. Yes. If confirmed, I will make myself available to this committee or designated members as requested.

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

Answer. Yes. I will be forthcoming with all information requested.

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## [Questions for the record with answers supplied follow:]

### QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

#### ELECTRONIC COUNTERMEASURE UPGRADES

1. Senator LANDRIEU. Admiral Ellis, in recent years, the Senate Armed Services Committee has actively authorized funds to install ALQ–172 electronic countermeasures in the B–52. B–52 crews and Wing Commanders covet the improvements they see in the planes that possess electronic countermeasures. Quite frankly, they would like to see all B–52s receive this particular upgrade. Would you comment on the success of the ALQ–172 electronic countermeasures upgrades?

Admiral ELLIS. The ALQ–172 upgrade, also known as the Electronic Countermeasure Improvement (ECMI), has enjoyed several important successes in the early stages of fielding. It met or exceeded all of its early flight test criteria, and the flight crews were extremely impressed by its effectiveness at countering threats. Although only three aircraft have been fitted with this important situational awareness and defensive upgrade, we have already seen tangible improvements in system maintainability. For example, ECMI Mean Time Between Failure (MTBF) was forecasted to improve from 16.8 hours to 78 hours, but actual experience shows an improvement in MTBF to 128 hours.

2. Senator LANDRIEU. Admiral Ellis, is the Air Force still on schedule to outfit the entire B–52 with electronic countermeasure upgrades fleet by fiscal year 2009?

Admiral ELLIS. Provided ECMI remains fully funded in the fiscal year 2004–2009 Program Objective Memorandum, the Air Force is on schedule to outfit the entire B–52 fleet by the end of fiscal year 2009.

3. Senator LANDRIEU. Admiral Ellis, would you support additional funding to include electronic countermeasures in the entire fleet prior to fiscal year 2009?

Admiral ELLIS. USSTRATCOM supports the Air Force's plan to install the ECMI on the entire B–52 fleet by fiscal year 2009.

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### QUESTION SUBMITTED BY SENATOR BILL NELSON

#### COMMAND "VISION"

4. Senator BILL NELSON. Admiral Ellis, I would like to ask you some general questions on where we are and where we need to be going with regard to military space priorities, programs, and operations. While I know you will need more time to think about your new responsibilities for military space, will you share some of your initial thoughts on a "vision" for this aspect of the command?

Admiral ELLIS. The creation of the new, globally focused U.S. Strategic Command is a reflection of, and response to, the new global security environment. My vision as the commander is establishing a single warfighting organization with the flexibility and focus to meet both the current and as yet unforeseen challenges that lie ahead. We will take full advantage of the synergies created in uniting the former Strategic and Space Commands to ensure those elements of the DOD space program that contribute to warfighting and homeland security—such as space control, communications, command, and control warning and surveillance—are fully integrated into synchronized, global operations in support of the President, the Secretary of Defense, and the combatant commanders.

Importantly, U.S. Strategic Command will have oversight on a wide range of issues, and I envision the command serving as the advocate for all space-related warfighter needs. This includes contributing to the establishment of requirements for an intergrated, multi-layered, missile defense, and ensuring a responsive launch capability for the Nation.

CHALLENGES FOR MILITARY SPACE

5. Senator BILL NELSON. Admiral Ellis, what do you see as the greatest immediate opportunities and challenges for military space in support of our national security strategy? What do you think will be your highest priority as you assume new responsibility for space?

Admiral ELLIS. The new national security strategy identifies the grave dangers facing our Nation at the crossroads of radicalism and technology. Specifically, as we look to the future we are likely to face adversaries possessing or seeking weapons of mass destruction and who exhibit an increased likelihood of using them. Consequently, we are developing warfighting skills and organizations that will integrate a wider range of existing and developing capabilities that have never been previously combined to better leverage them across the full spectrum of military operations. The national security strategy further highlights our requirements for advanced, persistent remote sensing, long-range precision strike, information operations, the ability to defend the homeland, and protecting critical U.S. infrastructure and assets in outer space. We have the opportunity, and responsibility, at U.S. Strategic Command to play an integral role in each of these areas.

My highest priority as I assume responsibility for the new U.S. Strategic Command is bringing together the incredibly broad range of capabilities and weaving them into a more effective fabric of organizational structures and forces capable of operating on a global scale and which can be quickly brought to bear on challenges across geographic and intellectual boundaries. I will focus on developing strong unity of effort among decentralized organizations, cultures, and processes to provide responsive, synchronized global support to the President, Secretary, and regional combatant commanders.

LONG-TERM REQUIREMENTS SPACE

6. Senator BILL NELSON. Admiral Ellis, what are the greatest long-term requirements for and risks to our continued dominance in space?

Admiral ELLIS. Our greatest long-term requirements are knitting together the developmental efforts of separate, but cooperative agencies to create jointly used systems serving both national and tactical users. Systems such as the Space Based Infrared System (SBIRS) will be pathfinders leading to more integrated efforts between the national intelligence community and the combatant commanders. Follow-on systems will include Space Based Radar, enhancements to Blue Force Tracking capabilities, Future Imagery Architecture and the ever-increasing need for space-based high speed data and communications. A carefully planned mixture of these systems will be critical to maintaining our technology and industrial edge in space system development and use.

Risks to these high-cost architectures must be carefully managed. Spiral development that allows technology advances to be incorporated into follow-on designs is important, as is ensuring competition for the development of systems to maximize on-orbit capability at the lowest possible cost. In addition, a key aspect of continuing our preeminence in space is not only ensuring our ability to exploit space for military purposes, but also denying an adversary's ability to do so.

ORGANIZATION AND OPERATION

7. Senator BILL NELSON. Admiral Ellis, how do you intend to organize and operate to influence the programmatic and budgetary issues confronting our current and future military space requirements, objectives, and risks?

Admiral ELLIS. In the 3-month period leading up to the creation of the new command, U.S. Strategic and Space Commands jointly created a plan to seamlessly merge the functions and staffs of the two commands, including preserving the relationships with other unified commands, mission partners, services and agencies that are critical to being an effective advocate for space capabilities and systems. Currently, U.S. Strategic Command is combining its requirements, planning and execution functions into a single end-to-end management structure to enhance the command's effectiveness in the PPBS process.

One of the first products emerging from this combined staff will be the command's Integrated Priority List, which represents my highest priority requirements and programmatic concerns. It is scheduled for submission to the Chairman of the Joint Chiefs of Staff in November and will include the warfighter's perspective on space requirements. As we move toward full operational capability of the new command,

we are creating an innovative organizational structure focused on assigned missions, which will facilitate identifying programmatic and budgetary requirement shortfalls.

We also continue cooperating with other space stake holders, such as the Air Force, as the Executive Agent for Space, and the National agencies, to ensure a unity of effort in acquiring and employing space systems to protect the Nation and its global interests. In addition, my staff is participating in the National Security Space Architect (NSSA) review of the "Virtual Space Program Objective Memorandum" which will be presented to the Secretary of Defense in time to influence the PPBS process.

DOD COORDINATION WITH NASA

8. Senator BILL NELSON. Admiral Ellis, what are your thoughts on greater cooperation and coordination between DOD space programs and operations with NASA?

Admiral ELLIS. A strong relationship between the Department of Defense and the National Aeronautics and Space Administration is imperative for the Nation's space programs. Continuing cooperation and coordination between our organizations provide great promise for improved access to space, faster research and development periods for space-based technologies, and unique employment methods for each organization's assets.

As a new member of the Space Partnership Council, U.S. Strategic Command is committed to working with NASA to improve the effectiveness, efficiency, and costs associated with developing our Nation's future space programs and ensuring we remain the preeminent space-faring nation on earth.

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[The nomination reference of Adm. James O. Ellis, Jr., USN follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*September 3, 2002.*

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

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

*To Be Admiral*

Adm. James O. Ellis, 4995

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[The biographical sketch of Adm. James O. Ellis, Jr., USN which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF NAVAL SERVICE OF ADM. JAMES OREN ELLIS, JR., USN

*Date and place of birth:* Born in Spartanburg, South Carolina, July 20, 1947.

*Military schools attended:*

BS (Aeronautical Engineering) U.S. Naval Academy, 1969
MS (Aeronautical Engineering) Georgia Institute of Technology, 1970
MS (Aeronautical Systems) University of West Florida, 1971
Designated Naval Aviator, November 24, 1971
U.S. Naval Test Pilot School, 1975
Qualified in the Maintenance and Inspection of Naval Nuclear Power Plants, 1987

| Promotions | Dates of appointment |
|---|---|
| Midshipman, U.S. Naval Academy | June 30, 1965 |
| Ensign | June 4, 1969 |
| Lieutenant (junior grade) | June 4, 1970 |
| Lieutenant | July 1, 1972 |

| Promotions | Dates of appointment |
|---|---|
| Lieutenant Commander | July, 1 1978 |
| Commander | October 1, 1982 |
| Captain | October 1, 1987 |
| Rear Admiral (lower half) | September 1, 1994 |
| Designated Rear Admiral while serving in billets commensurate with that grade | June 1996 |
| Designated Vice Admiral while serving in billets commensurate with that grade | October 1996 |
| Rear Admiral | January 1, 1997 |
| Vice Admiral | February 1, 1997 |
| Designed Admiral while serving in billets commensurate with that grade | August 28, 1998 |
| Admiral, Service continuous to date | January 01, 1999 |

*Assignments and duties:*

| | From | To |
|---|---|---|
| NROTC Unit, Georgia Institute of Technology (DUINS) | June 1969 | June 1970 |
| Naval Air Basic Training Command, NAS Pensacola, FL (DUINS) | June 1970 | June 1971 |
| Training Squadron TWO THREE (DUINS) | June 1971 | November 1971 |
| Fighter Squadron ONE TWO ONE (DUINS) | November 1971 | August 1972 |
| Fighter Squadron NINE TWO (Training Officer) | August 1972 | November 1974 |
| U. S. Naval Test Pilot School, Patuxent River, MD (DUINS) | December 1974 | December 1975 |
| Naval Air Test Center, Patuxent River, MD (Project Officer) | December 1975 | September 1978 |
| Fighter Squadron ONE TWO FOUR (DUINS) | September 1978 | June 1979 |
| Fighter Squadron ONE (Special Projects Officer) | June 1979 | July 1981 |
| Office of Legislative Affairs (Congressional Committee Liaison Officer) | July 1981 | May 1983 |
| Strike Fighter Squadron ONE TWO FIVE (DUINS) | May 1983 | October 1983 |
| CO, Strike Fighter Squadron ONE THREE ONE | October 1983 | January 1986 |
| Office of the CNO (F/A–18 Program Coordinator) | January 1986 | March 1986 |
| Naval Nuclear Power School, Naval Training Center, Orlando, FL (DUINS) | March 1986 | September 1986 |
| Naval Nuclear Power Training Unit, Idaho Falls, ID (DUINS) | September 1986 | April 1987 |
| Naval Sea Systems Command (NA VSEA 08) (DUINS) | June 1987 | September 1987 |
| XO, CARL VINSON (CVN 70) | December 1987 | December 1988 |
| CO, USS LASALLE (AGF 3) | June 1989 | March 1990 |
| Commander, Joint TaskForce FIVE (Deputy Commander and Chief of Staff) | April 1990 | April 1991 |
| CO, USS ABRAHAM LINCOLN (CVN 72) | May 1991 | September 1993 |
| CINCLANTFLT (Inspector General/Director for Operations (N3)) | November 1993 | June 1995 |
| Commander Carrier Group FIVE/CTF 70/75/77 | June 1995 | November 1996 |
| Office of the CNO (DCNO for Plans, Policy and Operations) (N3/N5) | November 1996 | August 1998 |
| Commander, U.S. Naval Forces, Europe/Commander, Regional Command South (Commander, Joint Task Force Noble Anvil January–July 1999). | October 1998 | November 2001 |
| Commander in Chief, U.S. Strategic Command | November 2001 | To date |

*Medals and awards:*

Defense Distinguished Service Medal
Navy Distinguished Service Medal
Legion of Merit with three Gold Stars
Defense Meritorious Service Medal
Meritorious Service Medal with one Gold Star
Navy and Marine Corps Commendation Medal
Joint Meritorious Unit Award with three Bronze Oak Leafs
Navy Unit Commendation
Meritorious Unit Commendation
Navy "E" Ribbon
Navy Expeditionary Medal
National Defense Service Medal with two Bronze Stars
Armed Forces Expeditionary Medal
Vietnam Service Medal with one Bronze Star
Southwest Asia Service Medal with one Bronze Star
Armed Forces Service Medal
Humanitarian Service Medal
Sea Service Deployment Ribbon with one Silver Star
Navy/Marine Corps Overseas Service Ribbon
Coast Guard Special Operations Ribbon
NATO Medal
Republic of Vietnam Campaign Medal
Kuwait Liberation Medal (Kuwait)

Expert Pistol Marksmanship Medal

*Summary of joint duty assignments:*

| Assignment | Dates | Rank |
|---|---|---|
| Office of Legislative Affairs (Congressional Committee Liaison Officer)*. | July 1981–May 1983 | CDR |
| Commander, Joint Task Force FIVE (Chief of Staff) | April 1990–April 1991 | CAPT |
| Commander, Regional Command South | October 1998–November 2001 | ADM |
| (Commander, Joint Task Force Noble Anvil January–July 1999) | | |
| Commander in Chief, U.S. Strategic Command | November 2001–To date | ADM |

*Joint Tour Equivalent

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DEPARTMENT OF DEFENSE,
UNITED STATES STRATEGIC COMMAND,
*August 1, 2002.*

Hon. CARL LEVIN,
*Chairman, Armed Services Committee,*
*United States Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: This letter provides information on my financial and other interests for your consideration in connection with my nomination for the position of Commander, U.S. Strategic Command. It supplements Standard Form 278, "Executive Personnel Financial Disclosure Report," which has already been provided to the committee and which summarizes my financial interests.

To the best of my knowledge, none of the financial interests listed on my Standard Form 278 will create any conflict of interest in the execution of my new governmental responsibilities. Additionally, I have no other interests or liabilities in any amount with any firm or organization that is a Department of Defense contractor.

During my term of office, neither I nor any member of my immediate family will invest in any entity that would create a conflict of interest with my government duties. I do not have any present employment arrangements with any entity other than the Department of Defense and have no formal or informal understandings concerning any further employment with any entity.

I have never been arrested or charged with any criminal offenses other than minor traffic violations. I have never been party to any civil litigation. To the best of my knowledge, there have never been any lawsuits filed against any agency of the Federal Government or corporate entity with which I have been associated reflecting adversely on the work I have done at such agency or corporation. I am aware of no incidents reflecting adversely upon my suitability to serve in the position for which I have been nominated.

To the best of my knowledge, I am not presently the subject of any govermental inquiry or investigation.

I trust that the foregoing information will be satisfactory to the committee.

Very Respectfully,

J. O. ELLIS,
*Admiral, U.S. Navy.*

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
James Oren Ellis, Jr.

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

3. **Date of nomination:**
September 3, 2002.

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

5. **Date and place of birth:**
July 20, 1947; Spartanburg, South Carolina.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married—wife—Paula Dene Mattews.

7. **Names and ages of children:**
Patrick James Ellis, 30.
Lauren Elizabeth Ellis Brandy, 28.

8. **Government experience:** List any advisory, consultative, honorary or other part-time services or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

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

10. **Membership:** List all membership and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
U. S. Naval Institute.

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
Guggenheim Fellowship, Aeronautical Engineering, Georgia Institute of Technology, 1969.

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

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

Yes.

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

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SIGNATURE AND DATE

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

JAMES O. ELLIS, JR.

This 1st day of August, 2002.

[The nomination of Adm. James O. Ellis, Jr., USN was reported to the Senate by Chairman Levin on October 1, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 1, 2002.]

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[Prepared questions submitted to Lt. Gen. Michael W. Hagee, USMC by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

*Question.* Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of these reforms, particularly in your assignment as Commanding General, First Marine Expeditionary Force.

Do you support full implementation of these defense reforms?

Answer. Yes, I support full implementation of these defense reforms. These reforms have met the objectives of the Goldwater-Nichols Act and effectively transformed the way DOD thinks and fights. The Goldwater-Nichols Act balances the Title 10, U.S.C. responsibilities of the service chiefs to prepare and equip their services with the need to integrate military employment through the regional combatant commanders. The Marine Corps works well within the context of the current legislation. However, we will continue to examine our operations within the context of Goldwater-Nichols and propose such changes as may be necessary in the future.

*Question.* Based upon your experience, what is your view of the extent to which these defense reforms have been implemented and the impact they have had?

Answer. I believe that Goldwater-Nichols and the Special Operations reforms, both in principle and in spirit, have been institutionalized within DOD. This has been no small accomplishment in that it has constituted a complete reorganization of the Department and has changed the functions, responsibilities and interrelationships among all DOD components. The overall impact of these reforms has significantly strengthened the ability of the U.S. Armed Forces to respond to the varied threats and challenges faced over the last decade and a half.

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

Answer. The foremost improvement provided by the legislation is the clear delineation of the functions, duties, and responsibilities among the combatant commanders, military departments, and the Joint Staff. The enhanced authority of the combatant commanders over their unified forces, along with clarified responsibilities, has made them better able to accomplish their assigned missions. In the same way, the legislation has defined and focused the function of the military departments on fulfilling the operational requirements of the unified commands thereby improving the overall warfighting capability of the Armed Forces. Lastly, Goldwater-Nichols has directly led to the better and more efficient use of our defense resources. The joint perspective gained through the maturation of the Joint Requirements Over-

sight Council process has made a key difference in the Department's transformational efforts.

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

Answer. Since inception of Goldwater-Nichols in 1986, dramatic changes have occurred within the national security environment that in my view now necessitate expansion of these reformational concepts to other Federal departments and agencies (e.g. Departments of Justice, Interior, Commerce, Energy, State, and Treasury as well as the Central Intelligence Agency). A "Goldwater-Nichols II" would be intended to review the interagency process in an attempt to realign the national security structure to better coordinate and employ all elements of national power. Specifically, new legislation should be aimed at achieving greater efficiencies and effectiveness by streamlining interagency coordination, reducing duplication, and accelerating the decisionmaking cycle. The threats posed by global terrorism and the proliferation of weapons of mass destruction make these reforms an imperative for the future.

*Question.* What is your understanding of the duties and functions of the Commandant of the Marine Corps?

Answer. The strategic role of the Marine Corps today remains unchanged from that defined by the 82nd Congress: to provide a capable expeditionary force-in-readiness that is versatile, adaptable, and powerful. The Marine Corps has always understood that people, not machines, ultimately determine success in peace and in war. Accordingly, in addition to his role as an adviser to the Secretary of Defense and the President and as a member of the Joint Chiefs, it is the foremost duty of the Commandant to develop, maintain, and sustain ready and decisive crisis response forces, comprised of highly trained men and women, capable of conducting any task across the full spectrum of conflict. Beyond making marines to win our Nation's battles, it is also the responsibility of the Commandant to ensure the welfare and quality of life of our marines and their families are protected. Taking care of our own is essential to the Corps, for it directly impacts on our readiness and our operational responsiveness. Finally, it is the function of the Commandant to imbue all marines with our institutional core values of *Honor, Courage, and Commitment,* deeply rooted ideals that will not only guarantee their success on the battlefield today, but enable them to become our civic leaders of tomorrow.

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

Answer. I have had the good fortune to serve in key service billets and joint assignments within the Department of Defense. I have commanded marines at all levels from platoon to Marine Expeditionary Force as well as throughout the Marine Air Ground Task Force and in key elements of the supporting establishment. I have also served in educating our future Navy and Marine Corps officers and have had the opportunity to serve in other agencies of the executive branch outside the Department of Defense. As a general officer, I have served as the Executive Assistant to the Director of Central Intelligence. I have also served as Deputy Director of Operations, United States European Command and as Director, Strategic Plans and Policies, United States Pacific Command. Both of these latter billets along with my recent responsibilities as a MEF commander, gave me great insight into how to ensure that Marine Corps units can effectively support the combatant commanders in the execution of their duties and responsibilities. Conversely, I understand the challenges facing all the service chiefs today as they strive to meet their Title 10 responsibilities in support of the combatant commanders.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform these duties?

Answer. I believe there are four fundamental actions I could take that would enable me to fulfill my Title 10 responsibility to train, organize, and equip our marines and sailors.

(1) As a force-in-readiness, the Marine Corps, in close team work with the Navy, is proud of its contributions to America's forward presence and expeditionary power projection capabilities. The continued success of the Navy-Marine Corps Team depends on sustaining our enduring relationship with one another and I would work to foster this mutual bond at every opportunity.

(2) Similarly, reinforcing our partnerships with our other sister services and U.S. Special Operations Command would not only promote future interoperability and operational understanding, but advance transformation of the U.S. military to a truly Joint Force.

(3) Work with Joint Forces Command to continue to contribute to the development of joint capabilities through participation in Joint Concept Development and Experimentation; and

(4) Continue to explore and capitalize on innovation and emerging technologies in order to further the continued transformation of naval capabilities for the future.

The promotion of each of these actions will ensure our Corps remains both ready and relevant to meet the challenges of the 21st century.

*Question.* In your view, what are the major challenges confronting the next Commandant of the Marine Corps?

Answer. The major challenge confronting the next Commandant of the Marine Corps centers on organizing, training, and equipping forces to support the Joint Force Commanders now and into the future. Specific issues I believe will be important for the next Commandant to address include:

- Properly resourcing the Marine Corps' near and long-term readiness requirements while at the same time transforming the Marine Corps.
- Ensuring leaders and staffs can operate in an environment of ambiguity and uncertainty.
- Ensuring sufficient expeditionary shipping is available for our Expeditionary Strike Groups to effectively strike with MAGTFs from the Enhanced Networked Seabase for rapid and decisive joint maneuver operations from deep offshore directly to deep inland objectives.
- Providing a quality of life for our marines and their families that ensures our continued warfighting effectiveness and maximizes our significant investment in our marines.
- Ensuring that the growing complexity of encroachment issues do not curtail our efforts to conduct meaningful training.
- Ensuring business practices, to include acquisition process, rapidly enhance and transform warfighting capabilities.

*Question.* Assuming you are confirmed, what plans do you have for addressing the major challenges confronting the next Commandant of the Marine Corps?

Answer. If confirmed as Commandant of the Marine Corps, I would continue to focus on four key areas. First, opportunities can be created and exploited best by an *agile organization,* ready to adapt to change in future environments, maximizing the potential of both marines and their units. Second, *operational changes,* first expressed as concepts, will alter the means by which the operating forces project power and influence. Third, *leap-ahead technology* will create new opportunities for warriors of tomorrow. Finally, the Marine Corps will promote changes in *business and acquisition processes,* enabling the more rapid development of effective capabilities while generating the most efficient investment of the Nation's resources. Specific examples include:

- Enhancing leaders' decisionmaking skills with investments in education, wargaming, combat simulation activities, and battlespace visualization techniques within a joint or multinational framework.
- Increasing the ability of the supporting establishment to serve as the fifth element of the Marine Air Ground Task Forces (MAGTF), as exemplified by the Marine Corps Intelligence Activity's reach-back support to the warfighting requirements of Task Force 58 during Operation Enduring Freedom.
- Generating opportunities to align Marine Corps Reserve units with Marine Expeditionary Forces in order to develop day-to-day working relationships between active and Reserve forces, maximizing the diverse civilian-acquired expertise that enhances military capabilities.
- Integrating aviation capabilities across the Navy and Marine Corps to generate increased capabilities for projecting power from the sea.
- Balancing transformation and modernization of our ground and aviation assets to ensure effective combined arms warfighting capability in our MAGTFs.
- Developing the capabilities of Marine forces to operate with Special Operations Forces (SOF) and reintroducing the Air Naval Gunfire Liaison Company (ANGLICO) to support our joint and coalition partners.
- Creating and institutionalizing innovative units dedicated for special missions or tasks such as the 4th MEB (Anti-Terrorism) by relying on the adaptive, decentralized organization of Marine Corps warfighting units.

I believe it is critical that we fully integrate all of our efforts as part of the Nation's joint warfighting community. We would continue working closely and in partnership with the Joint Staff and Joint Forces Command (JFCOM) in joint concept development and experimentation efforts.

*Question.* What do you consider to be the most serious problems in the performance of the functions of the Commandant of the Marine Corps?

Answer. In my opinion the most serious problem facing the Commandant of the Marine Corps is ensuring that the Marine Corps remains ready to fight and win while balancing our need for modernization. If confirmed, I would like to work with the Secretary of Defense, the Secretary of the Navy, and the other service chiefs to address such issues as acquisition reform, the impact of encroachment on training and readiness, and quality of life—all important subsets of this challenge.

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

Answer. As Commandant, I would continue to work with the Secretary of Defense, the Secretary of the Navy, and the other Joint Chiefs to press for a more streamlined and responsive acquisition process, the means to balance our environmental stewardship responsibilities with our training requirements, and continue the momentum of quality of life initiatives to maintain our high level of readiness. My goal would be to make sure that marines are trained and equipped to provide ready, scaleable, flexible combined arms force packages for today and tomorrow's combatant commanders.

*Question.* If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Commandant of the Marine Corps?

Answer. My priorities would be ensuring continued readiness of our operating forces—to include sustaining emphasis on recruiting and retaining our outstanding young men and women and fully integrating the Navy-Marine Corps Team to provide effective maritime capabilities to the joint commander—while simultaneously maintaining our continuously evolving transformation of organizational and operational concepts, leap-ahead technologies, and business processes.

*Question.* The main focus of the United States has been on the war in Afghanistan, and the Marine Corps has had a major role in that effort. That role, although still important, has declined in recent months.

What do you see as the Marine Corps' role in the continuing war on terrorism?

Answer. The Marine Corps will continue to play an important and significant role in the global war on terrorism.

While one might perceive that the Marine Corps' role has declined since the successes of Task Force 58 in Afghanistan, it has in fact become less visible and we remain ready across the full operational spectrum. Over 3,600 active duty and Reserve marines remain deployed to the United States Central Command area of responsibility (CENTCOM AOR) in support of Operation Enduring Freedom. Additionally, over 170 marines are deployed in support of Combined Joint Task Force (CJTF) operations in Guantanamo Bay, Cuba. In defending the homeland, marine ground and aviation units of the total force have supported the air defense efforts of Operation Noble Eagle and are currently providing dedicated reaction forces to respond to incidents west of the Mississippi River in Federal Emergency Management Agency (FEMA) Regions VI through X. Most recently, Marine Military Working Dog Teams and other security and response forces supported the United Nations General Assembly proceedings in New York. While not all-encompassing, these examples are indicative of the continuing role that the Marine Corps has, and will continue to play, in winning the global war on terrorism.

