

**CONFIRMATION HEARING ON THE EXPECTED
NOMINATIONS OF MR. WILLIAM J. LYNN III,
MR. ROBERT F. HALE, MS. MICHELE
FLOURNOY, MR. JEH CHARLES JOHNSON**

Thursday, January 15, 2009

U.S. SENATE
COMMITTEE ON ARMED SERVICES

Washington, D.C.

The committee met, pursuant to notice, at 9:36 a.m. in Room SD-106, Dirksen Senate Office Building, Hon. Carl Levin, chairman of the committee, presiding.

Present: Senators Levin [presiding], Reed, Akaka, Benjamin Nelson, Webb, McCaskill, McCain, Inhofe, Chambliss, Graham, Thune, and Wicker.

Other Senators Present: Senators Hogan, Begich, Menendez and Udall.

Committee staff members present: Richard D. DeBobes, Staff Director, Leah C. Brewer, Nominations and Hearings Clerk.

Majority staff members present: Jonathan D. Clark, Counsel, Gabriella Eisen, Counsel, Richard W. Fieldhouse, Professional Staff Member, Creighton Greene, Professional Staff Member, Michael J. Kuiken, Professional Staff Member, Peter K. Levine, General Counsel, William G. P. Monahan, Counsel, John H. Quirk V, Professional Staff Member, Arun A. Seraphin, Professional Staff Member, Russell L. Shaffer, Counsel, William K. Sutey, Professional Staff Member.

Minority staff members present: Joseph W. Bowab, Republican Staff Director, William M. Caniano, Professional Staff Member, Richard H. Fontaine, Jr., Deputy Republican Staff Director, David M. Morriss, Minority Counsel, Lucian L. Niemeyer, Professional Staff Member, Diana G. Tabler, Professional Staff Member, Richard F. Walsh, Minority Counsel, and Dana W. White, Professional Staff Member.

Staff assistants present: Kevin A. Cronin, Jessica L. Kingston and Christine G. Lang.

Committee members' assistants present: Bethany Bassett, assistant to Senator Kennedy, Jay Maroney, assistant to Senator Kennedy, James Tuite, assistant to Senator Byrd, Elizabeth King, assistant to Senator Reed, Bonnie Berge, assistant to Senator Akaka, Christopher Caple, assistant to Senator Bill Nelson, Christiana Gallagher, assistant to Senator Ben Nelson, Jon Davey, assistant to Senator Bayh, Jennifer Park, assistant to Senator Webb, Gordon I. Peterson, assistant to Senator Webb, Stephen C. Hedger, assist-

ant to Senator McCaskill, Elizabeth McDermott, assistant to Senator McCaskill, Anthony J. Lazarski, assistant to Senator Inhofe, Nathan Reese, assistant to Senator Inhofe, Clyde A. Taylor IV, assistant to Senator Chambliss, Adam G. Brake, assistant to Senator Graham, Jason Van Beek, assistant to Senator Thune, Brian W. Walsh, assistant to Senator Martinez, and Erskine W. Wells III, assistant to Senator Wicker.

**OPENING STATEMENT OF HON. CARL LEVIN, U.S. SENATOR
FROM MICHIGAN**

Chairman LEVIN. Good morning, everybody.

The committee meets today to consider the nominations of Bill Lynn, to be Deputy Secretary of Defense, Robert Hale to be Under Secretary of Defense Comptroller, Michele Flournoy to be Under Secretary of Defense for Policy and Jeh Charles Johnson, to be General Counsel of the Department of Defense.

This is the first meeting of the 111th Congress, so I want to begin by welcoming back all of our members, starting with our ranking member—although he's not here at the moment, he can't be here until a little later in the hearing. We all know that Senator McCain had hoped to be serving in a somewhat different position, but we're delighted to have him back, and we welcome the huge contribution that he has made, and will continue to make to this committee, and to the Congress, and to the Nation.

I also want to extend a special welcome to our new members: Senator Hagen, who is here, Senator Begich who is here—I did not see Senator Udall, he's not here, yet. They've been—our new members, although technically not members yet of the committee—are going to be members both technically and in reality, in a few days. And so we've invited them to join us to today's hearing and they'll be free to ask questions if they'd like, later on. We're delighted to have you both here.

The Armed Services Committee, I think, as you know, our new members particularly, will find out, is a real determination to act on a bipartisan basis. We are a committee that historically has acted that way, it's been our hallmark. It's been something we've been very proud of, it's something we protect.