*Question.* In the past, the Marine Corps' Chemical-Biological Incident Response Force (CBIRF) has played a major role in assisting first responders prepare for terrorist attacks.

What relationship will the CBIRF have with the Homeland Security Agency?

Answer. CBIRF is a component of the 4th Marine Expeditionary Brigade, Anti Terrorism (4th MEB (AT)) that was reactivated in October 2001 in response to the Nation's campaign against terrorism. It provides any designated supported commander with rapidly deployable, specially trained, and sustainable forces that are capable of detecting terrorism, conducting activities to deter terrorism, defending designated facilities against terrorism, and conducting initial incident response in the event of chemical, biological, radiological, or nuclear terrorist attacks, worldwide.

CBIRF support to the Homeland Security Agency may result from a request by the Secretary of the Homeland Security Agency to the Secretary of Defense (SECDEF) for support.

*Question.* What role will CBIRF play in Northern Command's homeland security mission?

Answer. When directed, the 4th Marine Expeditionary Brigade, Anti Terrorism (4th MEB (AT)) would forward deploy CBIRF to respond to the threat of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident in order to assist local, State, and Federal agencies or a designated combatant commander

in the conduct of consequence management operations by providing capabilities for agent detection and identification; casualty search, rescue, and personnel decontamination; and emergency medical care and stabilization of contaminated personnel.

*Question.* What role will the rest of the Marine Corps have in supporting the Homeland Security Agency?

Answer. The organization with the capabilities most likely to be requested by the Homeland Security Agency is the 4th Marine Expeditionary Brigade, Anti Terrorism (4th MEB (AT)) which consists of approximately 4,600 marines and sailors primarily trained to perform their duties in situations where there is an increased threat of terrorist activity, when there has been a direct threat of terrorism against U.S. interests, or when a terrorist event has already occurred. In general, the Marine Corps, like the other services, will provide support to the Homeland Security Agency, as directed by the Secretary of Defense, in accordance with the Federal Response Plan. Further, it is perhaps important to reemphasize that defense of the homeland begins not on our shores, but on far shores. The value of our forward deployed forces around the globe continues to be demonstrated and will play an ever increasing role in future.

*Question.* Is CBIRF intended to be utilized only domestically, or are there also plans to utilize it abroad? If CBIRF is deployed abroad, who takes on their domestic mission?

Answer. CBIRF as a component of the 4th Marine Expeditionary Brigade, Anti Terrorism (4th MEB (AT)) is task organized to provide incident response anywhere in the world. Due to the nature of the event there may be multiple options for employing its unique capability. CBIRF is capable of reorganizing itself and deploying in modules to multiple incident sites that may involve agent detection and identification; casualty search, rescue, personnel decontamination; and emergency medical care and stabilization of contaminated personnel. CBIRF's capability to deploy to any location prior to an incident greatly enhances its capability to conduct medical treatment, decontamination and casualty search and rescue in the fatal first hours of an incident.

In the event that CBIRF's capabilities were required to be replaced, it would require a collaborated response of existing units such as National Guard's Civil Support Teams, and the Army's Technical Escort Units and Chemical Biological Rapid Response Teams.

*Question.* What do you see as the principal role for the United States Marine Corps in terms of our overall national security?

Answer. The principal role of the United States Marine Corps in terms of America's overall national security is to be our country's premier expeditionary "Total Force in Readiness."

The Marine Corps owes its role to the United States Congress. The Douglas-Mansfield Act, approved by the 82nd Congress on June 20, 1952, and signed as Public Law 416 by President Harry S. Truman, amending the National Security Act of 1947, confirmed the Corps' naval character and expeditionary nature, and legislated the Corps' organization as an air-ground, combined arms team.

At its very heart, the Marine Corps' mission is to defend America's national security, serving as a power projection force from the sea, giving the United States a unique and robust worldwide presence and crisis response capability.

*Question.* What is your vision for the Marine Corps of the future? For example, what roles should the Marine Corps play in contingency, humanitarian, and peace operations?

Answer. The Marine Corps of the future will remain true to its naval and expeditionary heritage while continuing its tradition of innovation and flexibility.

As our Nation's premier expeditionary "Total Force in Readiness," the Corps enables joint, allied, and coalition operations, and its operational units are scalable to meet combatant commanders' requirements. Accordingly, the Corps is capable of a multitude of missions across the spectrum of conflict. Indeed, per Title 10 of the U.S. Code (10 U.S.C. 5063), marines are always ready to "perform such other duties as the President may direct." As seen in the Corps' contributions to contingency, humanitarian, and peace operations in the past, its readiness and adaptability are an ever-present resource for the President to employ on behalf of America's national interests.

A salient example of the Corps' versatility is found in a survey of its operations during 1991. Marines helped liberate Kuwait in full-scale combat, participated in stability operations in Northern Iraq, evacuated non-combatants from Somalia, and conducted massive humanitarian missions in Bangladesh and the Philippines—all in the first 6 months of 1991. The flexibility to perform those diverse operations and

others is an inherent part of the Corps' promise to always be ready to answer our Nation's call. The Corps' vision for its future is nothing less.

To achieve that vision, as threats and opportunities change, requires that the Corps continues to anticipate, innovate, experiment, and adapt. Throughout the course of its history, the Marine Corps has dramatically evolved from a naval constabulary. Marines, themselves, have been the source of those changes, seeking over-time to adjust America's Force in Readiness to meet future requirements and defeat future threats.

Today, the Corps is transforming itself—harnessing new technology, developing new operational concepts, instituting organizational realignments, and implementing better business practices and acquisition reform. I have complete confidence that tomorrow's marines will carry these efforts forward through the 21st century, to be America's versatile, expeditionary force in readiness.

*Question.* What foundations will you lay, if confirmed, to facilitate the attainment of that vision?

Answer. I would build upon the foundations established by the 32nd Commandant of the Marine Corps. The fundamental constructs found in the Corps' capstone concept, *Expeditionary Maneuver Warfare,* and the vision statements *Naval Power 21* and *Marine Corps Strategy 21* would guide me, with your assistance, in leading the Corps as it transforms.

I would remain committed to the Corps' partnership with the Navy—as seen in our Carrier and Expeditionary Strike Group initiatives, integration of naval tactical aviation, and our sea-basing concept. Moreover, under my leadership, the Corps would continue to capitalize on innovation and experimentation to best integrate with and enhance joint and multinational operations, and more effectively serve America's national security needs.

*Question.* If confirmed, do you plan any major changes to Marine Corps warfighting doctrine?

Answer. No, the Marine Corps warfighting doctrine is sound. It is a product of our long history of innovation, our experiences, and the lessons we gleaned from those experiences. Our doctrine accurately reflects how we operate as an expeditionary force capturing both the nuances of our service culture and our naval character. I anticipate no substantial change to the way we do business in the foreseeable future.

*Question.* If so, what modernization efforts support this doctrine?

Answer. No, I do not plan to make significant changes to the doctrine we have just recently published, our capstone concept Expeditionary Maneuver Warfare (EMW). However, like all doctrinal publications—and EMW is no exception—it will continue to be "a work in progress." All doctrinal publications need to be revised over time to adjust to changes in warfare. We are just beginning to explore the possibilities for EMW in the defense of our Nation and its allies, and we will continue to refine and revamp the concept as new situations and threats present themselves. Additionally, no doctrinal publication is a stand-alone document and EMW must be executed in the context of and in concert with several other doctrinal publications, such as Expeditionary Networked Seabasing (ENSeabasing).

*Question.* General Jones has discussed establishing stronger relationships between the Marine Corps and the forces of the Special Operations Command (SOCOM).

What do you see as the Marine Corps' role in Special Operations?

Answer. Today the Marine Corps has 105 marines filling SOF billets around the world ranging from training support, to exchange pilots with Task Force 160 to intelligence analysts and security personnel. The fielding of the V–22 will also bring the Marine Corps and Air Force Special Operations Forces closer together. VMMT–204, based at Marine Corps Air Station New River in North Carolina, the V–22 training squadron, will train both Marine Corps and Air Force pilots and maintainers to fly and work on these aircraft and will enhance joint understanding concerning "special" capabilities. We also recognize that within our Marine Air Ground Task Forces (MAGTFs), we have the ability to execute a broad spectrum of capabilities, particularly when a requirement exists for the introduction of helicopter-borne or surface-borne forces from the sea. These operations tie-in directly with the Corps' traditional maritime-oriented missions for which we have statutory responsibility. Our highly trained, cost-effective, first on the scene forces, provide a much needed special operations capability that is complementary, not redundant, to the mission of our Nation's Special Operations Forces. Significant national military advantages exist in having Marine Corps MAGTFs trained in the conduct of maritime special operations capabilities while positioned aboard amphibious ships in proximity to a target, unencumbered by base and overflight rights and operating under established command and control systems. As a means to cement and expand our relationship

with SOF, the Marine Corps and SOCOM have re-established the SOCOM Marine Corps Board to explore areas and issues of interoperability and in coordination with the Naval Special Warfare Command, the Marine Corps has developed an initial "proof of concept" force contribution to SOCOM that will be established in 2003 and deploy with Special Operations Forces during 2004. The proof of concept will focus on special reconnaissance, direct action foreign internal defense, and collations support.

*Question.* Can the Marine Corps make greater contributions in this area (Special Operations Forces), particularly related to working more directly with Commander in Chief, Special Operations Command (CINCSOC)?

Answer. I believe so. In addition to the 105 marines filling SOF billets around the world, training more closely and sharing ideas are two areas where we can achieve greater contributions in special operations. Steps are already being taken to make improvements in these areas. A memorandum of agreement between SOCOM and the Marine Corps, signed in 1993, helps to coordinate policy matters of mutual interest to both organizations and bring us closer together. The board has met seven times since 1993; most recently in January of this year. At that gathering, eight working groups examined topics from operations and training to equipment and technology, and developed multiple action items focused on enhancing the interoperability between SOF and the Marine Corps. The next board, scheduled for October 2002, will likely expand that list. The Marine Corps possesses complementary skills that can be used and have been used in support of SOF. The fielding of the V–22 will also bring the Marine Corps and Air Force Special Operations Forces closer together. VMMT–204, based at Marine Corps Air Station New River in North Carolina, is the V–22 training squadron, which will train both Marine Corps and Air Force pilots and maintainers to fly and work on these aircraft. The jointness that will occur at this training squadron will go a long way toward promoting closer understanding and coordination between Marine Corps and Air Force Special Operations aviation units.

*Question.* The committee has been concerned about the potential effects of the war on terrorism on readiness levels and potential demands on personnel in excess of normal operating tempo (OPTEMPO) goals.

What is your assessment of the current state of readiness of the Marine Corps?

Answer. Your Corps is capable and ready, with approximately 173,000 marines serving in the active forces and approximately 40,000 in the Reserves. We continue to deploy globally as a total force in defense of this Nation and in prosecution of the global war on terrorism. 3,787 of our Reserves are on active duty assisting in the fight against terrorism. The missions assigned to our Reserves in the global war on terrorism are a clear reflection that they are ready to operate across the full spectrum of military conflict.

- Two provisional security platoons relieved two Fleet Anti-terrorism Support Team (FAST) platoons of the security mission at U.S. Naval Base, Guantanamo Bay
- Reserve marine helicopters and personnel are deployed with the 11th and 24th Marine Expeditionary Units (Special Operations Capable)
- 2nd Battalion, 23rd marines is our ready reaction force in support of Homeland Security and
- HMH–769, 25th Marines Regimental Headquarters, and detachments from Marine Aerial Transport Squadrons 234 and 452 provided much needed operational tempo relief for our Active Component Forces.

Our recent service in Afghanistan attests that our forward deployed Marine Forces remain ready, as do our other active and Reserve marine units. As you read this, 27,218 marines are forward deployed, forward based, forward stationed, or deployed for training. Current operational readiness is and will remain our highest priority. The Marine Corps, like everyone else, was surprised by the September 11, attacks, but we were not surprised by the nature of the threat. Over the past decade, we've anticipated a more chaotic world and a future strategic environment of increasing uncertainty that would place a premium on forces with speed, precision, and lethality. Speed not only in movement, but also in the ability to respond—to be truly expeditionary.

Operation Enduring Freedom (OEF) validated our transformational Expeditionary Maneuver Warfare concepts and the value of seabasing, which the Corps has been developing over the past decade. OEF also marked the first time a Marine Corps General commanded a naval task force during wartime and the establishment of a closer relationship with Special Operations Forces that promises to carry forward into the future. One of OEF's most remarkable successes for the Marine Corps, in partnership with the Navy, was the execution of operations over vast distances with

significant operational and logistical constraints. The distances were far in excess of those for which current doctrine, operational concepts, and our legacy warfighting systems were designed.

The modernization programs and transformational systems we have pursued since the 1980s are the keys to executing our future warfighting concepts. However, the best and most modern equipment in the world means little if our marines and sailors cannot train with it in rigorous, realistic scenarios that match as closely as possible to the same stresses and chaos of combat. We are finding that the training and mission effectiveness of our marines are being degraded by the many forms of encroachment on our bases and stations. The impacts of encroachment are making it increasingly difficult to bring together the members of the Navy and Marine Corps team to train as they will fight. Increasing restrictions are resulting in training exercises becoming more administrative in nature than tactical. Encroachment issues will continue to be a 21st century problem. We will need to retain the areas where we train, particularly those where we train in combined arms.

What you saw in Afghanistan is just the most recent example of what America can expect from the Marine Corps, which trains the way it will fight. Our marines are ready, our doctrine works, and with the new hardware ready to come on line, along with continued congressional assistance, you're going to get a Marine Corps that's leaner, more lethal, and even more ready than what you've experienced for the past 226 years.

*Question.* If confirmed, what will be your priorities for maintaining readiness in the near-term, while modernizing the Corps to ensure readiness in the outyears?

Answer. The fiscal year 2003 budget addresses the Marine Corps' personnel, equipment, infrastructure, and modernization/transformation programs. We thank this committee for its support to the Marine Corps readiness.

The modernization programs and transformational systems we have pursued since the 1980s are the keys to executing our future warfighting concepts. We need your continued support of our modernization and transformation efforts, and in terms of our forward deployed seabased platforms—amphibious shipping. Some of our cornerstones for future readiness are:

- The V–22 Osprey remains the Marine Corps' number one aviation priority. With it, Marine Forces operating from their seabase will be able to take advantage of long-range maneuver and strategic surprise.
- The Advanced Amphibious Assault Vehicle (AAAV) remains the Marine Corps' number one ground acquisition priority. It will allow marines to eliminate the battlefield mobility gap and, for the first time, conduct deep maneuver ashore in a single seamless stroke.
- The Short Takeoff and Vertical Landing variant Joint Strike Fighter (STOVL JSF) will combine the basing flexibility of the AV–8 with the multi-role capabilities, speed and maneuverability of the F/A–18 to fulfill both the air-to-ground and air-to-air requirements of the Marine Corps.
- The increased range and speed of the AAAV and the V–22 will require weapons systems with greater range, lethality, and tactical mobility.
    - The Light-Weight (LW) 155 and High Mobility Artillery Rocket System (HIMARS) will provide the ground fires necessary for our Marine Air Ground Task Forces.
    - Naval Surface Fire Support: We must pursue the development of a credible NSFS capability to support EMW.
- The KC–130J will bring increased capability and mission flexibility with its communications system, survivability enhancements, night systems, enhanced rapid ground refueling, and improved aircraft systems.
- Service Life Extension Programs: Until our new equipment is fielded, we will continue to ensure the readiness of our gear. Maximum advantage of Service Life Extension Programs (SLEPs), for equipment like our Light Armored Vehicles (LAVs) and CH–53s, will improve the reliability and availability of our legacy systems.
- Amphibious Shipping: Our amphibious lift requirement remains 3.0 Marine Expeditionary Brigade (MEB) assault echelons (AE), however, we are fiscally constrained amphibious lift capability of 2.5 MEB assault echelon equivalents. Current active duty shipping falls short of the 2.5 MEB AE. We are working hard with the Navy to increase the rate of expeditionary shipping.
- Maritime Prepositioning Force (MPF): MPF saves thousands of sorties of strategic lift. Unfortunately, the leases on our ships expire in fiscal years 2009, 2010, and 2011. We are developing the future concept of MPF programs, and with your help, will replace the existing program.

The best and most modern equipment in the world means little if our marines and sailors cannot train with it in rigorous, realistic scenarios that match as closely as possible the same stresses and chaos of combat. The impacts of encroachment are making it increasingly difficult to bring together the members of the Navy and Marine Corps team to train as they will fight. We will need to retain the areas where we train, particularly those where we train in combined arms.

*Question.* Have individuals in the Marine Corps been required to spend extended deployments overseas that have exceeded normal OPTEMPO goals?

Answer. Yes, while we continue to closely manage our forces, current operational demands have resulted in increased PERSTEMPO. Forward presence is integral to our service culture and the approximately 21 percent of the Marine Corps which is forward based, stationed and deployed is consistent with the historical average over the past 10 years in comparison to end strength. In the last year, since September 11, 2001, three Marine Expeditionary Unit (Special Operations Capable) deployments have been extended for periods of 2 to 6 weeks in order to support operations in Afghanistan. These extensions have impacted about 6,600 marines and sailors assigned to those units.

Currently we have 190 marines beyond the congressionally mandated 400-day payment threshold for PERSTEMPO. However, the data is inconclusive on the issue of whether these marines exceeded this threshold due to normal operations or as a result of September 11.

Extensions thus far have been the exception—in fact the majority of marines and sailors during the past year have returned within the 179-day limit set by service policy. Deployments are scheduled and managed with great care by the Marine Corps and Navy team not only to meet the requirements of the combatant commander, but also to preserve the readiness of the force and ensure the well being of the individual marine and sailor and their families.

*Question.* Given the decreasing numbers of ships and increased number of contingencies, how do you intend to respond to continued requirements for naval presence while maintaining the deployment cycles, shore duty rotation, and retention goals?

Answer. The Marine Corps and the Navy are concerned about the continued decline in the overall number of ships in our fleet and the affect on our forward presence posture. In the on-going global war on terrorism, we have managed our Marine Forces including use of Reserves at home and overseas. Our need, however, for modern expeditionary ships is critical. In peacetime as well as in war, numbers do count.

The Marine Corps will continue to utilize reservists where prudent to alleviate deployment tempo as we currently are with reservists serving in Guantanamo, Cuba and with our 11th and 24th Marine Expeditionary Units (Special Operations Capable) (MEU(SOC))s.

Amphibious shipping is vital to ensuring the mobility of Marine Forces to meet the Defense Planning Guidance (DPG). The most recent Quadrennial Defense Review (QDR) reaffirmed the fiscally constrained force level of 12 Amphibious Ready Groups (ARGs) each consisting of 3 ships: a "big deck" LHA or LHD, an LSD, and an LPD class ship. Early retirements and block obsolescence have sharply reduced the total number of amphibious ships. Accordingly, the LPD–17 program, designed to be the functional replacement for four ship classes (LPD–4, LSD–36, LKA, LST), is essential to maintaining continued forward presence.

*Question.* If confirmed, what force structure employment policies or doctrine would you consider as alternatives to stressing the people and platforms?

Answer. Over the past few years, we have taken a number of steps to return as many marines as possible to the operating forces. By increasing the manning of our combat forces, we are spreading the load and reducing the stress on the individual marine. Since 1995, almost 2,000 marines have been returned from the supporting establishment to our operating forces. Our strategy has been to review military manpower requirements at our bases and stations and identify those requirements that could be eliminated through efficiencies, performed by civilians, or outsourced. The marines freed up by these initiatives have been returned to the operating forces. We have also changed the way in which assign marines to units through a review of our manning and staffing precedence to ensure sufficient marines are available to the operating forces. Returning marines to the operating forces has been a priority of the Marine Corps over the last 4 years. We would continue these efforts as one of our initiatives to increase the capabilities of our operating forces and reduce the stress on the individual marine.

In order to minimize stress on people and platforms, the Marine Corps Reserve would continue to implement increased interoperability and training between the active and Reserve components of the Marine Corps. This will not only allow the Reserve component to stand ready to reinforce the Active component during times

of war, but will also allow valuable OPTEMPO relief to the Active component as has been demonstrated recently with marines from the Reserve component deploying with the 11th and 24th Marine Expeditionary, Special Operations Capable, and deploying to Guantanamo. Additional Reserve Force structure alternatives include realignments of the headquarters personnel within the battalions of the 4th FSSG and separate battalions in the 4th MARDIV to support independently deployable companies, align Reserve marines to contingency billets, and create new capabilities to meet emerging requirements.

In addition, we are constantly pushing the doctrinal envelope with an eye toward optimizing the employment of our limited manpower and equipment resources. To this end, we are aggressively evaluating emerging concepts such as seabasing, space operations, and other joint techniques and procedures.

*Question.* Have the deployment days of marines under your command in the First Marine Expeditionary Force been tracked and recorded in order to ensure management of the deployments of members? If so, what has this tracking shown about deployments?

Answer. Yes. In accordance with the PERSTEMPO legislation and Marine Corps direction, since October 1, 2000, the deployment days of all marines under my command in the I Marine Expeditionary Force were tracked and recorded in order to ensure management of the deployments of members. This tracking and management continued, even after October 8, 2001, when the Department of Defense wisely suspended the management and payment requirements of the PERSTEMPO legislation after the terrorist attacks on September 11, 2001. The PERSTEMPO suspension provided necessary operational flexibility.

The majority of the 43,000 I MEF marines are in the range of 180 to 300 days, representing a single deployment and associated inter-deployment training during the 2-year period. We currently have about 50 personnel deployed who are in excess of 400 days deployed in the 2 years since implementation. As a result of Operation Enduring Freedom, about 5,000 marines and sailors in I Marine Expeditionary Force have either had scheduled deployments extended or deployed on unscheduled deployments. Of this number, 4,000 have been extended for about 3 weeks with deployed Marine Expeditionary Units and the remainder have deployed up to 179 days on unscheduled deployments. The latter includes: Aviation support in Manas, Kyrgyzstan; Augmentation of Marine Expeditionary Units with additional CH–53s and C–130s; Individual augmentation to Joint Task Force Consequence Management, Joint Task Force 180 in Afghanistan, Joint Task Force 170 in Cuba, Task Force 58 in Afghanistan, Central Command headquarters, Marine Central Command headquarters, Combined Forces Land Component Commander and Combined Forces Air Component Commander for Central Command. These requirements are causing a greater number of marines to approach, and in some cases, exceed 400 days of deployment tempo. We realize the serious demands these increased requirements place on our marines and will continue to monitor deployment tempo.

The data from PERSTEMPO tracking is inconclusive at this time. Prior to October 1, 2000, when the services began tracking and reporting PERSTEMPO, the Marine Corps did not have reliable data regarding the deployment of individuals. Instead, we relied on data regarding the deployment of units, vice individual marines. Additionally, the normal deployment cycle for our units and assigned personnel is about 2 years. We are only now reaching a convergence of 2 years of deployments and data collection. We will need approximately 2 more years, or one more deployment cycle, to have sufficient data to draw any specific conclusions about the current deployments. Initial analysis indicates that some individuals, occupational specialties and units are deploying more than others, but whether that is beyond the norm is not yet certain.

*Question.* Do you believe the officer corps has confidence in the integrity of the officer promotion system in the Marine Corps?

Answer. Yes, sir. I believe our officer corps has confidence in the integrity of the promotion system. Over the last 3 years we have leveraged technology to provide our promotion board members with a completely electronic view of each officer's official record. Further, we have utilized the internet to "demystify" the promotion process and give officers as much information as possible on how they can best prepare for their boards.

*Question.* What role would you, as Commandant of the Marine Corps, expect to play in the officer promotion system?

Answer. I believe the Commandant must execute the policies of the Secretary of the Navy to ensure that every officer receives fair and equitable consideration for promotion to the next higher grade. To this end, I would be active in a number of areas, beginning with upholding the requirements of Title 10. As such, I would ensure the impartiality of the process, as well as emphasizing the importance and

value of the guidelines for joint and acquisition service. I would also recommend to the Secretary a promotion plan that provides adequate promotion opportunity balanced with the needs of the Corps. Further, I would continue to foster an environment where we are continually looking for ways to improve not only the selection process and our personnel evaluation system, but the system within which we develop and train our officers as well. Finally, I would ensure strict compliance with the high standards of conduct that we expect from all our officers.

*Question.* What role would you, if confirmed as Commandant of the Marine Corps, expect to play in the general officer management and nomination process?

Answer. The environment in which we operate today requires the Commandant to play an active role in the career management of general officers. I do not take this obligation lightly since we, collectively, are entrusted with our Nation's treasure—its youth. To that end, we develop, educate, and train our officer corps to be leaders of marines. At the top of this process is our general officer ranks. These marines have proven track records of superior performance, leadership and experience at all levels of command. The selection process is so competitive that less than 1 percent of those eligible are picked. Once selected, our general officers work alongside general/flag officers of the other services, and our civilian leadership, to maintain a defense establishment equal to the monumental challenges facing our country today. If confirmed, I would ensure that the training, education, and evaluation of officers result in the promotion of the best and brightest leaders. Our Country and Corps deserve nothing less. Second, I would carefully consider the skills of each general officer, and nominate marines who will be highly successful, both in the service and joint community.

*Question.* In a recent essay in the *Marine Corps Gazette,* the argument was presented that the performance evaluation system (PES) currently in use is antiquated and not sufficiently useful in enabling Marine Corps leaders to identify and select the best-qualified officers for promotion. The author of the essay argued for a new system called the "360 degree report," that would require evaluation of officers not only by their immediate supervisors, but also by two peers and three of their subordinates.

What are your views about the efficacy of the current PES?

Answer. Our current performance evaluation system ranks marines according to the definitions and requirements of each billet and puts controls in place to prevent the over-inflation of marks. The basic premise from which the current PES stems is that the person best-qualified to assess a marine's performance in a particular billet is the person assigning the billet requirements—the reporting senior and his/her boss, the reviewing officer.

The fitness report form offers space to evaluate the marine's billet description, accomplishments, job performance and character assessment. The information created from the data entered into the system has proven to be very helpful for board members to base their decision of who is best qualified for promotion. Most promotion boards feel that the current fitness report is a valuable tool for determining qualifications for promotion.

The process for completing and mailing in a fitness report needs improvement, and is currently under contract to be automated. When these improvements are completed, the creation and submission of fitness reports will be streamlined. For example, reporting officials will no longer have to mail paper copies of fitness reports to our manpower department for subsequent entry into our system.

*Question.* If confirmed, what steps, if any, would you take to implement changes to the PES, including the "360 degree report?"

Answer. I would not take any immediate steps to change our current PES. However, I would allow the improvements already in progress to continue. Our present PES became effective January 1, 1999. Compared to our previous system that served us well for many years, our present PES is an entirely new system. Our intent is to let the system mature for 5 years without a major change. We have made some administrative and policy changes but have not altered the fitness report form itself, or the essence of the system. For example, based on the desires of our colonels, we now use the general officer evaluation concept for evaluating our colonels. Our next major change is to complete the automation of the preparation and submission process. We are under contract with a projected initial operating capability during the summer of 2003 and full operational capability during the spring of 2004.

Our present PES was developed by three entities. The Performance Appraisal Center at Western Michigan University analyzed all of our Armed Services' PES, various foreign military systems, and also considered evaluation systems used by industry. Concurrently, our brightest majors at the School of Advanced Warfighting conducted thesis-type research to conceptually design how marines should be evaluated and the criteria for evaluation. Also, an Executive Steering Committee of gen-

eral officers, the Sergeant Major of the Marine Corps, legal counsel, and subject matter experts aided this effort. Many options were considered, including the "360 degree" type evaluation. This specific option was not selected for several reasons: (1) The military chain of command exists for sound reasons. Including subordinate and peer evaluations would be difficult to implement and adjudicate. (2) Our Marine Corps PES is used by the other services and civilian leaders when evaluating Marines assigned to them. Fifty-one percent of reporting seniors who evaluate marine colonels are not marines. Consequently, imposing a Marine Corps "360 degree" PES on the other services would be unrealistic, if not impossible. (3) Over 200,000 fitness reports are prepared by individual reporting seniors annually; therefore, the sheer increase in the number of reports, by including peers and subordinates as additional reporting seniors, would make the "360-degree" concept impractical.

*Question.* In your view, what are the quality of life challenges for the Marine Corps facing the next Commandant of the Marine Corps?

Answer. Effective QOL programs and services are essential to maintaining stability in the force, enhancing personal and family readiness, and fostering retention. The Marine Corps has established five major QOL priorities: pay and compensation, health care, bachelor and family housing, infrastructure/installation management, and community services. I see our primary quality of life challenges to be managing the ever-increasing expectations for QOL, balancing the needs of single marines and marine families, and providing sufficient resources.

Adequate compensation for marines is crucial to the success of the all-volunteer force. Comparability of pay with the civilian sector is a key aspect of recruiting and retaining quality, skilled men and women. Health care is a key QOL issue for marines and families, especially so for our spouses, who are most often the family health care managers. Providing a health care system that is prompt, hassle-free, and transparent to the patient benefits readiness and retention. We are achieving significant progress in improving family housing through a combination of basic allowance for housing (BAH) increases, which will result in a zero out of pocket BAH payment by 2005 as currently budgeted, and use of public private venture housing authorities to recapitalize our housing inventory.

Marine Corps Community Services (MCCS) are the hub of our military communities, supporting and sustaining marines and family members. MCCS programs reduce readiness risks, produce fit marines and families, and provide outstanding activities and entertainment to our marines and their families.

*Question.* Although the Marine Corps has an ambitious barracks improvement program, the Corps is constructing its barracks to the 2×0 room configuration, which is below the Department of Defense standard.

In your view, should the waiver to exempt the Marine Corps from the Department of Defense 1×1 standard be continued? If so, why?

Answer. I believe the waiver should continue. The waiver, originally requested by General Krulak to support our efforts to improve unit cohesion and team building for junior enlisted Marines, still has merit.

*Question.* What are your views regarding the privatization of Marine Corps military family housing and unaccompanied housing?

Answer. My view concerning privatization of Marine Corps military family housing is to continue the stellar work we have begun. The Marine Corps implementation of public private venture (PPV) authorities is truly a legacy being left by the current Commandant of the Marine Corps. Under his direction, we are privatizing more than 95 percent of our housing inventory. In return we are getting high quality housing more quickly than we could using traditional methods, excellent management of these units by developers, and significant reduction in military construction investment.

With regard to unaccompanied housing, I am aware of initiatives to test PPV with unaccompanied housing. If appropriate legislation is enacted, a pilot/test is being considered for one bachelor officer quarters and one bachelor enlisted quarters.

*Question.* The Marine Corps has had praiseworthy success in recruiting new personnel.

Based on your experience, what do you consider to be the keys to the Corps continuing success in appealing to American youth?

Answer. The key to our success in appealing to the American youth lies in the message we communicate and the ways in which we communicate that message. Our message is that marines are "smart, tough, elite warriors." To successfully communicate this message, we focus in on the transformation that a young man or woman must make to become a marine. This transformation metaphor is one that has been the centerpiece of Marine Corps advertising for the last 20 years. We utilize market based research and a thorough understanding of our target market to develop our communication strategy. So as the attitudes and values of our target

market change, we adapt with them. Current research has indicated a generational shift in youth values and attitudes causing some to characterize the new generation of youth as the millennial generation. Capitalizing on research conducted of this new generation; we adapted our communication strategy to meet their unique needs, which culminated in our current advertising campaign "The Climb."

*Question.* If confirmed, what goals will you set with respect to recruitment of new marines?

Answer. I would not change our goals. We have exceeded DOD and Marine Corps standards for quality while achieving all contracting and shipping goals for the past 7 years.

*Question.* Are there additional enlistment incentives that you would recommend in order to further improve the quality and quantity of new marine recruits?

Answer. No. Our Recruiting Command works closely with Manpower and Reserve Affairs enlisted planners to ensure that all available funds to promote enlistment into the Corps are made available and used to support and enhance our recruiter's efforts to enlist quality applicants. Although there are always challenges to recruiting, I do not foresee the need for additional enlistment incentives. With that being said, we will certainly reevaluate our enlistment incentive program should the recruiting circumstances change.

*Question.* Recent personnel information provided to the committee has shown increased difficulty in meeting first term retention goals.

Are there any additional retention incentives that you would recommend in order to improve retention of first term and other experienced marine personnel?

Answer. While the Corps continues to be successful in meeting our first term and career retention goals, this success has proven to be challenging. Commanders throughout our Corps are actively pursuing innovative ways to ensure we retain our best and brightest. Our success to date can be attributed to the leadership exercised by our commanders and their relentless pursuit of ensuring the success of our future through the retention of our best marines. In fiscal year 2001 and fiscal year 2002 we exceeded our first term retention goals and achieved a 97 percent and 99 percent MOS fill rate, respectively.

The Selective Re-enlistment Bonus Program continues to be the primary incentive of a small, select group of marines to continue their service to our country. I believe that we have used this program prudently and effectively. We appreciate the support this committee has provided to this program in the past and I believe its continued use in the future will aid in our retention efforts.

*Question.* What are the Marine Corps' most significant officer retention challenges, and, if confirmed, what goals will you set in order to improve retention?

Answer. The Marine Corps is currently experiencing an 18-year high for officer retention. However, being a small force, our greater retention has challenged us to re-examine our force shaping abilities in order to adhere to our active and reserve component officer end strength limits and meet our requirements by grade and MOS.

*Question.* The committee has found that among the reasons why TRICARE is not well accepted in the field is the lack of indications of support from the chain of command.

Do you support TRICARE?

Answer. I support TRICARE and understand the importance of health care to marines and their families, both in terms of readiness and quality of life.

*Question.* What will you do, if confirmed, to ensure the chain of command, officer and enlisted, make TRICARE a matter of command interest and work to both educate soldiers and their families and to resolve problems with the health care delivery system?

Answer. If confirmed, I would insist that a high priority is placed on the delivery of health care services. It is imperative that leaders are educated about TRICARE to ensure that marines and their family members know how to use their health plan, and where to find help when they have questions or issues. I would emphasize the importance of TRICARE to all commanders throughout the Marine Corps and ensure policies to assist personnel with TRICARE are implemented.

*Question.* Since the war in the Persian Gulf, the Navy has retired the last two remaining battleships, virtually eliminating the Navy's ability to provide ship-to-shore fire support for an amphibious assault. Last year the DD 21 program was terminated and the DD(X) research and development ship was substituted in its place in the Future Years Defense Program (FYDP).

Do you believe that current programs within the Navy and Marine Corps' budgets are adequate to meet Marine Corps fire support requirements within an acceptable time period?

Answer. No, we currently have an acute shortage of naval fire support to meet the demands of forcible entry. The current situation will not be resolved until DD(X), armed with the 155mm Advanced Gun System (AGS) and the Advanced Land Attack Missile (ALAM), joins the fleet in strength post-2012.

We are encouraged by programs under development such as the 5″/62 Naval Gun, Extended Range Guided Munition (ERGM), and the Autonomous Naval Support Round (ANSR) that will increase the capability of naval guns in the near-future. However, we would continue to work with the Secretary of the Navy and CNO for increased acquisition of surface and subsurface fire support systems.

*Question.* The committee has been concerned about the Navy's level of commitment to supporting mine countermeasures programs and capability. The Navy decided last year to terminate the shallow water assault breaching system (SABRE) and distributed explosive technology (DET) shallow water mine clearance systems. The Navy made this cancellation decision in spite of the fact that the Navy has no near-term alternative to provide this capability.

This year, there have been reports that the Navy is considering canceling or truncating deployment of the Remote Minehunting System (RMS), a central component of the mine warfare campaign's goal of moving to a mine countermeasures capability organic to the battle group.

Do you believe that the Navy's mine countermeasures modernization programs will be adequate to meet the Marine Corps' needs?

Answer. I believe that the Navy possesses an adequate and improving capability to deliver Expeditionary Forces through deep water and to the 40-foot depth line of the littoral battle space—even in an anti-access environment. However, with reference to very shallow water (VSW), surf zone (SZ) and beach zone (BZ) mine countermeasures, our efforts have so far not resulted in practical systems. I would continue to work with the Secretary of the Navy and CNO on these critical programs.

*Question.* The Marine Corps has leased a high speed vessel (HSV) to support training operations for Okinawa-based forces, supplanting the need for airlift support from the Air Mobility Command.

Do you believe that the Marine Corps needs access to more such HSVs?

Answer. Yes, sir, we need more access to High Speed Vessels (HSVs). My recent participation in a Navy-Marine Warfighter and observations in the Pacific have convinced me of their potential utility, and I would look forward to meeting with the CNO to discuss how we would integrate HSVs with our naval concept for seabasing.

The high speed vessels *Joint Venture HSV X–1* and the *III MEF Westpac Express* are two examples of HSV capabilities that can significantly enhance littoral expeditionary operations across the spectrum of conflict. We believe that HSVs are multi-mission capable platforms that augment amphibious and prepositioned ships in order to provide expeditionary seabased capabilities to the current and future Joint Force.

We intend to continue to conducting HSV experiments across the deployment, employment, sustainment and redeployment cycle in order to explore the full range of HSV capabilities in support of the current and future Joint Force. We are developing continued experimentation plans for the *Joint Venture* and its successor. Our future *Joint Venture* experiments will address how to capitalize on high-speed vessel technologies as enablers to (1) enhance and extend the operational reach of our current MPF capabilities, (2) capture lessons learned that we can apply to integrating HSV capabilities to support MPF (Future) operations, and (3) capitalize on the HSV's littoral mobility capabilities for operational and logistical support for combatant commanders.

While we are still building the fiscal year 2003 HSV experimentation plan, our focus remains on continuing to develop/refine a concept of HSV employment in support of seabased operations. This concept should include at-sea arrival and assembly, at-sea selective off load, and at-sea reconstitution of forces. We are also looking at developing the required technologies to enable ship-to-ship and ship-to-causeway interfaces. We also plan to continue experimentation with advanced force operations and operational maneuver, and begin experimentation with riverine operations.

*Westpac Express* continues to participate in joint exercises throughout PACOM's area of responsibility. While basically being used as a ferry within the Western Pacific to ensure unit training is not hampered by delays in air movement, it is a prime example of improving operational mobility. *Westpac Express* will continue to conduct/develop cargo load trials and participate in exercises, most recently a NEO exercise at MCAS Iwakuni, Japan and the deployment of MPS offload personnel to Korea.

*Question.* What would such access imply for modernization programs? For example, how could having such vessels affect requirements for amphibious shipping or for replacements for the current Maritime Prepositioning Force ships?

Answer. While current HSVs possess the potential to significantly enhance littoral mobility for our warfighters, they cannot replace amphibious or prepositioning ships. While they can transport significant amounts of personnel and equipment long distances at high speed, they do not possess the loitering, survivability, and forcible entry capabilities necessary to support our Nation's requirements for naval forward presence forces. Nor do they provide the prepositioning capabilities necessary to compensate for shortfalls in strategic lift. Amphibious and prepositioning ships should be viewed as the key enablers to set the conditions to exploit HSV capabilities in assured access environments.

*Question.* One of the Marine Corps' high priority development programs is the V–22 Osprey tilt-rotor aircraft. The Secretary of Defense has been quoted as saying that, even if the V–22 performs adequately in the new testing program, DOD may not move the program forward into full production.

What is your assessment of the value of the V–22 for the marines?

Answer. The V–22 is a key enabler of our capstone warfighting concept, "Expeditionary Maneuver Warfare." Tilt-rotor technology, in conjunction with other cutting edge technologies, will bring this concept to fruition. The V–22 will provide us with the speed, range, self-deployability, and survivability that cannot be matched by any helicopter. It will allow us to maneuver from great distances to a point of advantage in the battlespace. Its speed will also increase our ability to rapidly build up forces ashore and ensure our MAGTF commander has the right force, in the right place, and at the right time. The V–22 will be truly transformational by providing the ability to rapidly deploy, employ, and re-deploy marines and Special Operations Forces.

*Question.* Are you satisfied with the current testing plan?

Answer. Yes. The V–22 program test plan has been developed to address all areas of concern identified by the Blue Ribbon Panel, NASA, and the Mishap Investigation Reports. The "Event Driven" plan addresses all high-risk technical concerns early and then moves forward based on measurable successes. If the aircraft and program do not perform as expected, we should know early in the testing process and could make adjustments as necessary to our overall aviation plan.

*Question.* The Marine Corps has decided to forego buying the F/A–18E/F and await development of a short takeoff, vertical landing (STOVL) variant of the Joint Strike Fighter (JSF).

Do you agree with this approach?

Answer. I fully support the decision to forego purchasing the F/A–18E/F tactical strike fighter aircraft.

*Question.* Is this plan consistent with modernizing the EA–6B forces within the Marine Corps?

Answer. With current airframe and Improved Capabilities III (ICAP III) Electronic Warfare (EW) upgrades, the Prowler will remain viable against advanced air defenses through 2015. Procurement of 20 ICAP-III kits over the next 3 years will allow the Marine Corps to reach full operational capability (FOC) by 2007. This plan will save approximately $16.1 million in weapon system costs and will result in optimal unit pricing.

I would continue to work with the Secretary of the Navy and CNO to evaluate the F/A–18G and alternative systems for our Airborne Electronic Attack (AEA) requirements.

*Question.* The committee has been informed that the Navy and Marine Corps intend to integrate additional Marine Corps aviation forces into normal carrier air wing deployment operations.

Do you support this initiative?

Answer. Yes, I do. The TacAir integration initiative represents a critical piece in the DON transformation effort. Along with doctrinal changes already effecting naval operations, TacAir integration represents a path to greater combat capability through the efficient use of all available DON resources. This is predicated on heightened readiness levels across the DON heretofore unrealized. As a key element to naval transformation, TacAir integration can only be realized through a dedicated commitment to cultural and organizational change. The recent memoranda between the Navy and Marine Corps specifically address this challenge. It is imperative that readiness accounts are appropriately funded to ensure adequate readiness levels to support the integration.

Navy and Marine Corps strike fighter squadrons will train, deploy and fight side-by-side as part of carrier air wings and land-based, deployed expeditionary squadrons. Having 10 Marine Corps squadrons fully integrated into carrier air wings and 3 Navy squadrons joining the USMC Unit Deployment Program will greatly improve our cross training, coordination and overall warfighting capabilities.

Naval TacAir integration will maximize forward deployed combat power. This organizational construct, combined with ongoing doctrinal initiatives, will produce an

affordable, precise, credible naval TacAir force that operates from sovereign sea bases and expeditionary austere sites ashore. As a result, TacAir integration will optimize the core capability of naval aviation forces that are provided to combatant commanders in support of joint operations.

*Question.* Will such integration place additional demands on Marine Corps tactical aviation units that would cause them to exceed normal operating tempo goals for such units?

Answer. The TacAir integration plan will conform to current peacetime PERSTEMPO and OPTEMPO goals.

*Question.* If not, will current demands for such units go unmet?

Answer. Current demands for expeditionary land and sea-based naval aviation forces will not go unmet based on the results of TacAir integration. In a time of limited resources, reduced forward basing and increased demand for the employment of all elements of national power, the DON looked hard at its requirements, took doctrinal integration into consideration and reduced procurement numbers appropriately. We did not sacrifice our ability to answer the call. We will preserve, and should exceed, our ability to meet all current operational requirements.

Carrier air wings and expeditionary unit deployment requirements will be completely covered as they are today. In response to contingency or Oplan requirements, naval aviation forces will surge to support marine and joint ground forces alike. This point cannot be emphasized enough . . . Marine Air-Ground Task Forces are not losing air power. This will require a dedicated commitment to the development of a TacAir force whose readiness will allow such "global" sourcing of aviation assets. With improved readiness profiles in place, a more capable naval aviation force will be able to increase its responsiveness to the MAGTF and joint forces.

*Question.* Do you agree with the current plan to upgrade the UH–1 and AH–1 even with the cost growth problems identified in these programs earlier this year?

Answer. I continue to believe that the H–1 Upgrades Program is the best and most cost-effective solution to satisfy the Marine Corps' warfighting requirements. The Program Office and Bell Helicopter have the right leadership and mechanisms in place to provide a quality product and prevent any further cost growth. In May of this year Secretary Pete Aldridge, OSD AT&L certified to Congress under the Nunn-McCurdy Act that the H–1 Upgrade Program is viable, affordable and executable as currently structured.

*Question.* What do you believe is the right approach for replacing the EA–6B electronic warfare aircraft for the Marine Corps?

Answer. The Marine Corps remains committed to upgrading all of our EA–6B airframes and Electronic Warfare (EW) capabilities to the Improved Capabilities III (ICAP III) configuration. As indicated in the 2001 Airborne Electronic Attack Analysis of Alternatives (AEA AOA), ICAP III capable aircraft will remain viable against advanced air defenses through 2015. I would look forward to working with the Secretary of the Navy and CNO on evaluating alternative systems for our Airborne Electronic Attack requirements.

*Question.* The Advanced Amphibious Assault Vehicle (AAAV) is a high-priority development program for the Marine Corps.

Why is the AAAV important to the Marine Corps?

Answer. The Advanced Amphibious Assault Vehicle program remains the Corps' highest ground acquisition priority and promises to allow high-speed surface maneuver from ship-to-shore as well as on land. This vehicle will be able to deploy to objectives from over the visual horizon, 25 miles and beyond, and will allow our ships to remain beyond the range of many threat weapons and surveillance systems. It will help offset an enemy's anti-access strategies and bolster expeditionary operations from the sea. Once ashore, the AAAV will be one of the world's most capable Infantry Combat Vehicles. The vehicle's land mobility performance will surpass that of any wheeled or tracked vehicle in its class. It will possess "state of the art" C4I and survivability technologies, which will enable the AAAV to be a substantial force multiplier in support of ground combat operations. Furthermore, the Mk 44 30mm Automatic Gun will give the vehicle a lethal direct fire capability. Predictive diagnostics technology will be integrated to improve reliability and reduce the maintenance burden. When fielded to the operating forces, the Advanced Amphibious Assault Vehicle will be a decisive expeditionary warfare tool for operations in littoral areas worldwide.

*Question.* When will the AAAV be fielded?

Answer. The current AAAV acquisition plan initiates fielding in 2007 and completes fielding in 2017.

*Question.* In your view, is the current acquisition plan satisfactory?

Answer. The AAAV acquisition plan is satisfactory, however the lengthy AAAV fielding schedule of 10 years (2007–2017) is less than optimal. The AAAV fielding

can be accelerated providing full operational capability to the Marine Corps as early as 2013. This acceleration would require additional funding in budget years fiscal year 2009 through fiscal year 2013.

*Question.* The Army is seeking to achieve a transformed force by developing a future combat system (FCS) to supplant current heavy armored forces and achieve greater deployability in the process.

Since "deploying" is a central concern of the Marine Corps, should the Marine Corps be participating more extensively in the Army's FCS program?

Answer. Marine Corps views success in rapid, agile deployments as a function of both both equipment and an expeditionary culture, and that that expeditionary culture includes doctrine, organization, and training. To the extent that the Marine Corps' perspective on deployability is inextricably tied to that expeditionary culture, there are likely to be some differences between the Army and the Marine Corps with regard to deployability constraints and the very nature of the force that each service's materiel solution must accommodate.

Regarding the Army's development of more deployable equipment, we are currently participating with the FCS program through several venues. The Marine Corps has proactively engaged both the operational and technical system developers to ensure sufficient understanding of the Army's direction. This includes positioning liaison personnel at Army labs, and entering agreements with labs, development commands and DARPA. I consider the current level of Marine Corps participation in the FCS program to be appropriate.

As FCS becomes better defined, the Marine Corps will continually reevaluate its position to ensure that the path chosen accommodates the unique needs of the Marine Corps, as well as the larger needs of interoperability and economy. The Marine Corps has identified and articulated a need for a mounted maneuver element through a Mission Need Statement for a MAGTF Expeditionary Family of Fighting Vehicles, which was validated by the Joint Requirements Oversight Council. We fully expect technology products from the Army's FCS program to be provide some of the building blocks for this Marine Corps program.

*Question.* The Marine Corps identified night vision capability as a deficiency during the war in the Persian Gulf.

Do you believe that the Marine Corps is making sufficient progress in correcting these identified deficiencies?

Answer. Yes. The Marine Corps has made significant progress in correcting deficiencies identified during the Gulf War. Marine aviation has increased efforts to upgrade night vision capabilities, particularly in three critical areas: night vision goggles (NVGs), forward looking infrared (FLIR) sensors and night vision compatible aircraft lighting. Marine Corps fighter/attack (F/A) and attack aircraft have completely fielded Generation III NVGs, and the EA–6B and KC–130 communities have begun NVG training. Meanwhile, our rotary wing community is approximately 80 percent complete in fielding Generation III NVGs.

Since the Gulf War, Marine aviation has either upgraded or purchased new FLIR sensors in six of our type/model/series (T/M/S) aircraft. NVG compatible internal and external aircraft lighting is nearing completion on eight of our T/M/S aircraft and the KC–130 has begun modifications for NVG-compatible cockpits.

For our ground forces, the Marine Corps has fielded a substantial quantity of Generation III night vision devices, directed energy targeting devices and laser aiming devices. All of these devices have not only corrected the deficiencies identified after Operation Desert Storm, but have allowed us to train to a level of night fighting proficiency that is virtually unmatched.

*Question.* What ISR programs are most important to the Marine Corps?

Answer. Marine Corps intelligence must be able to support tactical units during their pre-deployment planning process; during the transit at sea; and while ashore conducting their mission. To do this, we need well-trained, experienced, and properly equipped Marine Corps analysts and collectors; we need systems that can collect, fuse, correlate, and display data in a variety of formats based on users' needs; and we need robust, redundant, and reliable connectivity between our own tactical units and back to national and theater databases and ISR collection platforms to complement our own organic capabilities.

Our intelligence programs are specifically tailored to ensure success with this very important combination of training, experience, and equipment. A multiyear plan to revitalize our intelligence capability is ensuring that these marines are organized, trained, and equipped to provide optimum intelligence support to commanders at all levels conducting Expeditionary Maneuver Warfare in the 21st century (EMW 21). EMW 21 is our maneuver warfare concept for executing joint and multinational military operations with the Navy across the full spectrum of crisis and conflict. The intelligence demands of EMW 21 necessitate that our Marine Air Ground Task

Forces (MAGTFs) have a reach-back capability to leverage national and theater intelligence repositories, yet maintain a tactically self-sufficient ISR network to support MAGTF fires and maneuver. These two needs, coupled with the increasingly asymmetric nature of the threats we face, frame our programs for ISR.

Within the MAGTF, we have organized our ISR assets into intelligence battalions, radio battalions, reconnaissance companies and unmanned aerial vehicle (UAV) squadrons. The standup of an intelligence battalion in each MEF has successfully provided an organizational focal point for MAGTF ISR operations and has additionally provided the primary node for the fusion of joint and tactical intelligence. The establishment of a third radio battalion at Camp Pendleton will provide dedicated signals intelligence (SIGINT) support to each Marine Expeditionary Force (MEF) and expanded access into the national SIGINT architecture and Regional Security Operation Centers. The Marine Corps Intelligence Activity (MCIA), headquartered at Quantico, Virginia, complements our tactical intelligence organizations by producing intelligence in support of expeditionary warfare and leveraging the capabilities of national intelligence agencies. MCIA provided critical reach-back intelligence support to the initial contingent of marines who deployed into Afghanistan. Our policy of assigning marines to national intelligence agencies and joint intelligence centers ensures that these organizations incorporate our unique perspectives and the needs of expeditionary warfare into their operations, products and programs.

The Marine Air Ground Intelligence System (MAGIS) is the family of systems that supports our comprehensive ISR network. These systems collect and process information from all intelligence disciplines, to include direct feeds from joint and other service collection platforms. Our MAGIS systems meet the thresholds outlined by the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD/$C^3$I) in the Distributed Common Ground Systems Draft Capstone Requirements Document, making the MAGTF both a provider and an enabler of joint ISR. The Intelligence Analysis System serves as the all-source hub of MAGIS, enabling analysts to fuse input from throughout the MAGTF and theater into a tailored and scalable common picture for the commander. Our Marine Corps communications programs complement our Marine Corps ISR programs by incorporating plans for a robust wide-band communications infrastructure to support our reach-back requirements and the tactical ISR network.

The large-scale introduction of new technology necessitates that intelligence Marines remain capable of exploiting new capabilities, yet the increasingly asymmetric nature of the threat necessitates that our intelligence marines also be proficient in "low tech" skills, including language capability and cultural and regional knowledge. We have successfully restructured our intelligence officer career path to ensure that our intelligence leaders have both the technical depth and the operational breadth to meet these demands. Additionally, we have reorganized our enlisted counterintelligence and human intelligence marines into one military occupational specialty (MOS) to provide enhanced support and flexibility in the area of anti-terrorism and force protection without sacrificing our interrogator translator capability. Recent measures we have taken to identify, track, and reward marines proficient in foreign languages also enhance our ability to meet the asymmetric threat. In the realm of both new technology and asymmetric threat, we are currently working on a new secondary intelligence MOS that will add computer network exploitation and computer network defense to the capabilities of our radio battalions.