And the commitment to national defense is not a partisan commitment on the part of any member of the Congress, and it is surely something which we feel very strongly about, this common commitment to the security of our Nation, and to the men and women in uniform who put themselves in harms' way for our good.

We look forward to looking to working with you. I know every member of the committee feels that way, regardless of Party affiliation. And this year our committee is in a unique position, because we have a new Administration, but we do not have a new nominee for Secretary of Defense.

We've asked Secretary Gates to return to the committee on January the 27th, to provide us with his views, and the views of the incoming Administration on challenges facing the Department of Defense. That hearing is going to give us the opportunity to ask many of the questions that we might have asked a new nominee.

Today we're going to hear from nominees for four of the most senior positions at the Department of Defense who serve directly

under the Secretary. We welcome our nominees and their families to today's hearing. We will tell our nominees families something that many of them already know from previous experience. And that is that senior Department of Defense officials put in long hours, and they make sacrifices for the Nation's good, and their families make sacrifices, as well, to make it possible for the officials to serve our country, and to take out the kind of time that is necessary from their lives, and that will also come from your lives.

And so, we thank the families for their service, as well as our nominees for their willingness to serve our Nation. The committee—and we'll ask the nominees to introduce their families as we call upon them later, for their opening statements.

Each of our nominees has a distinguished career of public service, and a strong commitment to the Nation's defense. They are exceptionally well-qualified, and the committee looks forward to working with them, and hopefully a swift confirmation.

Mr. Lynn served in the Department of Defense from 1993 to 2001, first as Director of Program Analysis and Evaluation, PA&E, and then as DOD controller.

Mr. Hale served in the Department as Air Force Comptroller from 1994 to 2001. Before that, he spent 12 years as the head of the Defense Unit of the Congressional Budget Office, the CBO.

Ms. Flournoy served as Principal Deputy assistant Secretary of Defense for Strategy in the 1990s, and helped prepare the 2001 Quadrennial Defense Review.

And Mr. Johnson has served as General Counsel of the Air Force from 1998 to 2001.

Mr. Lynn also gained, we think, his most important experience before he went to the Pentagon, and that is when he spent 6 years working with this committee as Senator Kennedy's military legislative assistant. And we look forward to having Senator Kennedy back with us, he is looking very, very good, and sounding good. And we look forward to his coming back.

But in the meantime, Bill, we want to make reference to the fact that you cut some of your teeth, here, with this committee, and that will serve you in good stead, we believe, in your new position.

If confirmed, our nominees will resume substantial responsibility for leading the Department of Defense at a critical time. Almost 2,000 U.S. soldiers, sailors, airmen and Marines are deployed far from home. As we meet here, they're in Iraq and Afghanistan, and Kuwait and other theaters around the world.

After more than 7 years of war, our military—particularly our ground forces—are stressed. Many of our troops have been worn out, their families have been faced—as they have—with repeated deployments. Our equipment is being used up.

At the same time, the Department of Defense spends hundreds of billions of dollars every year on the acquisition of products and services. The Government Accountability Office reported last year that cost overruns on the Department's 95 largest acquisition programs now total almost \$300 billion over the original program estimates, even though the Department has cut unit quantities and reduced performance expectations on many programs to reduce costs.

At a time when the Federal budget is under extraordinary strain, as a result of the economic crisis we face, we cannot afford this kind of continued inefficiency.

Our nation faces a host of challenges at home and abroad. Our witnesses today are going to help the Department and this country face those challenges. I'm confident that our nominees—working with the President-elect, Secretary Gates, others in the incoming Administration, and with this committee—will do everything to—in their power—to ensure that our Nation meets the challenges that face us. And we look forward to hearing their views.

As I indicated, Senator McCain has informed us that he will be here later in the morning, and we will then give him an opportunity to make an opening statement. But in his absence we will call upon Senator Inhofe to make whatever statement that he might wish to make before we call upon those that are going to be introducing our nominees.

STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM OKLAHOMA

Senator INHOFE. Thank you, Mr. Chairman.

First of all, I am sitting in for Senator McCain until he arrives, and he has a statement I'd like to enter into the record at this point.

Chairman LEVIN. It will be made part of the record. [The prepared statement of Senator McCain follows:] [COMMITTEE INSERT]

Senator INHOFE. And also, I've had a chance to get to know—not as well as I want to, later on—our new members, Kay Hagan, and Mark Udall.

And, Mark, you have baggage. One of the things we always do when we have new members coming in that come on the committee, you kind of read about them, and I'm just real pleased that you made the decision to get on this committee. You both—all three of you—are going to be great additions. And I look forward to working with you.