I am satisfied that our ISR programs are moving along the right track to meet the demands of EMW 21 and help the Corps meet the transformation objectives of the Secretary of Defense.

*Question.* How will these programs contribute to Marine Corps mission accomplishments?

Answer. Intelligence contributes to Marine Corps mission accomplishment by optimizing the quality and speed of decisionmaking. Our concept of Expeditionary Maneuver Warfare (EMW) requires a thorough blending of the traditional domains of operations and intelligence. Commanders and their staffs must make decisions in an environment of chaos, uncertainty and complexity. They additionally must be prepared to act on incomplete information. The goal of our ISR programs is to enable the commander to discern the enemy's critical vulnerabilities and exploit them.

Our ISR programs will enable our marines to produce intelligence that supports planning and decisionmaking by maintaining current situational awareness, monitoring indications and warnings, identifying potential targets and assessing the adversary's intent and capabilities at all levels of operations. Our systems and training place a heavy emphasis on producing a common, scalable and tailorable graphical "picture" of the enemy and the battlespace that can quickly be assimilated and understood, thereby supporting rapid decisionmaking. By adhering to the joint interoperability standards of the Defense Information Infrastructure Common Operating

Environment we will be able to seamlessly share this "picture" and an underlying common data set with our joint and combined mission partners, thus contributing to the mission effectiveness of the operation as a whole.

Marine Corps ISR programs support multiple concurrent expeditionary operations and facilitate operational maneuver and precision engagement through a tactically self-sufficient ISR network that is tied into the joint force ISR network. Our ISR network supports both lethal and non-lethal effects based operations by reaching back to pre-positioned intelligence support materials and employing a robust array of target acquisition platforms that are tied into our fire support network with sensor to shooter links and procedures. Additionally, our intelligence marines leverage joint and national systems and the tools provided by the Marine Air Ground Intelligence System to provide rapid assessment of the effects of our operations in support of retargeting decisions.

We will continue to meet the evolving challenges of the 21st century by providing quality, well-trained, and educated personnel equipped with the proper tools. We continually update our career paths, training programs, organizations and systems to meet evolving threats and capitalize on emerging technology.

*Question.* How do you intend to focus Marine Corps research and development for 21st century platforms and Marine Corps equipment to enable the Marine Corps to field the agile and adaptable force needed to prevail in the 21st century?

Answer. If confirmed, I would focus our research and development efforts on ensuring that our forces are ready to fight and win the Nation's battles. Specifically, our research and development efforts will be focused to:

- Enhance our ability to project power, enabled by the capabilities detailed in our concept papers for *Ship to Objective Maneuver* and *Enhanced Networked Seabase,* focused on command and control, fires, maneuver, intelligence, logistics, force protection, and aviation in support of naval and joint operations.
- Develop command and control systems that support joint and multinational warfighting, en route planning and rehearsal, permitting the immediate employment of Marine forces in response to a crisis.
- Promote technology that simplifies operational sustainment including advanced C4 systems; inter-modal and unitized containerization; advanced packaging and repackaging capabilities; and improved reliability, maintainability, and fuel efficiency.
- Project power from the inherent maneuver space and protection afforded by the sea through advanced tilt-rotor aircraft, expeditionary fire support systems, and amphibious fighting vehicles.
- Decrease reliance on built-up and easily targeted airfields and facilities through development of Short Take-Off and Vertical Landing (STOVL) aircraft.
- Increase situational awareness, gain tactical information advantages, and support maneuver forces with the use of tactical unmanned aerial and ground vehicles.
- Develop promising non-lethal technologies via the Marine Corps-led Joint Non-Lethal Weapons Directorate.
- Procure realistic and easy to use information technology (minimum training, no specialized/unique equipment requirements, human-machine interface) to support combat operations.

*Question.* Are there any vital technologies that you think are not being purchased?

Answer. A technology that I believe will transform the way we wage war that is not yet available in large quantities is that of unmanned vehicles and remote presence. The primary reason we have made few large procurements, however, is lack of maturity of the technology. Having said that, this decade will bring a number of unmanned systems into military use, improving situational awareness while keeping our people out of harm's way.

A good example is the Dragon Eye small unmanned air vehicle, a 5-pound UAV that assembles/disassembles in seconds, fits in a backpack, flies autonomously (operator simply programs in GPS way points) and shows real-time what's around the corner or over the next hill. Dragon Eye is a product of the Marine Corps Warfighting Lab and the Naval Research Laboratory.

A technology especially important to the marines is mine countermeasures. While we have invested extensive science and technology (S&T) dollars in MCM throughout the 1990s, the challenge today is to transition technology investments into fielded expeditionary warfare capability for our sailors and marines.

Finally, it is clear that we will fight jointly in the future, and all services must be able to share the same common relevant operational picture. We must develop and acquire command, control and communication systems that capitalize on the rapidly advancing technology base without making obsolete those legacy systems used currently by each of the services. This is a difficult, but solvable problem, and we must get on with the solution.

*Question.* In order to exercise its legislative oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes, sir.

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

Answer. Yes, sir.

*Question.* Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commandant of the Marine Corps?

Answer. Yes, sir, I would.

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

Answer. Yes, sir.

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## [Questions for the record with answers supplied follow:]

### QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

#### LPD–17

1. Senator LANDRIEU. General Hagee, in response to a question posed at the April 9 hearing of the Seapower Subcommittee, General Whitlow said: "Increasing the LPD production rate to the original rate of two per year (currently one per year fiscal year 2004 through fiscal year 2009 with two ships in fiscal year 2008) would allow earlier de-commissioning of the LPD 4 class ships (five of which would have already exceeded service life) and increase amphibious lift capabilities to the 2.5 Marine Expeditionary Brigade Assault Echelon level by fiscal year 2012." Do you agree with General Whitlow's assessment?

General HAGEE. We remain concerned that further schedule slippages in the LPD–17 program will directly impact our ability to maintain forward deployed naval capabilities sufficient to meet the challenges of both peace and war. Congressional support for amphibious shipping is vital to our continued success and we are grateful for your support as we replace four classes of older ships with the new LPD–17-*San Antonio* amphibious class ship.

The current Navy amphibious shipbuilding plan results in an active amphibious force capable of lifting a fiscally constrained 2.5 MEB equivalents, which is not achieved until 2015 upon delivery of the twelfth and final LPD–17-class ship. Today's amphibious lift force structure can support only two-thirds of the 3.0 MEB AE requirements in certain aspects of the lift requirement. Therefore, the Marine Corps would look favorably upon any effort to accelerate the LPD–17 production rate in the fiscal year 2004–2009 budget, provided that this increase in production does not adversely impact other Marine Corps programs.

#### LANDING CRAFT AIR CUSHIONED

2. Senator LANDRIEU. General Hagee, the Landing Craft Air Cushioned (LCAC) serves as a vital component of the Marine Corps' ability to provide high speed ship-to-shore movement of troops and equipment. Many parts of the LCAC fleet are nearing the 18–20 year age range, where Service Life Extension Programs (SLEP) are necessary. Do you support a SLEP rate of 4–6 LCACs per year?

General HAGEE. Yes, we support a SLEP rate of at least 4–6 LCACs per year. The LCAC will continue to serve a vital role as part of the future amphibious mobility triad. It provides rapid, flexible, at-sea maneuver. It also delivers the majority of the MAGTF's ground combat equipment and logistical sustainment. Marine Corps revolutionary concepts of Operational Maneuver from the Sea (OMFTS), Ship to Objective Maneuver (STOM) and Enhanced Networked Seabasing dictate a require-

ment for high speed, heavy lift (75-ton payloads), over-the-horizon, ship-to-shore movement of troops and equipment. By increasing the rate at which the LCACs receive their SLEP upgrades—advanced communications equipment, new buoyancy boxes and skirts, and enhanced engines—the longevity and readiness of our critical ship-to-shore movement assets is assured.

MARINE FORCES RESERVE IN NEW ORLEANS

3. Senator LANDRIEU. General Hagee, I have worked at length with your predecessor, General Jones, and your able commander of Marine Forces Reserve (MARFORRES) in New Orleans, Lieutenant General McCarthy, on personnel issues in New Orleans. Specifically, MARFORRES has sought to transfer some billets out of New Orleans and relocate them to Camp Pendleton and Camp Lejeune.

We have received repeated assurances from General Jones and General McCarthy that this movement of personnel will have no negative impact on the number of Marine Corps personnel stationed in the New Orleans area. The addition of new Reserve units in the New Orleans area, specifically of the headquarters elements of new Reserve battalions, will help alleviate any losses that the transfer of MARFORRES billets might have. When the Marine Corps has finalized its plans for the transfer out of MARFORRES billets and the location of new Reserve units to New Orleans, will you furnish me with a side-by-side comparison of these two movements?

General HAGEE. Once we have completed the comparison of movements from New Orleans to Camps Pendleton and Lejeune, we will provide you the requested side by side comparison.

4. Senator LANDRIEU. General Hagee, could you reaffirm the commitment that General Jones and General McCarthy made to Senator Breaux and I that MARFORRES would remain in New Orleans for the long-term?

General HAGEE. Our commitment remains constant. The Marine Corps and Marine Forces Reserve will be a part of the New Orleans community for years to come. Our partnership with the city remains strong and is an integral component of the future readiness of the Marine Corps Reserve.

PERSONAL GEAR

5. Senator LANDRIEU. General Hagee, most of my questions have focused on the larger systems that are necessary for conducting war, but I think it is important that we focus on the personal gear that individual sailors and marines are issued. In the Emerging Threats and Capabilities Subcommittee, we have heard testimony from Special Operations Command on integrating off-the-shelf technology into our forces. There have been news reports out of Afghanistan (*Marine Corps Times,* February 18, 2002) that some of the new gear that the Marine Corps has developed recently simply did not stand up to the harsh conditions of the Afghan environment. Specifically, the new MOLLE packs that have been put into the fleet were reported to fall apart in the field. Are you aware of this problem, and are you looking at acquiring off-the-shelf technology to answer the problem?

General HAGEE. I will support the effort begun by my predecessor to address the deficiencies noted in the MOLLE system. An Integrated Product Team (IPT) was chartered to define the operational requirement for improved load bearing equipment. That IPT continues to direct a concurrent acquisition effort to locate potential commercial-off-the-shelf (COTS) materiel solutions for that requirement. We have set a deadline of July 1, 2003 for final downselect and movement into procurement. Our expected end state will be the procurement of a COTS system with minor modifications to increase its suitability for Marine Corps use. Further, the Marine Enhancement Program (MEP) is undergoing review to increase its flexibility and responsiveness in meeting the demands of the operating forces. Many items of personal equipment, to include the improved load bearing equipment, are being developed and procured under the umbrella of the MEP.

6. Senator LANDRIEU. General Hagee, what do you intend to do to address this situation as the Commandant of the Marine Corps?

General HAGEE. I will support the effort begun by my predecessor to address the deficiencies noted in the MOLLE system. An Integrated Product Team (IPT) was chartered to define the operational requirement for improved load bearing equipment. That IPT continues to direct a concurrent acquisition effort to locate potential commercial-off-the-shelf (COTS) materiel solutions for that requirement. We have

set a deadline of July 1, 2003 for final downselect and movement into procurement. Our expected end state will be the procurement of a COTS system with minor modifications to increase its suitability for Marine Corps use. Further, the Marine Enhancement Program (MEP) is undergoing review to increase its flexibility and responsiveness in meeting the demands of the operating forces. Many items of personal equipment, to include the improved load bearing equipment, are being developed and procured under the umbrella of the MEP.

SPECIAL OPERATIONS

7. Senator LANDRIEU. General Hagee, Operation Enduring Freedom showed how effective Special Operations units could be in a place like Afghanistan. As a result, General Jones has initiated greater cooperation between USMC and SOCOM. Please share your thoughts with the committee on this issue. Would you support moving some USMC units over to SOCOM?

General HAGEE. The Marine Corps has, throughout its history, maintained a capability to conduct certain "special" operations, especially those that were directly related to, or supportive of, our primary maritime missions. Within our Marine Air Ground Task Forces (MAGTFs), we have the ability to execute a broad spectrum of operations, particularly when a requirement exists for the introduction of helicopter-borne or surface-borne forces from the sea. These operations tie-in directly with the Corps' traditional maritime-oriented missions for which we have statutory responsibility. Our highly trained, economic, first on the scene forces provide a much-needed special operations capability that is complementary, not redundant, to the mission of our Nation's Special Operations Forces. Significant national military advantages exist in having Marine Corps MAGTFs trained in the conduct of maritime special operations capabilities while positioned aboard amphibious ships in proximity to a target, unencumbered by base and overflight rights and operating under established command and control systems. As a means to cement and expand our relationship with SOF, the Marine Corps and USSOCOM have re-established the USSOCOM Marine Corps Board to explore areas and issues of interoperability. Additionally, in coordination with the Naval Special Warfare Command, the Marine Corps developed an initial "proof of concept" force contribution to USSOCOM that will be established in 2003 and deploy with SOF during 2004. The mission areas this contribution is designed to execute include special reconnaissance, direct action, foreign internal defense and coalition support and will—act as the foundation for potential future contributions.

FUTURE OF THE MARINE CORPS

8. Senator LANDRIEU. General Hagee, currently the Marine Corps is doing an excellent job of fulfilling its duties as the Nation's medium weight expeditionary force, bridging the gap between America's Special Operations Forces and the Army's critical land war-winning capability.

One of the major components of the Army's vision of transformation is the medium weight brigade, built around the Stryker vehicle, which is capable of rapidly responding to a crisis. How will this development affect the mission of the Marine Corps in the future?

General HAGEE. The Army's vision of transformation is complementary to the Marine Corps' own innovation found within the capstone concept of Expeditionary Maneuver Warfare (EMW). Building on the scalable, flexible Marine Air Ground Task Force (MAGTF), EMW continues to focus on existing Marine Corps competencies, evolving capabilities, and innovative concepts to ensure that we continue to provide the joint force commander (JFC) with forces optimized for forward presence, engagement, crisis response, antiterrorism, and warfighting. The Marine Corps' expeditionary culture, with its focus on the scalable, tailored response of the MAGTF, will continue to be relevant in light of Army initiatives. This cannot be better illustrated than in our recent participation in Operation Enduring Freedom. I believe that while planned improvements in the Army's strategic agility will continue to provide the Nation with an even more capable war-winning Army, the Marine Corps' continued relevance as the Nation's premier expeditionary force in readiness—from MEU(SOC) to the Marine Expeditionary Force to our new antiterrorism brigade—will not affect the mission of the Marine Corps.

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[The nomination reference of Lt. Gen. Michael W. Hagee, USMC follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*September 10, 2002.*

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

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., sections 5043 and 601:

*To Be General*

Lt. Gen. Michael W. Hagee, 5620.

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[The biographical sketch of Lt. Gen. Michael W. Hagee, USMC which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF CAREER SERVICE OF LT. GEN. MICHAEL W. HAGEE, USMC

*Date and place of birth:* December 1, 1944 Hampton, Virginia.
*Date of first commission:* June 5, 1968.
*Years of commissioned service:* 34 years.
*Civilian and military schools attended:*

| | Degree | Date completed |
|---|---|---|
| U.S. Naval Academy | BS | 1968 |
| U.S. Naval Postgraduate School | MS | 1969 |

*Military schools attended:*

| | Date completed |
|---|---|
| The Basic School, Quantico, VA | 1970 |
| Command and Staff College, Quantico, VA | 1982 |
| Naval War College, Newport, RI | 1987 |

*Major command assignments:*

| | From | To | Grade |
|---|---|---|---|
| 1st Battalion, 8th Marines, 2d MarDiv (Commanding Officer) | 1988 | 1990 | LtCol/Col |
| 11th Marine Expeditionary Unit (Commanding Officer) | 1992 | 1993 | Col |
| 1st Marine Division (Commanding General) | 1998 | 1999 | MajGen |
| I Marine Expeditionary Force (Commanding General) | 2000 | present | LtGen |

*Major staff assignments:*

| | From | To | Grade |
|---|---|---|---|
| U.S. Naval Academy (Marine Corps Representative) | 1990 | 1992 | Col |
| Headquarters, U.S. Marine Corps (Military Secretary to ACMC) | 1993 | 1994 | Col |
| U.S. Naval Academy (Head, Character Development Division) | 1994 | 1995 | Col |

*Joint duty assignment:*

| | From | To | Grade |
|---|---|---|---|
| Office of the Secretary of Defense (Military Assistant to DepSecDef) | 1995 | 1995 | Col/BGen |
| Central Intelligence Agency (Military Assistant to the Director) | 1995 | 1996 | BGen |
| U.S. European Command (Deputy, J–3) | 1996 | 1998 | BGen |
| U.S. Pacific Command (Director, Strategic Planning & Policy, J–5) | 1999 | 2000 | MajGen |

*Special qualifications:* Vietnamese Speaker; Joint Specialty Officer.

*Personal decorations:*

Defense Distinguished Service Medal
Defense Superior Service Medal
Legion of Merit w/two gold stars
Bronze Star w/Combat "V"
Defense Meritorious Service Medal
Meritorious Service Medal w/gold star
Navy Achievement Medal w/gold star
Combat Action Ribbon

*Date of rank:* November 1, 2000.

*Mandatory retirement date:* July 1, 2006.

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

*September 6, 2002.*

Hon. CARL M. LEVIN,
*Chairman, Committee on Armed Services,*
*United States Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: This letter provides information on my financial and other interests for your consideration in connection with my nomination for the position of Commandant of the Marine Corps. It supplements Standard Form 278 (SF 278), "Executive Personnel Financial Disclosure Report," which has already been provided to the committee and which summarizes my financial interests.

To the best of my knowledge, none of the financial interests listed on my SF 278 will create any conflict of interest in the execution of my new governmental responsibilities. Additionally, I have no other interests or liabilities in any amount with any firm or organization that is a Department of Defense contractor.

During my term of office, neither I nor any member of my immediate family will invest in any entity that would create a conflict of interest with my government duties. I do not have any present employment arrangements with any entity other than the Department of Defense and have no formal or informal understandings concerning any further employment with any entity.

I have never been arrested or charged with any criminal offenses other than minor traffic violations. I have never been party to any civil litigation. To the best of my knowledge, there have never been any lawsuits filed against any agency of the Federal Government or corporate entity with which I have been associated reflecting adversely on the work I have done at such agency or corporation. I am aware of no incidents reflecting adversely upon my suitability to serve in the position for which I have been nominated.

To the best of my knowledge, I am not presently the subject of any governmental inquiry or investigation.

I trust that the following information is satisfactory for the committee.

Very respectfully,

M.W. HAGEE,
LIEUTENANT GENERAL, U.S. MARINE CORPS,
*Commanding General, I Marine Expeditionary Force.*

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Michael William Hagee.

2. **Position to which nominated:**
Commandant of the Marine Corps.

3. **Date of nomination:**
September 10, 2002.

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

5. **Date and place of birth:**
December 1, 1944; Hampton, Virginia.

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

7. **Names and ages of children:**
Jesko Michael Hagee (29); Stephanie Wilma Hagee (26).

8. **Government experience:** List any advisory, consultative, honorary or other part-time services or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

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

10. **Membership:** List all membership and offices held in professional, fraternal, scholarly, civic, business, charitable, and other orgainiations.
Marine Corps Association
1st Marine Division Association
Veterans of Foreign Wars (Honorary) and American Legion (Honorary).

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
Honorary Member: American Legion and Veterans of Foreign Wars.

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

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

Yes.

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

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SIGNATURE AND DATE

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

MICHAEL W. HAGEE.

This 6th day of September, 2002.

[The nomination of Lt. Gen. Michael W. Hagee, USMC was reported to the Senate by Chairman Levin on October 1, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 1, 2002.]

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[Prepared questions submitted to Charles S. Abell by Chairman Levin prior to the hearing with answers supplied follow:]

ASSISTANT SECRETARY OF DEFENSE,
*Washington, DC, April 19, 2002.*

Hon. CARL LEVIN,
*Chairman, Committe on Armed Services,*
*United States Senate,*
*Washington, DC*

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

Sincerely,

CHARLES S. ABELL,
*Assistant Secretary of Defense*

Enclosure: As stated
cc: Senator John Warner,
*Ranking Minority Member.*

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QUESTIONS AND RESPONSES

DEFENSE REFORMS

*Question.* Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of the defense reforms. The establishment of the unified and specified combatant commands, the delineation of responsibilities, and most importantly, the focus on "jointness" outlined in the Goldwater-Nichols Department of Defense Reorganization Act of 1986, has enhanced the readiness and warfighting capabilities of the U.S. Armed Forces.

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

Answer. I am impressed by the ways in which these reforms have changed the way the Department of Defense works by strengthening the role of the Chairman of the Joint Chiefs of Staff and the combatant commanders, and significantly improving the ability of the Department to execute America's national security strategy. The reforms have helped improve communication, joint operations and interoperability—we have strengthened the Armed Forces through these reforms through joint planning and execution of operations.

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

Answer. I would consider each of the goals noted below to be an important aspect of these defense reforms. Each one has enhanced the ability of the Department of Defense to carry out its assigned responsibilities.

*Question.* The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

*Question.* Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. While there seems to be a continuous undertone of conversation with regard to amending Goldwater-Nichols, I am not aware of any serious effort to make significant changes at this time. I believe that any effort to modify the principles of this landmark legislation would require careful study, research and extensive consultation.

DUTIES

*Question.* What is your understanding of the duties and functions of the Deputy Under Secretary of Defense for Personnel and Readiness?

Answer. If confirmed as the Principal Deputy, I will assist the Under Secretary of Personnel Readiness in carrying out every aspect of his responsibilities, functions, relationships, and authorities in law and by DOD directive 5124.2, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))." I will be his primary assistant and will assist him in providing staff advice and assistance to the Secretary of Defense and the Deputy Secretary of Defense for Total Force management as it relates specifically to manpower; force management; planning; program integration; readiness; National Guard and Reserve component affairs; health affairs; training; personnel requirements and management; and compensation. This includes equal opportunity, morale, welfare, recreation, and quality of life matters for both civilian personnel but also for military personnel and their families.

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

Answer. I have served as the Assistant Secretary of Defense for Force Management Policy and as the Principal Deputy Under Secretary of Defense for Personnel and Readiness for almost a year. Before my appointment in the Department of Defense, I was privileged to serve as a staff member on the Personnel Subcommittee of this committee. My experience as a member of the Armed Services Committee staff prepared me to address the breadth and complexity of the issues I have found to be facing the Under Secretary of Defense for Personnel and Readiness. I have also found my years of military service provide me a good background for understanding the issues and the environment in which our soldiers, sailors, airmen and marines work and live.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Deputy Under Secretary of Defense for Personnel and Readiness?

Answer. I have a healthy curiosity about my profession and the drive to do the very best job that I can. As such, I look for opportunities to learn new things, to hone my abilities and to broaden my horizons. I plan to continue to travel to installations, units and activities in order to gain an appreciation for different perspectives on issues common to the total force and on unique situations from which I can learn of innovative, creative ways to address a problem. I have found discussions with business, academic and government leaders to be educational and I plan to continue to take advantage of the capabilities of these sources as well.

*Question.* In carrying out your duties, how will you work with the Assistant Secretary of Defense for Health Affairs, the Assistant Secretary of Defense for Reserve Affairs, and the Service Secretaries?

Answer. If confirmed, I hope to work with the Assistant Secretaries as a team, each providing expertise and leadership in his or her area of responsibility, to help carry out the responsibilities for which I might be held responsible. With the Service Secretaries I hope that I could look to these officers as my service partners in carrying out the human resource obligations of the Department at large, most especially ensuring that DOD attracts, motivates, and retains the quality people it needs.

MAJOR CHALLENGES AND PROBLEMS

*Question.* In your view, what are the major challenges that will confront the Deputy Under Secretary of Defense for Personnel and Readiness?

Answer. Recruiting and retaining men and women with the capability and character to ensure success in a demanding national security environment are formidable challenges for the Department. DOD's transformation of personnel policies and programs must address the changing demographics and expectations of a 21st century military force by providing relevant programs and policies to attract and retain service members and the families who support them. The total force policy and the integration efforts of the past decade have paid great rewards, and we must continue to examine the most productive and meaningful employment of the Reserve components and the National Guard as we face the ever-shifting challenges of force management. Finally, we must take a strategic and modernized approach to the management of the DOD civilian workforce. In all of these areas, we will look to our developing Human Resources Strategy to evaluate the challenges and shape our responses.

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

Answer. If confirmed, I will continue to review current policies and initiatives in the above areas to determine their effectiveness and to recommend adjustments where needed in order to accomplish these goals.

PRIORITIES

*Question.* If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Deputy Under Secretary for Personnel and Readiness?

Answer. If confirmed, I would hope to prioritize issues that reflect the recognition that people are central to accomplishment of the DOD mission. Priority issues could include the attraction, retention, and motivation of a high quality force; integration of the active and reserve military, civilian employees, and support contractors into a cohesive, flexible, and responsive total force; and enhancement of the quality of life for the total force that supports military members, their families, and retirees across the full human resource life cycle.

RECRUITING AND RETENTION

*Question.* Recruiting and retention in the military services improved significantly last year and so far this year.

In your view, what changed that resulted in improved recruiting and retention in the Armed Forces?

Answer. Improved recruiting and retention is due to greater investments and a lot of hard work—and more of the same is required if we are to sustain recent success. First and foremost, our recruiters work longer and harder than they have in the past—more than two thirds work 60-plus hours each week. Additionally, the Department has invested greatly in recruiting in recent years. In fact, our investment-per-accession has risen 36 percent since 1997 to over $12,500; we are fielding more recruiters than we have fielded in a decade, and we offer more types of enlistment bonuses. These bonuses range from bonuses given to young people willing to ship to basic training during the hard to fill spring months to bonuses for advanced education and bonuses used to guide young people into less desirable skills. In the short-term, these solutions have paid off, but we are looking toward the future by implementing a range of test programs. One type of program, implemented by Army and Navy, recognizes the fact that nearly two-thirds of high school seniors enroll in college directly after graduation. So, these programs allow young people to complete a 2-year degree, with a variety of level of financial aid, before enlisting. Another key effort is a study we commissioned with the RAND Corporation to look at the types of enlistment incentives college-oriented youth (college-bound high school students, college students, drop-outs, and stop-outs) find appealing. Programs like

these coupled with continued investment will enable the Department to recruit successfully in the future.

With regard to retention, the work Congress has done in the past several years to improve the monetary and non-monetary benefits for military members has paid off. The pay raises, both across-the-board and targeted, enhancements to special and incentive pays, efforts to improve housing and reduce out of pocket housing expenses, the authorization for military members to participate in the Thrift Savings Plan and improvements in medical care and retirement reforms are among the most significant factors that have helped retain military members.

*Question.* If confirmed, what actions will you take to continue this success?

Answer. I will continue to work with the services and Congress to field programs and resources sufficient to get the job done in manning units with the people they require.

*Question.* The services are still experiencing difficulties in retaining members with certain special skills.

If confirmed, what steps will you take to assist the services in retaining members with special skills?

Answer. I will work with the Military Departments to take full advantage of the authorities you gave the Department in the fiscal year 2002 National Defense Authorization Act, which permits additional targeted benefits to members serving in critical skills. Exploitation of new programs like the Montgomery GI Bill transferability, the savings bond reenlistment incentive, and existing bonus programs all serve to generate targeted improvements in our critical specialties. I will also work with the services, the Joint Staff and others on the OSD staff to reduce or mitigate the effects of our high PERSTEMPO.

*Question.* In response to questions relating to your confirmation as the Assistant Secretary of Defense for Force Management Policy, you stated that you would help the services gain access to high schools by personally and productively engaging with local education agencies, in cooperation with State agencies and the Department of Education, to ensure that the recently enacted laws regarding military recruiter access to secondary schools were followed.

Recognizing that these laws are not effective until July 2002, what steps have you taken thus far to improve military recruiter access to secondary schools students and to directory information concerning these students?

Answer. We have taken several preparatory steps. First, we have taken care to get the word out to recruiters defining their roles and responsibilities. Second, we have fielded a database that includes all high schools nationwide, including the nature of access each service is provided, whether the school is public or private, if there is a school board policy in effect concerning recruiter access or not, and a wealth of other pertinent information. We've asked all the services to use this database in the time leading up to July to focus on those schools that deny access. Finally, at the request of the services, we've created a simple background paper that senior visitors may use as a guideline in planning their visits to non-compliant schools beginning in July. In addition to these steps, we're communicating with the Department of Education concerning their responsibility to advertise this legislation, which is included in the No Child Left Behind Act as well as the National Defense Authorization Act, to every high school.

OPTEMPO/PERSTEMPO

*Question.* We continue to hear that our Armed Forces are being stretched, and that there are not enough military personnel to do all that is asked of them. Yet, the administration has requested an increase in end strength in fiscal year 2003 only for the Marine Corps.

Do the Army, Navy, and Air Force need increases in end strength to perform their assigned missions? If so, how much of an increase for each service?

Answer. The services have requested consideration of increased end strengths. We are currently reviewing these requests. We are analyzing the nature and extent of the additional requirements, and the Department's ability to accommodate them by reprioritizing functions, using civilian personnel, the Reserve components, or commercial enterprises to perform other less critical duties. We are examining how to meet these requirements in the near-term, and from a longer-range perspective such as using technology to reduce the need for manpower in certain functions, a review of current missions and our overseas presence. This issue is one of the most pressing challenges facing the Department, and is receiving our close attention.

*Question.* Have military personnel been withdrawn from activities and locations to reduce OPTEMPO and PERSTEMPO? If so, describe the activities and locations from which they were withdrawn.

Answer. Secretary Rumsfeld has challenged everyone in the Department to examine every detail, task, fellowship, and assignment that diverts military personnel from performing their operational military duties. As the Assistant Secretary of Defense for Force Management Policy, I have been at the center of this process. We are challenging each arrangement in which a military individual is working outside the Department of Defense. At the same time, we are aggressively pursuing the congressionally-directed reductions of the management headquarters activities in order to return military personnel to operational duties. We are also examining current missions and our overseas presence to determine whether there are areas in which we can reduce the burden on the force.

*Question.* The Deputy Secretary of Defense recently approved a two-phase plan to reduce significantly the mobilization requirements in support of Operation Noble Eagle/Operation Enduring Freedom.

What is the reason for this decision? What will the impact be, if any, on military operations of reducing the number of mobilized Reserve component forces?

Answer. The Department asked the services to conduct a mid-year review to evaluate the existing activations of National Guard and Reserve personnel. The services were asked to aggressively review their commitments for the current level of operations and the mobilization of their reserve components, both voluntarily and involuntarily. The directive did not assign the services any numerical goals. The review was to be mission-based. Much has changed in Operations Noble Eagle and Enduring Freedom since October 2001. Certainly there are cases in which missions have changed, workloads have decreased, or suitable substitutes to manpower can be employed. Force changes resulting from this review should enable us to return our reserve component personnel to their homes, families, and jobs. Conservation and proper use of the Reserve components is a critical responsibility of the Department and one we take seriously.

*Question.* Will reduced mobilization have an impact on the already high PERSTEMPO of Active-Duty Forces?

Answer. That depends largely on the nature of future missions and future call-ups, but we don't believe it will, and we are taking measures to ensure it doesn't.

Each of the services has been asked to evaluate its existing activations of National Guard and Reserve personnel. In conducting their reviews, the services have been asked to keep in mind that certain mission areas critical in the early stages of the operation may not be required in a steady state.

Our goal is to optimize the use of our Reserve component forces to address both scenarios. By doing so, we will be in a better position to prosecute the war on terrorism over the long haul without adversely affecting the PERSTEMPO of our Active-Duty Forces.

*Question.* Employers of some mobilized National Guard and Reserve service members were informed that their employees would be mobilized for up to a year. How does the Department believe civilian employers may react to early release of National Guard and Reserve service members?

Answer. Employers have been very supportive of reservists who have been mobilized in support of Operations Noble Eagle and Enduring Freedom. There are employers who have demonstrated positive support of their reservists by continuing civilian pay of reservists or making up the difference between civilian salary or wage and reserve pay, continuing health coverage for family members, and continuing other benefits. Some municipalities have passed local ordinances extending wage and benefit coverage.

We believe most employers will welcome their employees back if released early. However, there may be cases where employers have made contractual arrangements for replacement labor and early return of the reservist may result in overstaffing. We must be cognizant of the employers' situation and considerate of their position.

*Question.* The services have asked for relief from the provisions for managing deployments of members contained in section 991 of Title 10, United States Code, and section 435 of Title 37, United States Code. Section 574 of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 required the Secretary of Defense to report on the administration of section 991 of Title 10, United States Code, and to make recommendations for any revisions that the Secretary considers appropriate.

Do you recommend changes to either of these provisions for managing deployments of members?

Answer. We are not proposing changes to these provisions at this time. However, we are currently working to develop a number of recommended improvements based on our experiences to date.

WOMEN IN THE SERVICES

*Question.* Press reports implied that the recent changes made by the Department of Defense to the charter for the Defense Advisory Committee on Women in the Services (DACOWITS) would restrict the activities and responsibilities of this committee.

Please describe the changes in the DACOWITS charter and the reasons for the changes.

Answer. The DACOWITS charter was revised to reflect the realities of military service in the 21st century. The new charter sets a priority on recruiting and retaining highly qualified professional women while still considering the treatment, employment, integration, and well-being of female service members. Additionally, the charter broadens the committee's focus to include providing advice and recommendations on family issues related to the recruitment and retention of a highly qualified professional military.

These changes to the charter support the transformation of the Armed Forces for the 21st century. They are in consonance with the Department's recently completed human resource strategy and "Social Compact." Elements of the human resource strategy could significantly change the way we manage military personnel. Having the eyes and ears of DACOWITS in the field will be an important azimuth check on our efforts. Further, the new quality of life "Social Compact" modernizes the way we provide family support. DACOWITS will again serve to track our progress in this area.

Smaller changes to the charter include the following:

- The committee shall be composed of no more than 35 members; fewer than this are expected to be appointed. The old charter stated the membership would be between 30 and 40. Appointing fewer members will help to streamline the committee.
- Members may be allowed transportation and per diem for all Government-directed travel. This allows for installation visits to be directed and paid. To date, members have done installation visits at their own expense and to the installations of their own choosing (usually nearest their home).
- The requirement for a minimum of two formal annual conferences has been removed. The new charter calls for two annual meetings. These meetings will be smaller and more business-like, thereby making them more efficient.
- The annual operating budget, which includes staff support, decreased from $673,485 to $520,000. However, with a smaller membership and the elimination of large conferences, this should not negatively impact the committee's effectiveness.

Together, these changes will make DACOWITS more relevant for the 21st century, more effective, and more efficient.

DEFEND OUR FREEDOM ACT OF 2002

*Question.* Does the Department support a military component to a national service program?

Answer. Military service has traditionally been the cornerstone of national service, therefore the Department believes that any national service program should include a military component—one that helps, rather than hurts, the flow of volunteers and the achievement of cost-effective manning.

*Question.* Please provide the Department's views on S. 2068, the Defend Our Freedom Act of 2002.

Answer. The Department supports the broad concepts of S. 2068, but has reservations about some of the specifics. We welcome the opportunity to work with the committee to overcome reservations—in particular, the development of legislation that would provide a short-term enlistment option for young Americans while preserving the viability of incentives which have proven to be cost-effective in sustaining the flow of volunteers for military service.

ANTHRAX VACCINE IMMUNIZATION PROGRAM

*Question.* Over the last several years, the Department has significantly reduced the scope of the Anthrax Vaccine Immunization Program because of a shortage of FDA approved anthrax vaccine. The FDA has recently approved the license for the production of this vaccine, reactivating the supply of approved vaccine.

Does the Department plan to reinstate or modify the existing Anthrax Vaccine Immunization Program now that increased supplies of vaccine are available?

Answer. The Food and Drug Administration's approval of the BioPort renovated facility provides not only DOD, but also the nation, with the capability of producing high quality safe and effective anthrax vaccine. The Department is currently reviewing several options to determine the most appropriate priorities and use of the vaccine.

RECOUPMENT

*Question.* In response to advance policy questions for your last confirmation hearing, you committed to review and recommend legislative changes to the many provisions of law concerning service obligations and recoupment to bring order and consistency to these requirements.

Have you conducted this review?

Answer. A review has been conducted, and it is currently being staffed within the Department.

*Question.* What legislative changes do you recommend?

Answer. I do not have any recommendations for specific legislative changes at this time, but one approach the Department is considering would be to recommend that the numerous laws which govern the recoupment of special pays, bonuses, educational assistance, and other benefits be reformed into a single statute.

OFFICER MANAGEMENT ISSUES

*Question.* If confirmed, what role do you expect to play in the officer promotion system?

Answer. If confirmed, I will continue to play a very active role in providing policy oversight of the officer promotion system, and I will continue to be directly responsible to the Under Secretary of Defense for Personnel and Readiness to assist him in carrying out his duties and responsibilities with regard to the officer promotion system. Having now served as the Assistant Secretary of Defense for Force Management Policy, I am confident that the Department has a clear and detailed policy for the Military Departments to use in ensuring the integrity of the officer promotion system in choosing the best qualified officers for promotion. The Department's procedures and practices are designed specifically to provide safeguards against unauthorized influence, ensure consistency of board practices, and provide for the active involvement of civilian officials in the process.

*Question.* If confirmed, what role will you play in the general/flag officer management and nomination process?

Answer. If confirmed, I expect to remain fully engaged in the general and flag officer promotion and nomination process. I will continue to be directly responsible to the Under Secretary of Defense for Personnel and Readiness to review and monitor the Military Departments' efforts to fully implement all applicable requirements in the general and flag officer management and nomination process. I will continue to intensely scrutinize officer promotion and nomination packages that include adverse or alleged adverse information to ensure the officer nominated is qualified to assume the responsibilities of the highest grade and to perform the duties of the position he or she will fill. I also remain fully committed to ensuring the Senate Armed Services Committee is fully apprised of adverse information and notified when alleged adverse information becomes known concerning an officer who is pending confirmation.

ARMED FORCES RETIREMENT HOMES

*Question.* What progress has the Department made in implementing the changes in organization for the Armed Forces Retirement Homes (AFRH) authorized in the Fiscal Year 2002 Defense Authorization Act?

Answer. We are proceeding with the recruitment of a Chief Operating Officer (COO), and expect to fill the position this summer. The AFRH has contracted with an executive search firm with extensive experience in recruitment of Continuing Care Retirement Community (CCRC) professionals to conduct the recruitment process. In the interim, we continue to work closely with the AFRH Board to ensure continued oversight of home management and a smooth transition to the COO.

In addition, we have solicited active duty military nominees for the Director, AFRH-Washington position from the Military Departments. The Air Force and the Navy chose to defer to the Army nomination, which is currently being staffed within the Department for final appointment by the Secretary of Defense.

*Question.* Will the Department implement the previous authorized increase in the monthly contribution from 50 cents to one dollar?

Answer. The 2002 congressional appropriation of $5.2 million to the AFRH Trust Fund has enabled further review of the options that are available to secure the long-

term financial solvency of the home. All feasible strategies to ensure the home's financial security are being weighed carefully. Congress can be assured that the home's future viability has my full attention and my commitment to ensuring an appropriate and timely solution.

*Question.* Have you identified additional areas in which improvements can be made to address the solvency of the homes?

Answer. The AFRH has responded to declining levels of revenues to the AFRH Trust Fund in a variety of ways, seeking to reduce costs and infuse new funds to stem the tide of insolvency. Actions have been taken to downsize the total capacity of the homes from that of the early 1990s, and to implement efficiencies of operations. In spite of inflation and annual increases in civil service salaries, operations and maintenance funding for the AFRH has steadily declined from Fiscal Year 1995 to the present. The AFRH has undergone a Most Efficient Organization study over the last 2 years that has resulted in reductions in personnel and additional savings and efficiencies.

The AFRH has actively sought to lease 49 acres of undeveloped land adjacent to the AFRH-Washington campus. While this effort has taken too much time, we are proceeding in a deliberate manner recognizing that each decision faces the high probability of a legal challenge. In addition, the AFRH-Washington has leased a number of unused facilities on campus to other government organizations, including the Smithsonian and the Army Corps of Engineers, and continues to seek suitable tenants for other unused buildings. The AFRH has partnered with the National Trust for Historic Preservation for the refurbishment of the former Anderson Cottage, resulting in a cost avoidance in maintenance for this historic structure.

Both homes currently operate at well below capacity, due primarily to prior renovations and uncertainty of the financial future of the home. The AFRH has developed new marketing materials and strategies to inform potential residents of what the home has to offer, with the hope of increasing income from resident fees. The AFRH has also worked with the Military Departments to increase voluntary allotments from military retirees and has fostered opportunity for donations through the Armed Forces Retirement Home Foundation.

COMPENSATION FOR SERVICE MEMBERS IN KOREA

*Question.* The Commander of U.S. forces in Korea, General Schwartz, came before this committee on March 5, and described the difficulty the Army has in persuading mid-career officers to accept command of units in Korea. General Schwartz has urged increases in the pay and allowances given to service members in Korea to address this problem.

What are your views about the adequacy of compensation for military members, both officer and enlisted, assigned to Korea?

Answer. It is the Department's philosophy that military pay should rise as members perform duty away from their families, serve in overseas areas with a significantly lower quality-of-life, or serve in positions that place them directly in harm's way.

Pay for members in Korea reflects the fact that members serve there in a permanent versus deployed temporary duty status. This means that members in Korea do not receive a temporary duty per diem allowance, unlike their counterparts serving in areas such as Bosnia, Kosovo, and Afghanistan. To illustrate, an E–6 with 12 years of service, who is assigned to an unaccompanied tour of duty in Korea outside of the demilitarized zone (DMZ), is paid $150 more per month than the same member serving in the continental United States (CONUS). If the same individual were assigned duty in the DMZ, he would receive $250 more per month than his CONUS counterpart.

*Question.* What steps do you recommend to address the issues raised by General Schwartz?

Answer. Army leadership is currently working with General Schwartz to determine if there is an adequacy-of-pay issue in Korea. Should that review support changes in compensation for members in Korea, we will work to accommodate such changes. Our joint goal is to ensure that compensation, quality of life, quality of service, and personnel management needs for those in Korea fit that situation, as well as fit those military personnel similarly situated around the globe.

CONGRESSIONAL OVERSIGHT

*Question.* In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

*Question.* Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Deputy Under Secretary of Defense for Personnel and Readiness?

Answer. Yes.

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

Answer. Yes.

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## [Questions for the record with answers supplied follow:]

### QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

#### EXPERIMENTAL HIRING PROGRAM

1. Senator LEVIN. Secretary Abell, Section 1101 of the Fiscal Year 1999 National Defense Authorization Act established an experimental hiring program for scientific and technical personnel for the Defense Advanced Research Projects Agency (DARPA). This authority has since been extended to the services and other defense agencies. What is the status of the program's execution in the military services and DARPA?

Secretary ABELL. The Department looks forward to providing a report to Congress on our use of these critical flexibilities by December. At this time, we are in the process of obtaining data from the Defense Components.

2. Senator LEVIN. Secretary Abell, what is the status of the overdue annual reports on the program that are required by the authorizing statute?

Secretary ABELL. We are still in the process of obtaining data from Defense Components on their use of these flexibilities and expect to provide a report to Congress no later than this December.

3. Senator LEVIN. Secretary Abell, what lessons have been learned from the program that will shape future scientific and technical personnel policies?

Secretary ABELL. The first lesson we have learned is that these flexibilities are critical to the morale of these communities. Laboratory staff have enthusiastically designed and implemented these new authorities.

The next lesson we have learned is that our employees want greater responsibility for managing themselves and are willing to accept some level of risk in doing so.

We have also learned that there is value in adopting common practices across the "demos." Under current demonstration practices, not all of the laboratories enjoy the same flexibilities. There remains some "stovepiping" among the laboratories in terms of adopting the same flexibilities. We believe that this stovepiping may be costly in terms of strategic focus, corporate awareness of personnel challenges, competitive recruitment, automation requirements, administrative support, and manpower. If there were a mission critical reason for differentiating flexibilities, we would certainly recognize that. However, so far we have not seen evidence of that. Finally, we believe that the positive reception of these flexibilities indicates that we should export these kinds of authorities to the rest of the scientific and engineering workforce. The experience of the laboratory and acquisition communities in utilizing the flexibilities granted by Congress—for recruiting, assigning, compensating, and developing—have formed a critical base for defining best personnel management practices for the entire defense civilian white collar workforce in staff and line functions. We look forward to submitting a proposal to Congress and in working with the committee in shaping the most appropriate framework for making these flexibilities available to the defense white collar workforce.

#### FLEXIBILITIES IN PERSONNEL DEMONSTRATIONS

4. Senator LEVIN. Secretary Abell, in your testimony, you indicated that the science and technology and laboratory personnel demonstrations will be released shortly. It is my understanding that the affected organizations have proposed some novel flexibilities for their individual demonstrations, for example, modifying pay-increase systems to be based on individual laboratory missions and employee con-

tributions, or developing new merit-based awards for deserving technical personnel. Please enumerate which flexibilities under those demonstrations will not be carried forward due to the review, and were these flexibilities suspended due to a lack of congressional authorization or for other reasons?

Secretary ABELL. Last spring, the Under Secretary for Personnel and Readiness chartered a review of best practices within and outside the Department. This review included human resources (HR) and non-HR functional personnel, and Defense Component personnel and resulted in a determination about the most promising flexibilities for Department-wide application. We are now working with the laboratory community on *Federal Register* notices amending the demonstration projects for three projects—the Air Force Research Laboratory, the Army Research Laboratory, and the Army Medical Research and Materiel Command. We seek to align these and other proposed changes with the results of our best practices review to ensure that—to the maximum extent possible and for the reasons stated above—that common practices for expanded flexibilities are available to all laboratory managers.

DIRECT HIRING AUTHORITY

5. Senator LEVIN. Secretary Abell, in his testimony before this committee on April 26, 2001, Under Secretary Aldridge noted that "Congress authorized the Secretary of Defense to provide direct hiring authority to the Defense laboratory directors, to allow them to compete better with the private sector for scientific talent." Is there any reason for the delay in providing that authority to the lab directors?

Secretary ABELL. The Department suspended action on changing the current laboratory demonstration projects or starting new ones until we had the opportunity to review, with the laboratory community, those human resources flexibilities that are identified as best practices. We did not want to approve new changes or new starts and then have the laboratory community face the human and fiscal cost of undoing those changes or starts if we adopted variants of the proposed changes or new starts.

6. Senator LEVIN. Secretary Abell, please provide a schedule of when laboratory directors will be provided with direct hiring authority.

Secretary ABELL. As noted in the response to question four, we have developed draft final *Federal Register* notices that would implement changes to three existing demonstration projects and provided those drafts to the laboratory community for their comment.

HUMAN RESOURCE CHALLENGES

7. Senator LEVIN. Secretary Abell, many experts, including the National Academy of Sciences and the Defense Science Board, have indicated that the Federal Government faces unique human resource challenges with respect to scientists and engineers. Do you agree?

Secretary ABELL. Yes, the entire Federal community does indeed face human resources challenges with respect to scientists and engineers. We can only agree with a June 2000 summary from the Defense Science Board (DSB) stating that the "current civil service personnel system has a very negative impact on the capabilities and morale of the DOD and Service Laboratory and Center technical personnel." We would also note, more broadly, that the February 2000 DSB report on "Human Resources Strategy" stated (on page 33) that "in general, there is great disparity among the services in managing civilian personnel. . . . This decentralized and dispersed system has contributed to the fact that improvements to civilian force-shaping tools tend to lag those that focus primarily on military personnel. It also creates an environment where it is very difficult to make timely changes to civilian human resource policies in response to evolving DOD needs." This is very much why we seek a more coordinated and corporate approach to simplifying civilian human resources management throughout the Department.

8. Senator LEVIN. Secretary Abell, please identify some of these unique challenges and how you intend to work with the Department's research and technology organizations in addressing them.

Secretary ABELL. As alluded to earlier, in the spring of 2002 the Under Secretary for Personnel and Readiness chartered a working group to extract the best human resources practices from demonstration projects and special personnel systems within and outside the Department. The defense laboratory community as well as the defense acquisition community at large are members of that working group which

includes managerial and executive level personnel. The primary insight gained from the work was that while the core values of Title 5, United States Code remain relevant (valuing merit, veterans, equal opportunity, ethical behavior, political neutrality, and sanctions for violation of these values), the Title 5 system of management is too restrictive.

We found that the current statutory system takes opportunity from employees and responsibility from managers in the name of preventing the possibility of mistakes. This has resulted in a system of management that is primarily passive. We need a system that is much more agile and that restores both opportunity and responsibility in the name of performance. We must address both the human resources management challenges in the laboratory community as well as in the Department at large. We cannot achieve the flexibility envisioned for the laboratory community even within the laboratory community without reconciling personnel systems into a more coherent system. Personnel system stovepipes are costly in terms of strategic focus, corporate awareness of personnel challenges, competitive recruitment, timely retention, automation requirements, administrative support, and manpower. They also limit the Department's ability to move employees between laboratories and other job locations in DOD. The results of the best practices working group provide the "ways" while the legislative proposal for greater flexibility in the Department provides the "means" for utilizing those results. Our "ends" are an agile workforce capable of meeting our national security requirements.

9. Senator LEVIN. Secretary Abell, the current pending laboratory demonstrations have taken years to negotiate and finalize. The Department's new proposed alternative personnel system may also take years to be coordinated with Congress, the services, unions, and other groups. What is the implementation schedule for the new system?

Secretary ABELL. We are not able to provide an implementation schedule at this time. However, we do recognize that implementing a new approach to civilian personnel management in the Department, should Congress grant this additional flexibility, will require an intensive and multi year effort of coordination, orientation, training, testing, feedback, and continuous communication with all stakeholders, including Congress, in order to be successful. The Department's best practices working group is still developing the proposed more flexible system which will integrate best practices into current laboratory and acquisition demonstration projects. We will use the existing authorities to the maximum extent possible. We are also in discussions about the appropriate legislative vehicle for obtaining authority to expand the flexibilities now enjoyed by the laboratory and acquisition communities in the Department.

10. Senator LEVIN. Secretary Abell, in the meantime, what steps will be taken so that the laboratories can continue to work innovatively to address their workforce crisis?

Secretary ABELL. The existing laboratory demonstration projects are continuing to use innovative practices. As mentioned previously, the laboratory community is a major participant. in our human resources best practices working group. The immediate result of that interaction is a series of draft *Federal Register* notices on changes to three demonstration projects to provide them flexibilities that they did not have before. We will continue to work with the defense laboratory community to expand available authorities and to learn from best practices to improve our human resources management processes.

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## QUESTIONS SUBMITTED BY SENATORS JOSEPH I. LIEBERMAN, MARY L. LANDRIEU, AND JEFF BINGAMAN

### RECRUITING AND RETAINING NEW TALENT

11. Senators LIEBERMAN, LANDRIEU, and BINGAMAN. Secretary Abell, the Department of Defense's long-term military and technological capabilities will be dependent on its ability to recruit and retain scientific and engineering talent for its laboratories. Despite this critical need, the DOD has been largely ineffective at recruiting and retaining new talent. Consequently, the defense laboratories have witnessed a steady erosion of talent, which has been exacerbated by an aging workforce, lengthy hiring processes, and competition from the private sector. Please describe your views regarding this issue. In particular, describe how much of a priority it is for you to find new solutions for addressing the problem; your evaluation of the steps the DOD has undertaken in the past to remediate this trend, including why these steps have failed to reverse the decline; the effectiveness of ongoing DOD pro-

grams or plans to remedy the problem; what approaches you will implement in light of past DOD failures; and when you plan to implement them.

Secretary ABELL. I agree with your assessment of the urgent need to make certain that our system of human resources management ensures that the defense laboratories will be able to recruit and fully utilize the best possible talent. The Department's best practices initiative is one avenue we have taken to address these issues. We will continue to work with the laboratory community to determine the cause of any recruitment and retention issues.

ALTERNATIVE PERSONNEL SYSTEM

12. Senators LIEBERMAN, LANDRIEU, and BINGAMAN. Secretary Abell, the DOD has recently attempted to propound legislation seeking to establish a DOD-wide alternative personnel system that would transfer control and approval authority over demonstration projects, including those at defense R&D facilities, away from the Secretary, contrary to the statutory provisions and the congressional intent underlying Section 342 of the Fiscal Year 1995 National Defense Authorization Act and Section 1114 of the Fiscal Year 2001 National Defense Authorization Act. Please explain why you believe the DOD is actively supporting an alternative personnel system that is contrary to statutory language and the congressional intent motivating Sections 342 and 1114.

Secretary ABELL. We recognize that Congress provided these flexibilities to the Department for its laboratory community without a requirement for the Office of Personnel Management approval in order to provide greater flexibility to the Department in managing this workforce. We will modify our alternative personnel proposal to retain the authority you provided.

13. Senators LIEBERMAN, LANDRIEU, and BINGAMAN. Secretary Abell, please describe your own views regarding whether or not control and approval authority for DOD R&D facility demonstration projects should be taken away from the Secretary, and what specific steps you will undertake to ensure that such authority remains with the Secretary, consistent with existing law.