I see my friend Ike Skelton here, and I worked under his leadership for many years. We were on the House Armed Services Committee and I'm glad you're here to lend your support as I am doing at this time.

Let me just make one comment, and that is that most of you—all of you, I guess—had experience back when things were really different, back in the nineties. And I look, sometimes, back somewhat wistfully at the days of the Cold War, I mean, things were predictable then. We had an enemy out there, we knew who the enemy was, we knew how the enemy thought.

Now everything is asymmetrical, it's all—we have threats that are just totally different than the threats that existed in the nineties. And I know that you all have been keeping up with that.

I had a very good conversation between flights, a few days ago, with President-elect Obama. He called—I was actually in Memphis, between flights, and we had a chance to talk. And I was complimentary of him on his—what he's done with the Defense, or the military appointments and nominations, and the fact that Gates is going to be staying on. General Jim Jones, I just think that's a—

was a great idea to do that. Of course, Sinseke—we've all served with him, and think so much of him.

And so, you folks will be working with these people, I'm looking forward to supporting you. I'm looking forward to working with you. And as we get into the problems that are there, I think we'll find—we'll have debate from time to time, disagreement, right up here around this table. But we all respect each other, we all want one ultimate goal, and that is to defend this country and everybody in it.

So, with that, I'll turn it back to you, Mr. Chairman. [The prepared statement of Senator Inhofe follows:] [COMMITTEE INSERT]

Chairman LEVIN. Thank you so much, Senator Inhofe. We're delighted today to have with us colleagues to introduce our nominees. The first colleague who I'll call on is a member of the committee, and an incredibly valuable member of the committee and the Senate.

Senator Reed, do you want to make your introduction first? And then we'll—I think we'll call upon Representative Skelton, and then Senator Menendez in terms of your schedule, if that's all right. We'll call upon you third in terms of the order of the witnesses will be appearing. But also, accommodate Representative Skelton who I know has to get back to the House.

Senator Reed?

OPENING STATEMENT OF HON. JACK REED, U.S. SENATOR FROM RHODE ISLAND

Senator REED. Well, thank you very much, Mr. Chairman. It's an honor to be here today. I'm particularly pleased with the appointments that the President-elect had made, beginning with Secretary Gates. And the gentleman and the lady that are here today, are representative of the superb quality and patriotism and commitment that has been evidenced by the—all of the appointments, to date, at the Department of Defense.

I'm—I want to join Chairman Skelton in recognizing Michele Flournoy. We've had an opportunity over many years to work together, she is superbly prepared for this job, and someone that I admire immensely.

But my great task, and indeed a great honor, is to introduce Bill Lynn. As you've indicated, Mr. Chairman, Bill has a superb career, embracing service here, on Senator Kennedy's staff, as a military legislative assistant. Service in the Pentagon, in the Program Analysis and Evaluation Office, as the Director, and as Comptroller. I don't think anyone knows more about the intricacies of the budget and the institutional culture of the Pentagon than Bill Lynn. He certainly knows a bit about Congress.

And he also is someone who, over the last several years, has been a significant participant with Raytheon Company, and their major operations with respect to supporting the Department of Defense. So, Bill combines the three pillars, I think, of someone who has to be successful in this job as Deputy Secretary—knowledge of Congress, intricate knowledge of the Pentagon, and knowledge of the contractors who support the operations at the Pentagon.

He is, besides being experienced, he's a man of great character and integrity. Bill graduated from Dartmouth College, with a law degree from Cornell Law School, and a Masters in Public Affairs from the Woodrow Wilson School. He is a superb choice.

Today, he is joined by his wife, Mary Murphy. Their young daughter, Katherine, is at home—supposedly watching TV. I—from practical experience—suggest it's probably not PBS, it's Sprout. But, nevertheless, they have shouldered the challenge, not only of service to the Nation, but parenthood, and I commend them for both.

Thank you, Mr. Chairman. [The prepared statement of Senator Reed follows:] [COMMITTEE INSERT]

Chairman LEVIN. Thank you so much, Senator Reed.

Ike Skelton, our dear friend, Chairman of the House Armed Services Committee, it's one of the great pleasures of being Chairman of this committee, is the opportunity to work with my counterpart over at the House.

Ike, welcome.

**STATEMENT OF HON. IKE SKELTON, U.S. REPRESENTATIVE
FROM MISSOURI**

Representative Skelton: Thank you very much, Mr. Chairman, Senator Inhofe. It's good to be with you, today, and it's a thrill to be here, especially to see my friend and colleague from Missouri, Claire McCaskill, who's distinguished herself so well back home, as well as here.