Secretary ABELL. I support initiatives that would provide Secretary Rumsfeld the maximum management flexibility. As indicated in the answer to question number 12, we will modify our legislative proposal to comply with previous congressional language and intent.

14. Senators LIEBERMAN, LANDRIEU, and BINGAMAN. Secretary Abell, please explain in detail how you will ensure that the defense laboratories will retain direct hire authority, consistent with congressional intent, in the event that a DOD-wide alternative personnel system is established.

Secretary ABELL. Our legislative proposal for greater civilian personnel opportunity, accountability, an flexibility envisions a system in which managers will have increased flexibility in recruiting, assigning, developing, assessing, rewarding, and managing employees. In addition, the Department has traditionally delegated as much personnel management authority as possible to the lowest appropriate level consistent with corporate policies and systems requirements. We believe that both managerial flexibility and corporate policy and operating guidelines provide the most effective and efficient approach to personnel management in this diverse Department. We will ensure that DOD laboratories have the maximum flexibility allowed under law to hire new employees.

15. Senators LIEBERMAN, LANDRIEU, and BINGAMAN. Secretary Abell, would a pilot program that authorized a limited number of excepted service personnel positions for defense laboratories help address the problem of attracting and retaining the best technical workforce for the Department of Defense?

Secretary ABELL. We believe that such a strategy would only provide limited relief to what is a more comprehensive need for personnel management flexibility across the entire Department. We believe our proposal for greater opportunity and accountability in hiring, assigning, compensating, developing, and managing the workforce offers the best prospect for attracting and retaining the most professional and capable workforce in the defense laboratories and across the Department. If Congress is concerned about the Department implementing an alternative personnel system across the Department simultaneously, you might consider a phased approach. I am suggesting a concept in which the Department is authorized to implement the alternative civilian personnel system according to our legislative proposal, but direct that the implementation be phased over 2 or 3 years. In such a proposal, the labora-

tories, the science and technology and the acquisition workforce could be implemented in the first phase and other functions within the Department could be converted to the new personnel system in later phases. This would allow the Department to plan for full implementation while permitting Congress to monitor our progress in the functional areas of most interest.

16. Senators LIEBERMAN, LANDRIEU, and BINGAMAN. Secretary Abell, in your opinion, have the past activities of the science and technology and acquisition workforce demonstrations contributed positively to the goal of attracting and retaining the best technical workforce for the Department of Defense?

Secretary ABELL. Yes, the science and technology and acquisition workforce personnel demonstration projects have indeed contributed positively to attracting and retaining talented employees. That is why we want to take the lessons learned in these demonstration projects and make all the flexibilities available to all organizations in DOD, not just laboratories or acquisition organizations. Additionally, the events of September 11, 2001, and the national security environment we face today, have underscored the urgent need for new vision, new strategies, and new tools to ensure the best performance of national security personnel. The time is critical for the Department of Defense to adopt a more flexible and adaptable system of defense civilian personnel management if it is going to fully support a capabilities-based defense strategy.

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## QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

### ACTIVE DUTY END STRENGTH

17. Senator WARNER. Secretary Abell, the sufficiency of the numbers of military personnel on active duty has been a matter of great concern for several members of this committee, and has resulted in strong efforts to raise the level called for in the President's budget request for fiscal year 2003. You previously have indicated that several studies were being conducted to determine what levels of active duty end strength should be planned for. What is the status of the Departmental studies regarding active duty end strength?

Secretary ABELL. The studies I discussed, which involved re-examining overseas presence, roles and missions, technological substitution for manpower, civilian substitution for military manpower, and DOD headquarters structure were completed and forwarded to the services as potential alternatives to increasing military manpower requirements. In particular, the required force structure moves and the required interaction with the international community make the overseas presence review a complex, long-term effort. By contrast, we expect to achieve fairly quick results from our civilianization efforts, which will allow marginal military manpower to be redirected to priority tasks required by the war on terrorism. In like fashion, the Secretary remains committed to transforming the Department's headquarters structure. This is directly opposed to past practices of simply reducing the numbers of personnel assigned, which simply yielded smaller, less effective versions of often inefficient organizational structures. We are, in particular, focusing our efforts on reducing military presence in positions where military expertise is not immediately evident. The results of our studies are now under consideration as we engage in the Fiscal Year 2004 Program/Budget Review. Again, optimizing our military manpower is a key topic in the current program review.

18. Senator WARNER. Secretary Abell, in order to meet the manpower needs of the services, including greater force protection requirements, do you believe that increases in active duty end strength are necessary?

Secretary ABELL. In the aggregate, I believe our military manpower numbers are adequate to meet the challenges posed by the war on terrorism and associated force protection responsibilities. The Secretary is convinced our primary challenge is to reallocate and re-prioritize our military manpower resources. The civilian substitution initiative has great and fairly expeditious potential to offset the vast majority of the military end strength increases DOD components have identified to us.

### SHORT-TERM ENLISTMENTS

19. Senator WARNER. Secretary Abell, last year Congress approved a short-term enlistment pilot program for the Army. This year, Senator McCain has led the way—with the Department's advice and assistance—in creating a short-term enlistment program that is calculated to appeal to youthful volunteers who are respond-

ing to the President's call for service to America. What are the keys to successful implementation of a short-term enlistment program, in your judgment?

Secretary ABELL. I believe that there are several keys to successful implementation of a short-term enlistment program. First, we must ensure that short-term enlistment offers a meaningful experience to all participants, with real training and real jobs. Second, we must ensure that the incentives for such service, either as a bonus or as an education allowance, are varied enough and sufficient to encourage youth, who would otherwise not enlist, to serve an abbreviated term of service. Lastly, we also must ensure that those incentives are not so lucrative that they would siphon off youth from the more traditional enlistment options.

20. Senator WARNER. Secretary Abell, based on your experience, do you think that Senator McCain's National Call to Service proposal will be successful in attracting talented youth to military service?

Secretary ABELL. Senator McCain's proposal, as included in the Senate version of the Fiscal Year 2003 Defense Authorization Bill, is an intriguing proposal that offers the services the tools and incentives that could assist in expanding the recruiting market to young Americans interested in alternatives to more traditional terms of enlistment.

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[The nomination reference of Charles S. Abell follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*March 20, 2002.*

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

Charles S. Abell, of Virginia, to be Deputy Under Secretary for Personnel and Readiness. (New Position)

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[The biographical sketch of Charles S. Abell, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF CHARLES S. ABELL, ASSISTANT SECRETARY OF DEFENSE FOR FORCE MANAGEMENT POLICY

Charles S. Abell was sworn in as the Assistant Secretary of Defense for Force Management Policy on May 8, 2001. A Presidential appointee confirmed by the Senate, he is responsible for policies, plans and programs for military and civilian personnel management, including recruitment, education, career development, equal opportunity, compensation, recognition, discipline, quality of life and separation of all Department of Defense personnel, both military and civilian.

Prior to this position, Secretary Abell served as a professional staff member of the Senate Armed Services Committee. Secretary Abell joined the Armed Services Committee staff in 1993, after a 26-year career in the Army. He was the lead staffer for the Subcommittee on Personnel, responsible for issues concerning military readiness and quality of life. His responsibilities also encompassed manpower; pay and compensation; and personnel management issues affecting active duty, reserve and civilian personnel; and organization and functions within the Department of Defense.

In recent years, Secretary Abell has had the primary committee responsibility for a broad array of important initiatives aimed at restoring cost-of-living adjustment (COLA) equity for military retirees and survivors; improving the military health care program; upgrading Survivor Benefit Plan coverage; and enhancing pay, allowances and retirement programs for active duty and reserve members and TRICARE for Life, guaranteeing all retirees coverage within TRICARE and the military health care system. He also worked on codification of the homosexual conduct policy and legislation concerning the assignment of women within the Department of Defense.

Secretary Abell entered active duty service as an enlisted soldier and concluded his Army career by retiring as a Lieutenant Colonel. He served two tours in Vietnam in various positions; Infantry Platoon Leader, Company Commander and Cobra Attack helicopter pilot. His career progressed through increasingly responsible positions at every level of Army operations. His decorations include the Legion of Merit,

(2) Bronze Stars (Valor), Purple Heart, the Meritorious Service Medal (with 4 Oak Leaf Clusters), 14 Air Medals (2 for Valor), the Army Commendation Medal (for Valor), and the Combat Infantryman's Badge.

Secretary Abell holds a Master of Science from Columbus University in Human Resource Management and a Bachelor of Science in Political Science from the University of Tampa.

Secretary Abell and his wife, Cathy, reside in Fairfax, Virginia.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Charles S. Abell.

2. **Position to which nominated:**
Deputy Under Secretary of Defense for Personnel and Readiness.

3. **Date of nomination:**
March 20, 2002.

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

5. **Date and place of birth:**
December 20, 1946; Sayre, Pennsylvania.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married; Nora (McCaffrey) Abell.

7. **Names and ages of children:**
Jennifer Ann; 26.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Wyoming Seminary High School, 1962–1964, High School Diploma
Wake Forest University, 1964–1966, None.
University of Tampa, 1975–1976, B.S.
Columbus University, 1998–1999, M.S.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

United States Army, Army Officer, 1966–1992
Assistant Secretary of Defense (Force Management Policy), May 2001–present.
Senate Armed Services Committee, 228 Russell Senate Office Building, Washington, DC, Professional Staff Member, 1993–Present.

10. **Government experience:** List any advisory, consultative, honorary or other part-time services or positions with Federal, State, or local governments, other than those listed above.
None.

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

12. **Membership:** List all membership and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Life Member, The Retired Officers Association.
Life Member, National Rifle Association.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
$500.00 to Bush/Cheney For President, August 1999.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements.
Alpha Chi National Honor Society.
Militia Award, Enlisted Association of the National Guard of the United States—1994.
TROA Meritorious Service Award, The Retired Officers Association; two awards—2000 and 2001.
Order of Military Medical Merit, Army Medical Department—1998.
Award of Merit, The Military Coalition—1998.
Friend of the Regiment, Army Medical Department—1997.

Military Awards:
Legion of Merit, two awards
Bronze Star with "V" device, two awards
Purple Heart
Meritorious Service Medal, four awards
Air Medal with "V" device, 15 awards
Army Commendation Medal with "V" device, two awards
Good Conduct Medal
National Defense Service Medal
Armed Forces Reserve Medal
Overseas Service Ribbon, two awards
Vietnam Campaign Medal
Combat Infantryman's Badge
Army Aviator Wings

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delievered during the last 5 years of which you have copies and are on topics relevant to the position for which you have been nominated.
None.

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

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

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SIGNATURE AND DATE

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

CHARLES S. ABELL.

This 12th day of March, 2001.

[The nomination of Charles S. Abell was reported to the Senate by Chairman Levin on October 1, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on November 12, 2002.]

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[Prepared questions submitted by Rear Adm. Thomas Forrest Hall, USN (Ret.) by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

*Question.* Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of the defense reforms.

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

Answer. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 enhanced our overall readiness and warfighting capacity. The clear chain of command from the unified and specified combatant commands through the Secretary of Defense to the President has greatly improved both the efficiency of the system and the decisionmaking process. The reforms have strengthened the chain of command and improved the ability to execute joint operations, improved communication, and integrated planning and interoperability.

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

Answer. Clearly, the goals in section three are the most important aspects of these defense reforms. Each of the goals has enabled the Department of Defense to perform more efficiently, allow increased flexibility, and carry out assigned responsibilities.

*Question.* The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

*Question.* Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. I do not personally know of any plan to modify Goldwater-Nichols, nor do I have any opinion that it should be modified. Therefore I have no proposals to submit or discuss.

DUTIES

*Question.* What is your understanding of the duties and functions of the Assistant Secretary of Defense for Reserve Affairs?

Answer. If confirmed as the Assistant Secretary, I will perform those duties as stated in law (Title 10 U.S.C. Sec 138) and DOD directive 5125.1, "Assistant Secretary of Defense for Reserve Affairs." I will perform as . . . "the principal staff assistant and advisor to the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and the Secretary and Deputy Secretary of Defense for Reserve component matters in the Department of Defense." I will be responsible for overall supervision of all Reserve component affairs in the Department of Defense.

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

Answer. I successfully completed 34-plus years in the Navy, was the Deputy Director of the Naval Reserve, and later the Chief, Naval Reserve and have had 10 plus years' experience with Reserve component matters. While Chief, Naval Reserve, I developed close working relationships with the Chiefs of the other Reserve components. As the Executive Director of the Naval Reserve Association, I have also worked closely with all members of the Military Coalition, and have developed an understanding of the relevant issues.

*Question.* Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of Defense for Reserve Affairs?

Answer. If confirmed, I intend to travel widely, as I did as Chief of the Naval Reserve, and talk to those Guard and Reserve members "on the ground," whether deployed or at home station. I also intend to seek advice and counsel from my peers, and from others to gain perspectives that I might not have, focusing on the total force, mobilization, de-mobilization, readiness and training.

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

Answer. I've already mentioned those duties prescribed in law and regulation and I would assume like all other positions I've held, there will be "other duties as assigned," and I will perform those to the best of my ability.

*Question.* In carrying out your duties, how will you work with the Under Secretary of Defense for Personnel and Readiness, the Commander in Chief of Northern Command, the Assistant Secretaries in the military departments who are responsible for Reserve Affairs, the Chief of the National Guard Bureau, the Chiefs of Reserves of each of the services, the Assistants to the Chairman of the Joint Chiefs of Staff for Guard and Reserve Matters, and the Reserve Forces Policy Board?

Answer. If confirmed, I intend to work within the P&R framework, as I will report directly to Dr. Chu. The full range of NORTHCOM's responsibilities are still in development, but I will work through the chain of command within the Department to ensure Guard and Reserve matters are dealt with successfully. The office has monthly information interchange meetings with the Reserve component chiefs now, and I would certainly continue those meetings. The JCS Assistants and the RFPB are represented in those monthly meetings. I would also consult with the Service Assistant Secretaries for Manpower and Reserve Affairs to ensure our mutual interests are covered.

MAJOR CHALLENGES AND PROBLEMS

*Question.* In your view, what are the major challenges that will confront the Assistant Secretary of Defense for Reserve Affairs?

Answer. I believe the most pressing issue is the current mobilization and the follow-on demobilization of the Guard and Reserve personnel involved in all the various operations. The continued use of the Guard and Reserve in the current partial mobilization as well as other contingency operations and Presidential recalls and their impact on families and employers, is probably the major challenge I'll face.

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

Answer. I intend to work with all interested and affected parties, acknowledge the challenges, address their concerns and work toward successful solutions.

*Question.* What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of Defense for Reserve Affairs?

Answer. I know of no serious problems in the performance of those functions. I see a very professional staff that acts in the best interest of the total force and national defense.

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

Answer. I intend to be both vigilant and proactive in addressing any problems I might encounter now or in the future.

PRIORITIES

*Question.* If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of Defense for Reserve Affairs?

Answer. I believe that the major challenges and issues listed above will drive the priorities that I will set, if confirmed. I am aware of the Active component/Reserve component Comprehensive Force-Mix Review that Reserve Affairs is conducting, and would certainly see it through to a successful completion. In addition, there are compensation, health care, accessibility, and other Reserve component-related studies that must be reviewed and I intend to follow through there also.

RECRUITING AND RETENTION

*Question.* Some have expressed concern that the current mobilization of Reserve component members for lengthy deployments will have an adverse effect on retention in the Reserve components.

If confirmed, what actions will you take to enhance retention of experienced members of the Reserve components?

Answer. While similar concerns were expressed during the Persian Gulf crisis, Reserve component attrition and retention has remained quite stable over the last 15 years. I believe appropriate, meaningful use of Reserve members will have a positive effect on retention. If confirmed, I will work to ensure that we use our dedicated Reserve component members appropriately; that we offer meaningful, quality training; that adequate incentives are available to allow us to retain skilled individuals; and that we strengthen our connection with the families and employers of our Reservists to minimize the personal and financial impacts of using the Reserve components.

*Question.* Historically, the Reserve components have successfully recruited prior service personnel as they leave active duty. With the downsizing of our Active-Duty Forces, the pool of prior service personnel is shrinking. Additionally, service members who have been held on active duty because of "Stop-loss" may be less interested in continuing service in the Reserve components when they are finally released from active duty.

If confirmed, what actions will you take to assist the recruiting efforts of the Reserve components?

Answer. I know the Department has a number of ongoing force integration initiatives that may enhance the ability of the Reserve components to attract personnel separating from the Active component. It is important to continue efforts to facilitate the transition from Active to Reserve service. We need to ensure adequate incentives are available to retain our valuable trained human resources. Also, I intend to work with the Reserve components to ensure that high quality non-prior service personnel continue to be recruited. One area in which I believe we may be able to focus more effort is in the college market.

USE OF GUARD AND RESERVES

*Question.* Today's total force concept relies heavily on National Guard and Reserve forces for both day to day and contingency operations. The role of the Reserves is so integral in the total force that military operations involving major, extended missions are required to include reserve participation. Members of the National Guard and Reserve forces are performing more and more duties that have been traditionally performed by Active-Duty Forces.

In your view, is such extensive use of National Guard and Reserve personnel for duties that have historically been performed by members of the active components appropriate?

Answer. In my view, the use of the Reserve components has continued to evolve since the advent of the All-Volunteer Force and the Total Force Policy of the early 1970s. It is clear that the Reserve components are no longer just a force in reserve, but are involved in military operations at many levels. The Department's recent Quadrennial Defense Review (QDR) emphasized that "DOD will continue to rely on the Reserve components forces." This seems to me to be both necessary and appropriate.

*Question.* Do you see a need to change the legal authorities used to order members of the Reserve components to active duty?

Answer. From my vantage point it would seem that this mobilization was far more successful than the last one in which I was involved (Operations Desert Shield/Desert Storm). The Department has nearly 6 months of effort expended on the Active component/Reserve component Comprehensive Force-Mix Review. It is important to consider the results of this review, which will examine Reserve component roles and missions and force mix. If confirmed, I intend to review the study thoroughly before recommending any changes to existing legal authorities.

*Question.* If confirmed, what actions will you take to enhance the support of civilian employers of members of the Guard and Reserves?

Answer. While the use of the Reserve components has increased significantly over the past decade and a half, we have only anecdotal evidence that indicates there might be a problem with employer support of the Guard and Reserve. I intend to make every effort to strengthen the National Committee for Employer Support of the Guard and Reserve and to foster better communications with employers, in order to capture more thorough and timely information on reservist-employer issues and on the attitudes and concerns of employers toward participation of their employees in the Guard and Reserve.

HOMELAND SECURITY

*Question.* The United States Commission on National Security/21st century (Hart-Rudman Commission) report on homeland security recommended that the National Guard be given homeland security as a primary mission.

What do you see as the appropriate role of the National Guard in homeland security?

Answer. The use of the National Guard to respond to domestic threats is well founded in law and history. I believe the National Guard would have to play a major role in any homeland security effort. I don't think this should be termed a "primary mission," but rather an additional or ongoing mission.

*Question.* How would this effect affect the use of the National Guard for overseas missions?

Answer. I believe the National Guard should continue to participate in the full range of missions that are currently assigned to the United States military forces.

EMPLOYMENT OF FULL TIME SUPPORT PERSONNEL

*Question.* Under current National Guard Bureau and Department of the Army guidance, National Guard Title 32, active Guard and Reserve soldiers providing full time support are prohibited from performing state active duty missions even in emergencies or disaster situations. On occasion, this can deny an important resource, e.g., aviation capability, to a State Governor in need of assistance.

Do you think that, as a matter of policy, AGR members should be prohibited in all cases from performing State active duty missions?

Answer. I believe the balance between Federal and State missions of the National Guard has worked well over the years. I am not fully conversant with the authorities surrounding Title 32 and the case law involved. Therefore, I feel uncomfortable commenting on this issue until I have a chance to study and be briefed on the legal aspects of the question before making any definitive statements.

*Question.* Under what circumstances, if any, do you believe such use should be authorized

Answer. Certainly, AGR members should be employed with the National Guard unit they are assigned to support. Other circumstances may derive from the Guard's role in homeland security and homeland defense as a result of the September 11, attacks, but I have not had an opportunity to fully evaluate the impact of the global war on terrorism on the role of the National Guard. Again, I need to defer until I have some knowledge based on the analysis that the General Counsel could provide me, if I am confirmed.

STARBASE PROGRAM

*Question.* One of the key recommendations from the Secretary of Defense's Defense Strategy Review is to engage the American public by expanding citizenship and community outreach programs. The Department of Defense STARBASE program is a very effective community outreach program that exposes youth, parents, and teachers to the value of military service. It currently operates at 39 locations associated with active, Guard, and Reserve commands throughout the United States.

What are your views about the STARBASE program?

Answer. The STARBASE program provides an excellent opportunity for youth within the community to participate in a variety of learning experiences designed to increase interest in and knowledge of math, science and technology. These activities also help students to develop positive self-esteem, focus on setting and achieving personal goals, and develop a drug free life-style.

*Question.* Do you believe that Guard and Reserve personnel should be involved in the STARBASE program?

Answer. Yes. I believe that the unique position that the Guard and Reserve have as the hometown force of the Department of Defense creates the opportunity to give back to the local community through programs such as STARBASE. It should also be noted that several active duty installations have a STARBASE program that adds value and enhances the relationships between the military and the local community.

*Question.* Do you believe that it is appropriate to fund this program through the Department of Defense budget?

Answer. I believe that the current funding approach is working well. The STARBASE program supports the Department of Defense outreach efforts to actively engage students in applied science and math through real-world applications.

NATIONAL GUARD YOUTH CHALLENGE PROGRAM

*Question.* In 1993, the National Guard, as part of their community mission, established the Youth Challenge Program to help at-risk youth improve their life skills, education levels, and employment potential. In 1998, the Federal share of funding for this program was reduced to 75 percent, with a subsequent annual decrease of 5 percent each year through 2001, so that the Federal share is now 60 percent. Advocates for Youth Challenge have urged restoration of the 75 percent Federal and 25 percent State cost sharing for this program in order to increase the number of youths who are able to participate and to facilitate more states offering programs.

What are your views about the National Guard Youth Challenge Program?

Answer. The National Guard Youth Challenge Program is an outstanding community-based program that leads, trains, and mentors at-risk youth so that they may become productive citizens in America's future.

*Question.* Do you believe this program should be funded through the Department of Defense budget, or through some other means?

Answer. I feel that the current funding approach is working well. This enables the Department to ensure the money is applied to the program as Congress intended. The Office of the Assistant Secretary of Defense for Reserve Affairs provides oversight of the execution of the program.

*Question.* What is your recommendation about the appropriate level of Federal (versus State) funding of this program?

Answer. I am aware of proposed legislation to lesson change the state matching funds requirements. If confirmed, I intend to review the funding of the Challenge program.

RESERVE END STRENGTH

*Question.* As Executive Director and Chief Operating Officer of the Naval Reserve Association you have been a strong critic of reductions in end strength for the Naval Reserve.

Do you believe the current end strengths for the National Guard and Reserve are adequate for the missions they are assigned?

Answer. I do believe that the National Guard and Reserve are being tasked quite heavily, at the current time, to support Operation Enduring Freedom, Operation Noble Eagle, and other operational and peacekeeping commitments. The ongoing Active component/Reserve component Comprehensive Force-Mix Review should provide greater insight into the best use of the Reserve forces needed to accomplish future commitments.

PAY AND BENEFITS

*Question.* Are the pay and benefits for Reserve personnel appropriate for the types of service they provide?

Answer. In general, yes. However, in light of the increased use of Reserve component members to accomplish service missions, and in keeping with the total force goals of parity in all areas, I plan to continue the current ongoing review of various pays and benefits to determine whether any change is needed, if confirmed.

*Question.* Would you recommend any changes to Reserve personnel compensation policies and statutes?

Answer. While I do not have any to recommend today, I will continue the current initiatives designed to more closely align Active and Reserve component compensation. If confirmed, I plan to look closely at special and incentive pays, retired pay, and allowances for housing and travel.

SELECTED RESERVE MONTGOMERY GI BILL

*Question.* Montgomery GI Bill (MGIB) educational benefits for members of the Selected Reserve under chapter 1606 of Title 10, United States Code, are an important recruiting and retention incentive. However, the level of the monthly benefit has not risen proportionately over time with that of MGIB benefits payable to eligible veterans under chapter 30 of Title 38, United States Code.

What is your view of the adequacy of the current monthly benefit levels under the Selected Reserve MGIB?

Answer. It is my understanding that the Reserve components are meeting their end strength objectives and that the MGIB—Selected Reserve has been one of the most effective recruiting and retention tools available. While I am aware that there are some differences between the Active and Reserve programs, I would want to look very closely at the effectiveness of current benefits and do a cost-benefit analysis before recommending any change.

*Question.* Would you recommend any changes to this program?

Answer. I believe that extending the period of eligibility for the Montgomery GI Bill-Selected Reserve from the current 10-year period may merit consideration.

HEALTH CARE FOR RESERVISTS

*Question.* Members of the Reserve and National Guard who are called to active duty under Executive Order 13223 in response to the September 11, 2001, terrorist attacks are eligible for the same health care and dental benefits under TRICARE as other active duty service members. In addition, the Department has offered newly enhanced health benefits for activated Reservists' families under a demonstration program which waives deductibles, provides authority for higher payment rates, and waives the requirement to obtain a non-availability statement for inpatient care. This demonstration program seems to go a long way toward eliminating problems experienced by members of the Reserve components in transitioning from a civilian health care plan to TRICARE and back.

What are your views on the adequacy of Reserve health care? Do you have any suggestions for improving continuity of care for Reserve members and their families?

Answer. For the Reserve component member, I believe two of the most important considerations in determining adequacy of Reserve health care are the degree to which our Reserve component members are medically ready for mobilization and deployment, and the extent to which they are provided adequate protections and required treatment, in the event of injury, illness or disease while serving on duty. Adequate health care is one of the hot topics concerning families and their quality of life. I know Congress has addressed health care needs and I appreciate that the TRICARE Demonstration Project initiated during the current national emergency provides considerable flexibility for families of mobilized Guardsmen and Reservists to remain under their civilian health care provider. If confirmed, I look forward to reviewing these types of initiatives.

EQUIPPING THE NATIONAL GUARD AND RESERVE

*Question.* Position papers available from the Naval Reserve Association indicate that the services are not adequately addressing Reserve component requirements in their budget requests. Unfunded equipment and training requirements lists, analogous to those of the active forces, have been compiled by the Reserve components. In addition, the Naval Reserve Association has called for independent advocacy to "educate and assist Congress in identifying and funding the real requirements of the Naval Reserve and other Reserve components."