It's also interesting to note, Mr. Chairman, that there are four members from the House, if I'm correct, three former members of our committee—the Armed Services Committee—and I know that speaks very, very well for their continued service for the National security.

Mr. Chairman, I couldn't be more delighted today than I am in support of the nomination of Michele Flournoy to be the Under Secretary of Defense for Policy. She and I have spent many hours together. I could talk long about her professional qualification, excellent personal qualities. But, in deference to your preference for brevity, I will do so.

I've gotten in the habit, Mr. Chairman, of asking each of the service chiefs from time to time, whether their war colleges are producing graduates who are capable of engaging in high-level discussion of strategy with someone at the level of George C. Marshall. In truth, the question is a little bit unfair, because very few of its civilians are capable of such a discussion ourselves. And we're entrusted as much—or really more so—with decisions about overall strategy.

However, the Senate has the opportunity to confirm just such an individual as Michele Flournoy. She is nominated for exactly the job within the Department of Defense for which her remarkable skills are uniquely suited.

Michele developed a sterling reputation during her highly decorated service in the Department during the 1990s, she served as both Deputy assistant Secretary of Defense for Strategy, as well as the Principal Deputy assistant Secretary of Defense for Strategy and Threat Reduction.

Among many other accomplishments, Michele was a leading figure in the development and performance of the first two Quadrennial Defense Reviews—1997, and 2001. Her hallmark in these efforts was an insistence on rigorous analysis and reliance on hard data and modeling at a time when the use of these tools on issues of planning and strategy were poorly understood.

She continued her public service in recent years by serving on the Defense Policy Board, and the Defense Science Board Task Force for Transformation. She also served as Professor at the National Defense University, where she led its Quadrennial Defense Review Working Group in 2001.

Not least among her contributions during this time was her work in educating members of Congress—including me—and I know, also, Senator Reed, in the deep nuances of military readiness, and the best way to restore it.

In 2007, Michele co-founded the Center for a New American Security, to provide analysis and advocacy for a strong, pragmatic, national security strategy for our country. This group has quickly become known as that rare animal—a think-tank focused on developing pragmatic solutions to difficult national security problems.

Her leadership on their Project Solarium which—as you know, took the name from President Eisenhower’s attempt to put together a strategy—examining new approaches to our National security strategy has been extremely important. I know that I need not remind anyone on this committee about the pressing need we face for a pressing and balanced review of our global strategy, as well as those in Afghanistan and in Iraq.

The President-elect has chosen exactly the right person to assist him, as well as Secretary Gates, in this effort in ensuring that this nation is focused on the challenges around the corner that we don’t yet have a clear view of.

Finally, I would say that Michele understands the significant personnel and readiness issues facing our military. She understands that the senior leaders at the Pentagon have to be more than just policy wonks, but also responsible stewards, serving the needs of the military—families as well as the taxpayers of our country.

She’s married to Scott Gould, a 26-year veteran of the United States Navy, thereby a military spouse herself, of many years’ standing. Her ability to put policy decisions in this context will serve her, the Secretary and our Nation, well.

Michele’s qualifications are exemplary. Her judgment, her knowledge, her character all are first-rate. Confirming her will bring credit to this committee, as well as to the Department of Defense, as well, Mr. Chairman, to our Nation.

I urge you to confirm as expeditiously as possible, this lady for this very high-level position. Thank you so much. [The prepared statement of Representative Skelton follows:] [COMMITTEE INSERT]

Chairman LEVIN. Thank you, Representative Skelton. We very much appreciate your coming by this morning, as I know Ms. Flournoy does.

Now, another good friend of ours, a good friend of the men and women in the military, Senator Menendez.

**STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR
FROM NEW JERSEY**

Senator Menendez: Thank you, thank you, Mr. Chairman—to you and all of the distinguished members of the committee. I'm honored to appear before you today to introduce Jeh Johnson on his nomination hearing to serve as the next General Counsel of the Department of Defense, and I am confident that the committee—and the full Senate—will conclude that he is exceptionally well-qualified to serve in this important position with great distinction.

Jeh Johnson's distinguished legal career has included both public service as well as private practice; his private practice with a prominent New York-based law firm of Paul, Weiss, Rifkind, Wharton & Garrison, he is a graduate of Morehouse College in the Columbia University Law School.