What are your personal views about the adequacy of the programming and budgeting process as it pertains to the Reserve components?

Answer. During each programming and budget process, it's the job of the Office of the Assistant Secretary of Defense for Reserve Affairs to to look at the adequacy of review the services' budget submissions to determine the adequacy of their support to Guard and Reserve requirements. If confirmed, I look forward to continuing that oversight and review process and applying pressuremaking recommendations for change when necessary.

*Question.* If confirmed, what steps would you take to ensure the modernization and recapitalization of the equipments needs of the Reserve components are being addressed in the DOD budget process?

Answer. I believe the budget process works to fund the most critical priorities. The services have made progress in building a force that is less segregated establishing equipment requirements that are equitable across all components—Active and Reserve. However, the challenge is to continue that progress. If confirmed, I intend to actively work actively with the services, DOD staff, Guard and Reserve components to ensure the Reserve components are equipped to do the missions we assign them.

CONGRESSIONAL OVERSIGHT

*Question.* In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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[Questions for the record with answers supplied follows:]

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

RESERVISTS RETIREMENT AND RETENTION ACT OF 2002

1. Senator LANDRIEU. Admiral Hall, recently I introduced S. 2751, the Reservists Retirement and Retention Act of 2002. Many Reservists and Guardsmen would like to collect retirement at age 55, but the Department finds this retirement age too cost prohibitive. Additionally, lowering the retirement age may cause key Reservists and Guardsmen to retire at a time when they are needed by their respective services. S. 2751 would allow Reservists and Guardsmen to retire earlier if they stay in the service beyond 20 years on a two for one buy-down basis. For instance, if a Reservist serves for 22 years, he/she could collect retirement at 59. This measure allows qualifying Guardsmen and Reservists to collect their retirement prior to age 60, and it encourages these service men and women to remain in the military beyond 20 years. Would you please review this legislation and comment on its merits or any ways it could be improved?

Admiral HALL. I have reviewed S. 2751, which provides an incremental early retirement benefit for Reserve component members who serve beyond 20 qualifying years of service. While the bill may provide an incentive to serve longer, we currently have no analytical tools that can help us predict retention behavior of the reserve force that could result from this proposed change to the reserve retirement system. It is important to assure that the non-regular retirement system helps achieve an optimum balance of youth, experience, knowledge and skill mix, as well as satisfies future expectations for the force in the 21st century.

The Department is currently conducting a comprehensive study of both the regular and non-regular retirement systems to assess how changes in retirement systems in the private sector might be incorporated into the military retirement systems, to determine the effects of system reform on accessions and retention, and to assess the expectations of today's workforce. One goal of this study will be to develop a military retirement system in which the regular and reserve elements are as closely aligned and as seamless as possible. While the changes proposed in S. 2751 may support this goal, we must first be able to predict the effects on force management, both positive and adverse, that could occur if S. 2751 were to be enacted.

In addition to the force management issues, enactment of this bill will have cost implications for the Department and the United States Treasury, which could be significant. These costs would result not only from the enhanced retirement benefit,

but also the entitlement to access to military health care by retirees who qualify for retired pay earlier and their eligible family members.

Since we may find that other force management and shaping tools or retirement alternatives could be more effective and less expensive in achieving the desired force structure, I would prefer to defer taking a position on S. 2751 until the current study is complete. At that time, the Department will be in a better position to determine if the changes proposed in S. 2751 are appropriate and merit the support of the Department, or if other approaches would be more suitable.

MILITARY LEAVE FROM UNIVERSITIES

2. Senator LANDRIEU. Admiral Hall, recently I introduced S. 2993. This legislation requires colleges, universities, and community colleges to grant a military leave of absence to student Reservists and Guardsmen who are mobilized. The bill would require schools to preserve the academic standing and financial aid status the student had before mobilization. Please share your thoughts on this bill, including any ways it could be improved.

Admiral HALL. I have reviewed S. 2993, which would establish a "military leave of absence" benefit for student-Reservists who are called to Federal active duty (other than active duty for training) and National Guard members performing State active duty. While I support the intent of S. 2993, and the Department wants to ensure that student-Reservists who are called to active duty are not disadvantaged because of their military service, the partnership we have established with the Servicemembers Opportunity Colleges (SOC) has proved very successful over the past 10 years. SOC is a consortium of national higher education associations and has worked on behalf of mobilized student-Reservists to successfully resolve issues they encounter as a result of being called to active duty. While some student-Reservists have encountered difficulties, to date, we are not aware of any cases that have been brought to the attention of SOC that they have not successfully and satisfactorily resolved on behalf of the student. As an example, upon receiving information that a mobilized Rutgers student was being told he would have to reapply for admission, SOC contacted the Vice President of Rutgers and was told this was a case of "misinformation" by the Camden Campus and the student would not have to reapply.

Most schools, colleges and universities work with their student-Reservists to accommodate them when they must leave school in the middle of a semester because they have been called to active duty. As such, we are concerned that in addition to mobilizing the majority of educational associations and institutions against us to oppose legislation, if enacted, legislation would set a minimum standard which would likely become the accepted standard, and lessen the highly successful voluntary efforts in effect today to assist student-reservists who are ordered to active duty. Moreover, we currently have no evidence that the relationship we have established with SOC and the educational community in supporting our mobilized Reservists is faltering. Should we find that our current voluntary program is no longer effective, we would then support enactment of student protection legislation.

3. Senator LANDRIEU. Admiral Hall, please comment on the difficulties faced by students upon activation, and explain what actions the Department is taking to improve the ease at which students transition from the classroom to their military orders, if called up.

Admiral HALL. There are three primary issues student-Reservists face when they are suddenly called to active duty in the middle of a term: obtaining a refund of the tuition and fees they have paid for the semester they cannot complete, receiving partial course credit or a grade of incomplete, and being able to return to the institution upon completion of their active service.

The Department has taken a number of steps to assist student-Reservists. First, working with the education community and education associations, we continued our program of voluntary support for student-Reservists who answer the call to duty. We also reaffirmed our partnership with the SOC—a consortium of national higher education associations and over 1,350 institutional members—which will intercede on behalf of mobilized reservists who are experiencing problems due to the current mobilization.

Further, we asked the services to widely publicize the assistance that is available to student-Reservists through SOC and placed extensive information on student assistance in our mobilization resources and information guide, which was developed shortly after the events of September 11. This information can be accessed through the Reserve Affairs website. The information on our website includes how to contact

SOC, information from the Department of Education on loan relief for military personnel called to active duty following the terrorist attacks, and letters from the American Council on Education (on behalf of 16 individual education associations) and the American Association of State Colleges and Universities advising their colleagues of the Department of Education loan relief program and describing how they can support activated student-Reservists by refunding tuition and fees, award academic credit for work that is in progress and address the enrollment status of mobilized Reservists.

In addition to enlisting the support of a number of selected educational associations in communicating student-Reservists' needs to educational institutions nationwide, on three separate occasions during the 1990s, the Secretary of Defense wrote to each of the State governors urging their support in encouraging their respective State educational institutions to be responsive to the needs of student-Reservists.

Recently, the National Committee for Employer Support of the Guard and Reserve began an effort to support student-Reservists who experience a problem with their educational institution because of their military service. They will perform the same type of informal mediation with colleges and universities that they perform with employers of Guard and Reserve members when problems arise.

Finally, in 1999, the National Science Foundation (NSF) submitted the results of its statutorily directed forum for government officials, representatives of the post-secondary education community and members of the Reserve components of the Armed Forces, which was convened to discuss and seek consensus on appropriate resolution to the problems of student-Reservists. In responding back to the Chairman of the House Committee on Science, the NSF "proposed that solutions might best be sought through enhanced communication and awareness of the issues both within and between the Armed Forces and the post-secondary education community."

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[The nomination reference of Rear Adm. Thomas F. Hall, USN (Ret.) follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*April 22, 2002.*

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

Thomas Forrest Hall, of Oklahoma, to be an Assistant Secretary of Defense, vice Deborah Roche Lee, resigned.

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[The biographical sketch of Rear Adm. Thomas F. Hall, USN (Ret.) which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF REAR ADM. THOMAS F. HALL, USN, RETIRED

A native of Barnsdall, Oklahoma, Rear Admiral Hall graduated from the U.S. Naval Academy in 1963 and was designated a Naval Aviator in 1964. He holds a Master of Science degree in Public Personnel Management from George Washington University and is a distinguished graduate of the Naval War College and the National War College. He was selected for flag rank in 1987 and in August of 1991 was promoted to Rear Admiral (Upper Half).

His initial fleet assignment was with Patrol Squadron Eight. In 1968 he returned to the U.S. Naval Academy and served as a Company Officer and Executive Assistant to the Commandant of Midshipmen. In 1972 he reported to Patrol Squadron Twenty-Three where his duties included Training Officer and Officer in Charge of Unit AS XN Air Detachment. Following a tour at the Naval War College, he reported to the Bureau of Naval Personnel where his billets included Aviation Training Command Placement Officer, Aviation Staffs Placement Officer, Head of Air Combat Placement, and Assistant Head of Aviation Junior Officer Assignment. Rear Admiral Hall reported to Patrol Squadron Eight in 1978 where he served as Executive Officer and Commanding Officer. Following a tour of instruction at the National War College, he joined the staff of the Chief of Naval Operations where he served as Head of the Program Objective Memorandum (POM) Development section.

Rear Admiral Hall served as the Chief of Staff for Commander, Fleet Air, Keflavik/Iceland ASW Sector from June 1982 to June 1985. From August 1985 to July 1987, he served as the Commander, Naval Air Station Bermuda and Commander, Bermuda ASW Sector. Following his assignment in Bermuda, he served as a Senior Fellow on the Chief of Naval Operations Strategic Studies Group (SSG). In September he assumed the duties of Deputy Director of the Naval Reserve in the Pentagon. In May 1989, he became the 22nd Commander, Iceland Defense Force, based in Keflavik. Additional duties included Island Commander, Iceland; Commander, Fleet Air, Keflavik; and Commander, Iceland Sector Antisubmarine Warfare Group. He served as Commander, Naval Reserve Force, Chief of Naval Reserve and Director of Naval Reserve from September 12, 1992–September 12, 1996. During his tour of duty as the Chief of Naval Reserve, he attended Harvard University in the National Security Decision Program at the Kennedy School of Government.

He retired from active duty on October 1, 1996, and on November 1, 1996 became the Chief Operating Officer/Executive Director of the Naval Reserve Association. In addition to his position with the Naval Reserve Association, he serves on a number of non-profit and for-profit Boards and works as a volunteer within his community.

Among his military awards are the Distinguished Service Medal, Defense Superior Service Medal, and the Legion of Merit. In July 1992, Rear Admiral Hall was awarded the Icelandic Order of the Falcon, Commander's Cross with star, by the President of Iceland. In May 2000, he was inducted into the Oklahoma Military Hall of Fame. In October 2000, he was awarded the "International Partnership Award" for his work in "advancing the shared interests of the United States and Iceland."

Rear Admiral Hall is married to the former Barbara Ann Norman of Jacksonville, Florida. They have one son, Thomas David, who is a Boy Scout Executive. His interests include all sports.

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

*April 24, 2002.*

Hon. CARL LEVIN,
*Chairman, Committee on Armed Services,*
*United States Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: This letter provides information on my financial and other interests for your consideration in connection with my nomination for the position of Assistant Secretary of Defense, Reserve Affairs. It supplements Standard Form 278, "Executive Personnel Financial Disclosure Report," which has already been provided to the committee and which summarizes my financial interests.

I do not believe that any of the financial interests listed on my Standard Form 278 will create any conflict of interest in the execution of my new governmental responsibilities if I am confirmed. However, any potential conflict of interest issues will be resolved as indicated in the ethics agreement attached to my SF 278. There are no additional potential conflicts of interest to report in part C of the Committee's Biographical and Financial Information Questionnaire (or Questionnaire). Additionally, I have no other interests or liabilities in any amount with any firm or organization that is listed as a "Department of Defense Prime Contractor Receiving Awards over $25,000."

During my term of office, neither I, nor my spouse, will invest in any organizations identified as Department of Defense contractors or any other entity that would create a conflict of interest with my governmental duties.

If confirmed, I am committed to serve in this position at the pleasure of the President throughout his term of office.

I have never been arrested or charged with any criminal offenses other than minor traffic violations. I have never been party to any civil litigation other than that which was reported in part D of my questionnaire. To the best of my knowledge, there have never been any lawsuits filed against any agency of the Federal Government or corporate entity with which I have been associated reflecting adversely on the work I have done at such agency or corporation. I am aware of no incidents reflecting adversely upon my suitability to serve in the position for which

I have been nominated. To the best of my knowledge, I am not presently the subject of any governmental inquiry or investigation.

I am a member of certain organizations/professional societies, which have been previously provided to the committee. None should pose any conflict of interest with regard to my governmental responsibilities. I trust that the foregoing information will be satisfactory to the committee.

Sincerely yours,

THOMAS FORREST HALL

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Thomas Forrest Hall.

2. **Position to which nominated:**
Assistant Secretary of Defense for Manpower and Reserve Affairs.

3. **Date of nomination:**
April 22, 2002.

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

5. **Date and place of birth:**
December 17, 1939; Barnsdall, Oklahoma.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Barbara A. (Norman) Hall.

7. **Names and ages of children:**
Thomas David Hall; 32.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Harvard University; Two Week National Security Course 1994; No Degree.
National War College; 1980–1981;No Degree.
Naval War College; 1974–1975; No Degree.
George Washington University; 1968–1971; MS Management; Degree in 1971.
U.S. Naval Academy; 1959–1963; BS Engineering; Degree in 1963.
Oklahoma State University; 1958–1959; Majored in engineering; No Degree.
Barnsdall High School; 1954–1958; High School Diploma; Diploma in 1958.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Officer in the United States Navy; Employer, U.S. Navy at locations and assignments throughout the world, 1963–1996.
Naval Reserve Association; Executive Director, 1619 King Street, Alexandria, VA, 1996–Present.

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

None.

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

Naval Reserve Association; Executive Director; Non-profit.
Navy Mutual Aid; Board of Director; Non-profit.
Association of Naval Aviation; Board of Directors; Non-profit.
Boy Scouts of America, National Capitol Area; Board of Directors; Non-profit.
Vinson Hall Retirement Home; Board of Directors; Non-profit.
Bermuda Maritime Museum; Board of Directors; Non-profit.
Naval Academy Foundation; Trustee; Non-profit.
Military Advantage (military.com); Board of Advisors; For profit.
Logistics Management Engineering; Board of Directors; For profit.

12. **Membership:** List all membership and offices held in professional, fraternal, scholarly, civic, business, charitable, and other orgainiations.

Reserve Officers Association.
The Retired Officers Association.
Naval Academy Alumni Association.
Oklahoma State University Alumni Association.
American Legion.
Harvard University Alumni Association.
Naval Enlisted Reserve Association.
Naval War College Alumni Association.
Military Chaplains Association.
Bermuda Biological Association.
Navy League.
Naval Order of the United States.
Military Order of the World Wars.
AARP.

13. **Political affiliations and activities:**

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

None.

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

Worked during the last election, privately on the behalf of the election of President George W. Bush.

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

None.

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

Distinguished Service Medal.
Defense Superior Service Medal.
Legion of Merit.
Meritorious Service Medal.
Order of Falcon with Commander's Cross From the Government of Iceland.
Oklahoma Military Hall of Fame.
International Partnership Award from the U.S. and the Government of Iceland.

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

Have written numerous articles about the Naval Reserve which have been published in various reserve publications from 1992–present.

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

From 1980 to Present I have made hundreds of speeches in an official capacity at events such as: Navy Birthday Balls, Changes of command, High School Graduations, Memorial Day Ceremonies, etc. All were military in nature and do not relate

directly to the position of which I have been nominated. I do not have copies of the speeches, since I do not speak from prepared text.

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

Yes.

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

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SIGNATURE AND DATE

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

THOMAS FORREST HALL.

This 24th day of April, 2002.

[The nomination of Rear Adm. Thomas F. Hall, USN (Ret.) was reported to the Senate by Chairman Levin on October 1, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 2, 2002.]

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[Prepared questions submitted to Charles E. Erdmann by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

*Question.* What is your view of the primary responsibility of the Court of Appeals for the Armed Forces?

Answer. The primary responsibility of the Court of Appeals for the Armed Forces is to provide an independent civilian appellate review of those areas specified in Article 67, UCMJ. The purpose of that review is to protect the rights of the accused while ensuring that the military is able to maintain good order and discipline and also to ensure uniformity in enforcement of the UCMJ in the different services.

*Question.* In your view, has the Court of Appeals for the Armed Forces fulfilled the expectations of Congress which the Court established in 1951?

Answer. Yes.

*Question.* Are there any legislative changes needed in statutes concerning the Court of Appeals for the Armed Forces?

Answer. Based on my present knowledge of the Court, I do not believe that any legislative changes are necessary at this time.

*Question.* Are there any changes needed in the jurisdiction of the Court of Appeals for the Armed Forces?

Answer. Based on my present knowledge of the jurisdiction of the Court, I do not believe that any changes are necessary at this time.

*Question.* Are the current compensation and retirement provisions for the Court sufficient to ensure that, if confirmed, you will be able to exercise your responsibilities in an impartial and independent manner?

Answer. Yes.

*Question.* Please describe the three decisions of the Court of Appeals for the Armed Forces which you believe to have been the most significant.

Answer. *United States* v. *Jacoby,* 29 C.M.R. 244 (C.M.A. 1960)—stating that "the protections of the Bill of Rights, except those which are expressly or by necessary implication inapplicable, are available to members of our Armed Forces."

*United State* v. *Thomas,* 22 M.J. 388 (C.M.A. 1986)—definitively stating that unlawful command influence is "the mortal enemy of military justice."

*Navy-Marine Corps Court of Military Review* v. *Carlucci,* 26 M.J. 328 (1988)—protecting the independence of military judges.

*Question.* In your view, what are the major strengths and weaknesses of the military justice system?

Answer. Major Strengths:

- Oversight by independent civilian court.
- Greater protections against self-incrimination are provided under Article 31 than in civilian criminal proceedings.
- Every military accused is entitled to free military defense counsel.
- The investigating officer in an Article 32 investigation is independent from the prosecutor and the accused's right to participate in that proceeding provide greater protections than in the civilian criminal proceeding.

Major Weaknesses:

- Real and perceived instances of unlawful command influence.
- Lack of understanding of the procedures and protections afforded under the UCMJ that contribute to a misconception in the eyes of the public and civilian bar that the military justice system is flawed.
- The perception that the commander has too great a role in pre- and post-trial procedures.

*Question.* What is your view of the relationship between the rights of service members and the disciplinary role of commanders?

Answer. The balance between the rights of service members and the necessity for commanders to maintain good order and discipline lies at the heart of the UCMJ. The two interests need not be in conflict and are so interrelated that they cannot be analyzed separately. A military commander needs the ability to enforce behavior standards in a wide variety of situations not found in civilian society. An efficient military force requires high morale that is fostered by a military justice system that ensures that the rights of military members are vigorously protected.

*Question.* What is your view of the role of the doctrine of *stare decisis* in terms of prior decisions of the Court of Appeals for the Armed Forces?

Answer. The doctrine of *stare decisis* is important in that it provides stability, consistency and predictability for both military commanders and service members. The doctrine, however, does not mean that precedence should be cast in iron. The law is an evolving process that must be flexible enough to address the changing conditions and circumstances that our military justice system encounters. Judicial change should be evolutionary and done only with careful consideration.

*Question.* In view of Article 36 of the UCMJ, what is your view as to the hierarchy of sources of law that must be applied by the Court in determining appropriate rules of evidence and procedure in courts-martial?

Answer. The hierarchy as to the sources of law in the military justice system is similar to the hierarchy found in State and Federal courts. The U.S. Constitution is the highest source followed by federal statutes (UCMJ), Executive Orders (Manual of Courts-Martial), and administrative directives (DOD and service regulations). All lower sources of authority must be consistent with higher authority, although they may provide greater protections for service members.

*Question.* In your view, what is the standard for determining when the court should apply a rule that is different from the rule generally applied in the trial of criminal cases in the Federal District courts?

Answer. Where the Manual for Courts-Martial provides guidance on a particular matter and that guidance is not contrary to or inconsistent with the UCMJ or the Constitution, it should be applied. Where the Manual is silent, the rules generally used in the trial of criminal cases in Federal courts can be utilized if not inconsistent with the UCMJ.

*Question.* The problem of command influence, including instances involving judge advocates as well as commanders, is a constant threat to the military justice system. What is your view as to the role of the Court of Appeals for the Armed Forces in addressing this problem?

Answer. The Court of Appeals for the Armed Forces has adopted a strong position that unlawful command influence cannot be tolerated in the U.S. military justice system. The Court must continue to be vigilant in this area and protect service members from unlawful command influence.

*Question.* What is your view of the role of legislative history in judicial interpretation of the law?

Answer. Under the standard rules for statutory interpretation, a court first looks to the plain language of the statute. If that language is unclear or ambiguous, the court can look to relevant legislative history. In those situations, legislative history is extremely helpful to courts in determining the intent of Congress.

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[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

RECOMMENDATIONS FOR CHANGE IN THE MILITARY JUSTICE SYSTEM

1. Senator WARNER. Mr. Erdmann, with your Marine Corps and Air National Guard experience, along with your impressive legal experience in the private sector and State government, you bring a knowledgeable eye to the position of Judge of the U.S. Court of Appeals of the Armed Forces. What do you hope to accomplish, if confirmed?

Mr. ERDMANN. While the U.S. Court of Appeals for the Armed Forces has developed an enviable tradition, the Court should continue to strive for greater efficiencies and effectiveness. With my judicial and international background, I hope to bring new suggestions and ideas to the court to assist in that continual quest for excellence. I am mindful that a judge on an appellate court has no individual authority and can contribute only as a member of the entire court. In this regard, I will bring experience in consensus building and collegiality to the Court. I also believe that the last 4½ years that I spent in the Balkans working as an international judge and in various judicial reform activities will allow me to bring an international perspective to the Court.

2. Senator WARNER. Mr. Erdmann, what changes do you think may be necessary in the military justice system?

Mr. ERDMANN. Military law has changed and evolved over the years as the result of congressional and Presidential actions. The first Articles of War were adopted by the Second Continental Congress in 1776, and remained the core of our military justice system until the adoption of the Uniform Code of Military Justice in 1950. The UCMJ was further amended in 1968 and 1983 to include greater protections for service members. In our rapidly changing world the UCMJ should continually be reviewed to ensure that it promotes justice, assists in maintaining good order and discipline, promotes efficiency and effectiveness in the military establishment and thereby strengthens the national security of the United States.

To assist in that review, Article 146 of the UCMJ created a Code Committee to make an annual comprehensive survey of the operation of the UCMJ. In addition, the Department of Defense has established the Joint Service Committee on Military Justice to review the Rules for Court-Martial and the Military Rules of Evidence and other issues in the military justice arena. I look forward to working with these committees to ensure that the goals mentioned above are achieved.

Other sources of analysis should also be taken into consideration in the ongoing review of the military justice system. The National Institute of Military Justice sponsored a commission in 2000 to evaluate the need for change in the UCMJ upon the Code's 50th anniversary. That Commission was chaired by former Chief Judge Walter Cox of the United States Court of Appeals for the Armed Forces and was know as the Cox Commission. The Cox Commission report made a number of recommendations as to how the UCMJ should be changed. Continued input from groups outside the military establishment should be encouraged.

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[The nomination reference of Charles E. Erdmann follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
*August 1, 2002.*

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

Charles E. Erdmann, of Colorado, to be a Judge of the United States Court of Appeals for the Armed Forces for the term for 15 years to expire on the date prescribed by law, vice Eugene R. Sullivan, term expired.

---

[The biographical sketch of Charles E. Erdmann, which was transmitted to the committee at the time the nomination was referred, follows:]

# Resume

## Charles E. (Chip) Erdmann

## Legal Experience

### *State Of Montana*

| | |
|---|---|
| **Assistant Attorney General** | **Montana Attorney General's Office**<br>July 1975 - June 1976 |
| **Chief Counsel** | **Montana State Auditor's Office**<br>June 1976 - December 1978 |
| **Chief Staff Attorney** | **Montana Attorney General's Office**<br>Antitrust Enforcement Bureau<br>December 1978 - June 1980 |
| **Bureau Chief/Attorney** | **Medicaid Fraud Control Bureau**<br>State of Montana<br>September 1980 - September 1982 |

### *Association Counsel*

| | |
|---|---|
| **Chief Counsel** | **Montana School Boards' Association**<br>September 1982 - March 1986 |

### *Private Practice of Law*

| | |
|---|---|
| **Sole Practitioner** | **Charles E. Erdmann, Attorney at Law**<br>March 1986 – July 1986 |
| **Partnership** | **Erdmann & Wright**<br>July 1986 – September 1989 |
| **Owner, Law Firm** | **Erdmann Law Office**<br>September 1989 - September 1995 |

## U.S. Judicial Experience

| | |
|---|---|
| **Supreme Court Justice** | **Montana Supreme Court**<br>September 1995 - January 1997 |

## International Experience

### *Office of High Representative of Bosnia and Herzegovnia (OHR)*

| | |
|---|---|
| **Program Manager/Attorney** | **OHR Anti-Fraud Unit**<br>March 1998 - November 1998 |
| **Judicial Reform Coordinator** | **OHR Judicial Reform**<br>November 1998 - April 1999 |
| **Head of Department** | **OHR Human Rights and Rule of Law**<br>May 1999 - December 1999 |

### *Organization for Security and Co-operation in Europe (OSCE)*

| | |
|---|---|
| **Chairman and Chief Judge** | **Bosnia and Herzegovina Election Appeals Sub-Commission (Bosnia Herzegovina Election Court)**<br>January 2000 – March 2001 |

### *International Consulting*

| | |
|---|---|
| **Judicial Reform/International Law Consultant** | **Booz-Allen & Hamilton**<br>**Serbian/Yugoslav Commercial Law Project**<br>May 2001 – August 2001 |
| **Judicial Reform Consulting** | **Office of High Representative, Bosnia**<br>November 2001 – July 2002<br>(short term contracts) |

## Military Experience

**United States Marine Corps** 1967 - 1970
- Clearance: Top Secret
- Special Cryptographic Operator
- Discharged - Sergeant

**Montana Air National Guard (USAF)** 1981 - Present
- Clearance: Secret; Top Secret in Process
- Current Rank: Colonel
- Staff Judge Advocate, 120th Fighter Wing [1982 - 1998]
- ANG Judge Advocate Liaison to First Air Force [1995 - 1998]
- ANG TJAG Long Range Strategic Planning Committee [1997, 98]
- Staff Judge Advocate, Headquarters, Montana Air National Guard [1998 - 2000]
- Member, TJAG ANG Council [1996 – present]

Air National Guard Judge Advocate Assistant to Commander, First Air Force [2000 - 2001]
Air National Guard Judge Advocate Assistant to USAFE [2001 – present]

Significant Military Schools
Civil Affairs Officers Advanced Course, Phase I, 1998
Joint Civil Affairs Staff Planning Course, 1997
Air War College, 1994
Air Command and Staff College, 1992
Judge Advocate Staff Officers Course, 1981

## Education

| | | |
|---|---|---|
| Montana State University – Bozeman | 1964-1966 | |
| Montana State University – Billings | 1970-1972 | BS |
| University of Montana School of Law | 1972-1975 | JD |

## Admitted to Practice

All Montana Courts
Federal District Court of District of Montana
Federal Ninth Circuit Court of Appeals
United States Court of Appeals for the Armed Forces
Blackfeet Tribal Court
Fort Belknap Tribal Court
Northern Cheyenne Tribal Court
Chippewa-Cree Tribal Court

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

*September 3, 2002.*

Hon. CARL LEVIN,
*Chairman, Committee on Armed Services,*
*United States Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: This letter provides information on my financial and other interests for your consideration in connection with my nomination for the position of Judge on the United States Court of Appeals for the Armed Forces. It supplements Standard Form 278, "Executive Personnel Financial Disclosure: Report" which has already been provided to the committee and which summarizes my financial interests.

To the best of my knowledge, none of the financial interests listed on my Standard Form 278 will create any conflict of interest in the execution of my new governmental responsibilities. Additionally, I have no other interests or liabilities in any amount with any firm or organization that is a Department of Defense contractor.

During my term of office, neither I nor any member of my immediate family will invest in any organization identified as a DOD contractor or any other entity that would create a conflict of interest with my government duties.

I do not have any present employment arrangements with any entity and have no formal or informal understandings concerning any further employment with any entity. If confirmed, I am committed to serve in this position for the full 15 year term.

I have never been arrested or charged with any criminal offenses other than minor traffic violations. I have never been party to and civil litigation. To the best of my knowledge, there have never been any lawsuits filed against any agency of the Federal Government or corporate entity with which I have been associated reflecting adversely on the work I have done at such agency or corporation. I am aware of no incidents reflecting adversely upon my suitability to serve in the position for which I have been nominated.

To the best of my knowledge, I am not presently the subject of any governmental inquiry or investigation.

I am a member of certain organizations and professional societies which have been previously provide to the committee. None of these should pose any conflict of interest with regard to my governmental responsibilities. I trust that the foregoing information will be satisfactory to the committee.

Sincerely,

CHARLES E. ERDMANN.

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Charles Edgar Erdmann II.

2. **Position to which nominated:**
U.S. Court of Appeals for the Armed Forces.

3. **Date of nomination:**
August 1, 2002.

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

5. **Date and place of birth:**
June 26, 1946; Great Falls, Montana.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married—Renee Steckler Erdmann

7. **Names and ages of children:**
Jerrod Anthony Erdmann, 33 (Son)
Jennifer Erdmann Tabish, 30 (Daughter)
Kenneth Nicholas Jacques, 33 (Stepson)
Ryan Charles Jacques, 30 (Stepson)

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Montana School of Law, 1972–1975, Juris Doctor

Montana State University—Billings, 1970–1972, Bachelor of Science
Montana State University—Bozeman, 1964–1966, (Left for Marine Corps)
Great Falls High School—Great Falls, Montana, 1961–1964, diploma

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

**Office of High Representative of Bosnia and Herzegovina**
Emerika Bluma 1, Sarajevo, Bosnia, and Herzegovina
[USAID Contractor]
March 2002–July 2002
OHA Judicial Reform Supervisor
Supervised the creation of the new "Rule of Law" Department at the Office of High Representative (OHR) and implemented a revised "rule of law" program based on recommendations I made in November 2001 and adopted by the Peace Implementation Council in February 2002.

**Office of High Representative of Bosnia, and Herzegovina**
Emerika Bluma 1, Sarajevo, Bosnia, and Herzegovina
[Organization for Security and Cooperation in Europe Contractor]
November 2001
Analyzed status the international community's judicial reform efforts in Bosnia and Herzegovina and drafted: "Assessment of the Current Mandate of the Independent Judicial Commission and a Review of the Judicial Reform Follow-on Mission for Bosnia and Herzegovina."

**Booz-Allen & Hamilton—USAID Commercial Law Project, Serbia**
Knicaninova 7, Belgrade, Serbia
April–August, 2001
Judicial Reform Consultant
Analyzed Serbian commercial court system and developed recommendations for reform.

**Organization for Security and Cooperation In Europe**
Obala Kulina Bana 7, Sarajevo, Bosnia, and Herzegovina
[U.S. State Department Contractor]
January 2000–March 2001
Chief Judge of Bosnian Election Court
Chief Judge of 7 member election court (2 Serb Judges; 2 Croat Judges; 2 Bosnlak [Moslem] Judges and 1 International judge) established by Dayton Agreement to hear disputes from election process while elections were supervised by the international community. I was the only American international judge in Bosnia.

**Office of High Representative of Bosnia and Herzegovina**
Emerika Bluma 1, Sarajevo, Bosnia, and Herzegovina
March 1989–December 1999
Held a variety of positions at OHR including: Program Manager I Anti-Fraud Unit; OHR Judicial Reform Coordinator; Head of Human Rights and Rule of Law Department. Supervised an international and national staff responsible for development and enforcement of political, economic and social rights; revision of property laws; establishment of the rule of law; development of non-governmental organizations and civil society; establish of gender equity, programs; monitoring of domestic war crimes trials; and liaison with the International Criminal Tribunal for the Former Yugoslavia in the Hague.

**Montana Supreme Court**
Justice Building, 121 No Sanders, Helena, Montana 59634
September 1995–January 1997
Associate Justice

**Erdmann Law Office**
1145 Butte Avenue, Helena, Montana 59601
October 1989–September 1895
Owner of small law practice with several associates and support staff.

**Erdmann and Wright**
208 North Montana, Helena, Montana
July 1986–September 1989
Partner

**Charles E. Erdmann, Attorney at Law**
Fourth Floor, Power Block Building, Helena, Montana
March 1986–July 1989
Sole Practitioner

**Montana School Boards Association**
1 South Montana, Helena, Montana
September 1982–March 1986
Staff Attorney

**Montana Medicaid Fraud Control Bureau**
Montana Department of Revenue, Mitchell Building, Helena, Montana
September 1980–September 1982
Bureau Chief

**Montana Anti-Trust Enforcement Bureau**
Montana Attorney General's Office
Justice Building, 121 Sanders, Helena, Montana
June 1978–June 1980
Chief Staff Attorney

**Montana State Auditor's Office**
Mitchell Building, Helena, Montana
June 1976–December 1978
Chief Staff Attorney

**Montana Attorney General's Office**
Justice Building, 121 Sanders, Helena, Montana
July 1975–June 1976
Assistant Attorney General

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

Helena Police Commission (Member and Chairman), 1982–1988
Helena Regional Airport Commission (Member), 1993–1995

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

President, Mountainhouse Consulting Inc., this is a professional corporation I utilize in my consulting business. I am the only employee.

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

Marine Corps League
Air Force Association
Montana Air National Guard Officer's Association
Kiwanis Club

13. **Political affiliations and activities:**

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

General Counsel, Montana Republican Party (1988–1990)—volunteer position.

I was a candidate for the Montana Supreme Court in 1996 which is a non-partisan position in Montana.

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

None.

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

Karla Gray, nonpartisan candidate for Chief Justice of Montana Supreme Court, 2000, $750.00.

Joe Mazurek, Democratic primary candidate for Governor, 2000, $500.00.

Mitch Tuttle for Senate, Republican primary candidate for State senate, 2002, $200.00.

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

College: Who's Who in American Universities and Colleges; Yellowstone County Bar Association Pre-Law Scholarship; President, Veterans Club; Vice President, Alpha Psi Kappa (Business Honorary); President. Senior Class; Member, Student Senate; Chairman, Midland Empire Economic Conference.

Law School: Cascade County Bar Association Scholarship; Albyn F. McCulloch Scholarship; President, Phi Delta Phi Legal Fraternity.

Military: Meritorious Service Medal; Air Force Commendation Medal w/one OLC; Joint Meritorious Unit Award: Air Force Outstanding Unit Award; Air Force Outstanding Excellence Award; Marine Corps Good Conduct Medal; National Defense Service Medal; Air Force Longevity Service Award w/four OLC; Armed Forces Reserve Medal; NATO Medal: Minuteman Award, National Guard Bureau.

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

*Standards for Dismissal of Teachers in Montana—An Overview,* Montana School Boards Association School Law Review, Vol. 1, No. 2, Dec 1988.

*Termination of Teachers for Cause,* MSBA School Law Review, Vol. 1, No.4, June 1989.

*Another Arrow in the Plaintiff's Quiver—An Overview of 42 U.S.C. 1983,* MSBA School Law Review, Vol. 21, No.7, March 1991.

*A Comprehensive Anti-Corruption Strategy for Bosnia and Herzegovina,* February 1999, Office of High Representative of Bosnia and Herzegovina.

*Comprehensive Judicial Reform Strategy Bosnia and Herzegovina,* July 1999, Office of High Representative of Bosnia and Herzegovina.

*Assessment of the Current Mandate of the Independent Judicial Commission and a Review of the Judicial Reform Follow-on Mission for Bosnia and Herzegovina,* Office of High Representative of Bosnia and Herzegovina.

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

None.

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

Yes.

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

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SIGNATURE AND DATE

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

CHARLES E. ERDMANN II.

This 3rd day of September, 2002.

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SUPPLEMENTAL QUESTIONNAIRE FOR JUDICIAL NOMINEES

1. **Full Name:**

Charles E. Erdmann.

2. **Employment Record:**

**Office of High Representative of Bosnia and Herzegovina**
Emerika Bluma 1, Sarajevo, Bosnia, and Herzegovina
[USAID Contractor]
March 2002–July 2002
OHR Judicial Reform Supervisor

Supervised the creation of the new "Rule of Law" Department at the Office of High Representative (OHR) and implemented a revised "rule of law" program based on recommendations I made in November 2001, which were adopted by the Peace Implementation Council in February 2002.

**Office of High Representative of Bosnia and Herzegovina**
Emerika Bluma 1, Sarajevo, Bosnia, and Herzegovina
[Organization for Security and Cooperation In Europe Contractor]
November 2001

Analyzed status the international community' judicial reform efforts in Bosnia and Herzegovina and drafted: "Assessment of the Current Mandate of the Independ-

ent Judicial Commission and a Review of the Judicial Reform Follow-on Mission for Bosnia and Herzegovina."

**Booz-Allen & Hamilton—USAID Commercial, Law Project, Serbia**
Knicaninova 7 I Belgrade, Serbia
April–August, 2001
Judicial Reform Consultant
Analyzed Serbian commercial court system and developed recommendations for reform.

**Organization for Security and Cooperation In Europe**
Obala Kulina Bana 7, Sarajevo, Bosnia, and Herzegovina
[U.S. State Department Contractor]
January 2000–March 2001
Chief Judge of Bosnian Election Court
Chief Judge of 7 member election court (2 Ser Judges; 2 Croat Judges; 2 Bosniak [Moslem] Judges and 1 international judge) established by Dayton Agreement to hear disputes from election process while the elections were supervised by the international community. I was the only American international judge in Bosnia.

**Office of High Representative of Bosnia and Herzegovina**
Emerika Bluma 1, Sarajevo, Bosnia, and Herzegovina
March 1989–December 1999
Held a variety of positions at OHR including; Program Manager, Anti-Fraud Unit; OHR Judicial Reform Coordinator; Head of Human Rights and Rule of Law Department. Supervised an international and national staff responsible for development and enforcement of political, economic, and social rights; revision of property laws; establishment of the rule of law; development of non-governmental organizations and civil society; establish of gender equity programs; monitoring of domestic war crimes trials; and liaison with the International Criminal Tribunal for the Former Yugoslavia in the Hague.

**Montana Supreme Court**
Justice Building, 121 N. Sanders, Helena, Montana
September 1995–January 1997
Associate Justice

Erdmann Law Office
1145 Butte Avenue, Helena, Montana
October 1989–September 1995
Owner of small law practice with several associates and support staff.

**Erdmann and Wright**
208 North Montana, Helena, Montana
July 1986–September 1989
Partner

**Charles E. Erdmann, Attorney at Law**
Fourth Floor, Power Block Building, Helena, Montana
March 1986–July 1986
Sale Practitioner

**Montana School Boards Association**
1 South Montana, Helena, Montana
September 1982–March 1986
Staff Attorney

**Montana Medicaid Fraud Control Bureau**
Montana Department of Revenue, Mitchell Building, Helena, Montana
September 1980–September 1982
Bureau Chief

**Montana Anti-Trust Enforcement Bureau**
Montana Attorney General's Office
Justice Building, 121 Sanders, Helena, Montana
June 1978–June 1980
Chief Staff Attorney

**Montana State Auditor's Office**
Montana Insurance Department/Montana Securities Department
Mitchell Building, Helena, Montana
June 1976–December 1978
Chief Staff Attorney

**Montana Attorney General's Office**
Justice Building, 121 Sanders, Helena, Montana

July 1975–June 1976

Assistant Attorney General

3. **Honors and Awards:**

**College:** Who's Who in American Universities and Colleges; Yellowstone County Bar Association Pre-Law Scholarship; President, Veterans Club; Vice President, Alpha Psi Kappa (Business Honorary): President, Senior Class; Member, Student Senate; Chairman, Midland Empire Economic Conference.

**Law School:** Cascade County Bar Association Scholarship; Albyn F: McCulloch Scholarship; President, Phi Delta Phi Legal Fraternity

**Military:** Meritorious Service Medal; Air Force Commendation Medal w/1 OLC: Joint Meritorious Unit Award; Air Force Outstanding Unit Award; Air Force Outstanding Excellence Award: Marine Corps Good Conduct Medal; National Defense Service Medal; Air Force Longevity Service Award w/4 OLC; Armed Forces Reserve Medal;! NATO Medal; Minuteman Award, National Guard Bureau

4. **Bar Associations:**

Montana Bar Association
1975–Present

5. **Other memberships:**

Montana Council of School Attorneys (Co-Founder—1989; President—1989, 1990).
National Council of School Attorneys (Member).
National Organization of School Attorneys (Member).
National Republican Lawyers Association (Montana Chapter CoChair 1988–1990).
Phi Delta Phi Legal Fraternity (President, 1974).
Alpha Psi Kappa Business Honorary (Vice President).
Sigma Chi Fraternity (Member).
Marine Corps League (Member).
Air Force Association (Member).
Montana Air National Guard Officer's Association (Bylaw Committee; Legal Committee).

6. **Court Admissions:**

All Montana Courts, 1975
Federal District Court of District of Montana, 1975
Ninth Circuit Court of Appeals, 1976
U.S. Court of Appeals for the Armed Forces, 1982
Fort Belknap Tribal Court, 1988
Blackfeet Tribal Court, 1992
Chippewa-Cree Tribal Court, 1992
Northern Cheyenne Tribal Court, 1994

7. **Published Writings:**

*Standards for Dismissal of Teacher in Montana—An Overview,* Montana School Boards Association School Law Review, Vol. 1, No. 2, December 1988.

*Termination of Teachers for Cause,* MSBA School Law Review, Vol. 1, No. 4, June 1989.

*Another Arrow in the Plaintiff's Quiver—An Overview of 42 U.S.C. 1983,* MSBA School Law Review, Vol. 21, No. 7, March 1991.

*A Comprehensive Anti-Corruption Strategy for Bosnia and Herzegovina,* February 1999, Office of High Representative of Bosnia an Herzegovina.

*Comprehensive Judicial Reform Strategy for Bosnia and Herzegovina,* July 1999, Office of High Representative of Bosnia and Herzegovina.

*Assessment of the Current Mandate of the Independent Judicial Commission and a Review of the Judicial Reform Follow-on Mission for Bosnia and Herzegovina,* Office of High Representative of Bosnia and Herzegovina.

*Papers Attached in Annex 1*

8. **Health:**

The state of my health is very good. I had a comprehensive physical examination in Sarajevo, Bosnia in June of 2002 which reflected that my health was excellent. (Exam Results Attached In Annex 2) In August 2002, however, after I returned to the United States I experienced some tightness in my chest. As a precaution I checked into the emergency room. An EKG was normal but the doctors recommended a heart catheterization. That procedure detected a blood vessel that had a partial blockage. They performed an angioplasty procedure and implanted a stent in the blood vessel. Following the procedure the cardiologist stated that he would characterize my health as "very good" and that I could resume my normal activities.

9. **Legal Career:**

**(a) Describe chronologically your law practice and experience after graduation from law school.**

**Montana Attorney General's Office**
Assistant Attorney General
June 1975–December 1976, Represented various State agencies, Argued criminal appeals in Montana Supreme Court.

**Montana State Auditor's Office**
Chief Counsel
December 1976–June 1978, Represented the Montana
Securities Department and the Montana Insurance Department

**Antitrust Bureau, Montana Attorney General's Office**
Chief Counsel
June 1978–June 1979, Represented the State of Montana in several antitrust actions in Federal court.

**Medicaid Fraud Bureau, Montana Department of Revenue**
Bureau Chief
September 1979–September 1982, Started the first Medicaid
Fraud Bureau in Montana—supervised the investigation and prosecution of Medicaid fraud cases

**Montana School Board Association**
Staff Attorney
September 1982–March 1986, represented the Association and school districts in Montana

**Charles E. Erdmann, Attorney at Law**
Sole Practitioner
March 1986–July 1986, primarily represented Montana school districts

**Erdmann & Wright**
Partner
July 1986–September 1989, Continued to primarily represent school districts in issues such as: employment and labor relations law, election law, State and Federal discrimination laws, contract law, and a variety of constitutional issues. The remainder of my practice included the representation of a statewide insurance trust and representation of individuals in employment matters and other disputs.

**Erdmann Law Office**
Owner
October 1989–September 1995. No change in nature of practice.

**Montana Supreme Court**
Associate Justice
September 1995–January 1997

**Office of High Representative of Bosnia and Herzegovina**
Program Manager, Judicial Reform Coordinator, Head of Human Rights and Rule of Law Department
March 1998–December 1999

**Bosnian Election Court**
Chief Judge
January 2000–March 2001

**Booz-Allen & Hamilton**
Judicial Reform Consultant
April 2001–August 2001

**Office of High Representative of Bosnia and Herzegovina**
Judicial Reform Consultant
November 2001

**Office of High Representative of Bosnia and Herzegovina**
Judicial Reform Supervisor
March 2002–July 2002

**(b)(1) What has been the general character of your law practice, dividing It into periods with dates of its character that has changed over the years?**

| | |
|---|---|
| July 1975–September 1982 | Government Practice |
| September 1982–March 1986 | Association of Public School Districts |
| March 1986–September 1997 | Private Practice of Law |
| September 1995–January 1997 | Judicary—Montana Supreme Court |
| March 1989–December 1999 | Interntianal Rule of Law and Human Rights |
| January 2000–March 2001 | intenational Judiciary—Bosnian Election Court |
| April 2001–July 2002 | International Judicial Reform Consulting |

**(2) Describe your typical clients, and mention the areas, if any, in which you have specialized.**

While in private practice I represented public school districts, other public entities, insurance companies, unions, and individuals. Ispecialized in school law and discrimination law.

**(c)(1) Did you appear in court frequently, occasionally, or not at all? If the frequency of you appearances varied, describe each such variance, giving dates.**

While in private practice I appeared in court 2–3 time a month and before administrative tribunals 3–4 times a month.

**(2) Provide an estimate of the percentage of these appearances that were in Federal courts, including courts-martial; State courts of record, other courts.**

(A) Federal courts; 10 percent.
(B) State courts; 40 percent.
(C) Administrative Bodies; 50 percent.

**(3) Provide an estimate of your litigation that was: civil; criminal.**

Government Practice:
(A) civil proceedings; 30 percent.
(B) criminal proceedings; 20 percent.
Private Practice:
(A) civil proceedings; 100 percent.
(B) criminal proceedings; 0 percent.

**(4) Provide an estimate of the number of civil cases in courts of record you tried to verdict or judgment (rather than settling), indicating whether you were sole counsel, chief counsel, or associate counsel.**

While in private practice I estimate that I took over 50 cases to final judgment, acting as sole practitioner or lead counsel in all cases.

**(5) Provide an estimate of the percentage of these trials that was: jury; non-jury.**

All of my cases were either determined by administrative hearing officers or tribunals or judge alone trials.

**(6) Provide an estimate of the number of cases you were briefed and/or argued before appellate courts indicating whether you were sole counsel, chief counsel, or associate counsel.**

I estimate that I briefed and argued over 30 cases before the Montana Supreme Court and the 9th Circuit Court of Appeals, all as the sole counselor chief counsel.

**(d) Describe a representative sample of the litigated matter which you personally handled.**

I have attached a summary of 10 representative litigated matter that I have personally handled in Annex 3.

**(e) List any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.**

**Montana Supreme Court**

September 1995–January 1997

Appointment by Governor Marc Racicot to fill an unexpired term. Defeated in the 1996 election for a full term on the Court. (51.2 percent–48.8 percent).

I have attached a list of 10 significant decisions that I authored while on the Montana Supreme Court and the Bosnian Election Court in Annex 4.

10. **Experience with military law or civilian criminal justice system:** In addition to such information as may be described elsewhere in this section, describe your experience working with military law, military justice, or civilian criminal justice systems.

The first position I held after law school was with the Montana Attorney General's Office. My primary duty was to draft appellate briefs for criminal appeals before the Montana Supreme Court and to argue the appeals. I later handled criminal prosecutions as head of the Montana Medicaid Fraud Bureau in both State and Federal court. While on the Montana Supreme Court I authored and participated in numerous criminal decisions.

I graduated from the Air Force Staff Judge Advocate Orientation Course at Maxwell AFB in preparation for my duties as an Air National Guard Staff Judge Advocate. As a result of that course, during subsequent yearly updates, and with my work in the Air National Guard, I am familiar with the Uniform Code of Military Justice.

During my work in Bosnia in 1998, I was member of a group of international and national experts that revised the Federation of Bosnia and Herzegovina's criminal code and criminal procedure code. Those changes were adopted by the Federation

Parliament. While in Bosnia in 2002 I supervised the drafting of the first criminal code and criminal procedure code at the Federal level of Bosnia and Herzegovina. Working on these projects with international experts helped expand my knowledge and understanding of criminal justice systems and philosophy.

**11. Assistance to the Disadvantaged:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Provide a representative sample of any activities you have undertaken in this regard.

While in private practice I provided legal services and advice to individuals referred to me by friends and others who otherwise could not otherwise afford legal services. I also participated in the formal "pro bono" system. During that period I also had a policy of encouraging my associates to perform "pro bono" work during their regular workday.

**12. Discrimination:** The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you belong, or have you ever belonged, to any organization which so discriminates—through either formal membership requirements or the practical implementation of membership policies?

No.

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SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Supplemental Questionnaire for Judicial Nominees and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

CHARLES E. ERDMANN II.

This 3rd day of September, 2002.

[The nomination of Charles E. Erdmann was reported to the Senate by Chairman Levin on October 1, 2002, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 2, 2002.]

# APPENDIX

## COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF CIVILIAN NOMINEES

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UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

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

2. **Position to which nominated:**

3. **Date of nomination:**

4. **Address:** (List current place of residence and office addresses.)

5. **Date and place of birth:**

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

7. **Names and ages of children:**

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

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

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

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

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

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

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

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

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

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

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

## COMMITTEE ON ARMED SERVICES FORM

## FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through F will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

**Name:**

### PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all business connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

5. Is your spouse employed and, if so, where?

6. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

## PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

6. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any legal impediments to your serving in this position?

## PART D—LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

## PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

## PART F—FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents.

1. Describe the terms of any beneficial trust or blind trust of which you, your spouse, or your dependents may be a beneficiary. In the case of a blind trust, provide the name of the trustee(s) and a copy of the trust agreement.

2. Provide a description of any fiduciary responsibility or power of attorney which you hold for or on behalf of any other person.

3. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, executory contracts and other future benefits which you expect to derive from current or previous business relationships, professional services and firm memberships, employers, clients and customers.

4. Have you filed a Federal income tax return for each of the past 10 years? If not, please explain.

5. Have your taxes always been paid on time?

6. Were all your taxes, Federal, State, and local, current (filed and paid) as of the date of your nomination?

7. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

8. Have any tax liens, either Federal, State, or local, been filed against you or against any real property or personal property which you own either individually, jointly, or in partnership?

(The committee may require that copies of your Federal income tax returns be provided to the committee. These documents will be made available only to Senators and the staff designated by the Chairman. They will not be available for public inspection.)

## SIGNATURE AND DATE

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

_____.

This _____ day of _____, 19_____.

# COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF CERTAIN SENIOR MILITARY NOMINEES

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UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

## COMMITTEE ON ARMED SERVICES FORM

## BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES FOR CERTAIN SENIOR MILITARY POSITIONS

### INSTRUCTIONS TO THE NOMINEE:

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

If you have completed this form in connection with a prior military nomination, you may use the following procedure in lieu of submitting a new form. In your letter to the Chairman, add the following paragraph to the end:

> "I hereby incorporate by reference the information and commitments contained in the Senate Armed Services Committee form 'Biographical and Financial Information Requested of Nominees for Certain Senior Military Positions,' submitted to the Committee on [insert date or your prior form]. I agree that all such commitments apply to the position to which I have been nominated and that all such information is current except as follows: . . . ." [If any information on your prior form needs to be updated, please cite the part of the form and the question number and set forth the updated information in your letter to the Chairman.]

### PART A—BIOGRAPHICAL INFORMATION

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

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

2. **Position to which nominated:**

3. **Date of nomination:**

4. **Address:** (List current place of residence and office addresses. Also include your office telephone number.)

5. **Date and place of birth:**

6. **Marital Status:** (Include name of husband or wife, including wife's maiden name.)

7. **Names and ages of children:**

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

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

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

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the Executive Branch.

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

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

## COMMITTEE ON ARMED SERVICES FORM

## FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through E will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

**Name:**

### PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your military service. If so, explain.

2. Has anybody made a commitment to employ your services in any capacity after you leave military service?

### PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

5. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

6. Is your spouse employed and, if so, where?

## PART D—LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or litigation? If so, provide details.

4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

## PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

## SIGNATURE AND DATE

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

_____.

This _____ day of _____, 19_____.

○