In 1989 and 1991, he was a Federal prosecutor in the Southern District of New York, where he was responsible for investigating and prosecuting cases involving public corruption. He then resumed a successful private practice in the litigation department of Paul, Weiss, which included being elected a fellow in the prestigious American College of Trial Lawyers.

But he is not a stranger to the Defense Department. In 1998, he left private practice at Paul, Weiss to take the position of General Counsel at the Department of the Air Force. He served as Air Force General Counsel for over 2 years, and during that time, gained a solid understanding of the unique challenges and demands of being one of the top attorneys within our largest government agency. He is, without a doubt, ready now to serve as the senior legal authority at the Defense Department.

The lawyers at the Department of Defense will have to deal with some very complex and difficult issues in the months ahead. No doubt, there are other equally difficult issues that—those that we see now, and those will come—that will lie over the horizon.

In remarks that he made to a conference of Air Force Judge Advocate Generals in 2007, Jeh Johnson said that, "In the absence of a Constitutional amendment, an act of Congress, or some new interpretation of the constitution of the laws by the courts, the rule of law does not change. It remains consistent throughout changing times." And as legal advisor in the Department of Defense, your challenge is to provide consistent advice and guidance to policymakers and commanders about what the rule of law means.

I am confident that Jeh Johnson will provide just such advice and guidance to policymakers and commanders, as General Counsel to the Department of Defense, for them to be able to—not only pursue the rule of law—but meet their challenge in defending and protecting our Nation. He will do so with intellect and integrity that have been the hallmarks of his life, and I'm pleased to present such a distinguished individual from the State of New Jersey, to this committee.

Thank you, Mr. Chairman. [The prepared statement of Senator Menendez follows:] [COMMITTEE INSERT]

Chairman LEVIN. Thank you so much, Senator Menendez.

Let me now call on our witnesses for their opening statements, and when I call on you, perhaps you would introduce those who accompany you here today.

First, Bill Lynn? Let me call on you for any opening statement you might wish to give us, and introduce your family.

**STATEMENT OF MR. WILLIAM J. LYNN III, NOMINEE FOR
DEPUTY SECRETARY OF DEFENSE**

Mr. Lynn: Thank you very much, Mr. Chairman.

Chairman Levin, Senator Inhofe, members of the committee, it's a privilege to appear before this committee. I'm particularly honored to return to the committee where I—as the chairman noted—spent so many years.

I'm also honored that President-elect Obama has nominated me for the position of Deputy Secretary of Defense. I appreciate the confidence that he and Secretary Gates have placed in me, and if confirmed, I look forward to the opportunity to serve again with the dedicated men and women of our armed forces, particularly those serving in combat operations, including more than 140,000 in Iraq, and more than 30,000 in Afghanistan.

Mr. Chairman, I'm particularly grateful to you, and to Senator McCain, for your exceptional efforts to act on our nominations so expeditiously. This is our first war-time transition in many years, and reducing any gaps in civilian leadership at the Pentagon is critical.

I also want to thank Senator Reed for the kind introduction. The Senator's leadership on issues of national security is inspiring. I look forward to working with Senator Reed, and to all of the members of the committee on the great challenges facing us.

And let me express my gratitude to Senator Kennedy who—as the Chairman noted—is unable to attend this hearing. Senator Kennedy has been a superb boss, a great mentor, a loyal friend. His leadership and courage are unsurpassed, and I—with the Chairman—look forward to seeing him, again, back here very soon.

Finally, I want to thank my wife, Mary, who's here in the audience, and my daughter, Katherine, who Senator Reed noted is not here, to avoid disruption for the committee. They're embarking on this journey with me. They don't know where it will take us, precisely, but they do know—as the Chairman noted—there will be numerous sacrifices, and I greatly appreciate their support.

This committee is noted for its bipartisan commitment to national security, and for its attention to the needs of our men and women in uniform, particularly at a time we're engaged in two wars. I appreciate the decades of experience on defense matters that are resident on this committee, and I commit to continuing in supporting Secretary Gates' effort to engage the Congress, and this committee in particular, in constructive and candid discussions.

I approach this confirmation hearing, and if confirmed, this position, with humility. Serving as the chief management officer of an organization as large and diverse as the Department of Defense is a task that no one is truly qualified to perform. If the Senate confirms me in this position, I have two co-equal responsibilities. On one hand, I'll work alongside the Secretary to advance our National security strategy. On the other hand, as the chief management officer, I will have primary responsibility for ensuring the smooth functioning of a vast, and sometimes unwieldy, bureaucracy.

There are serious challenges facing the Department today, and the next Deputy Secretary will have the responsibility to assist the Secretary in a myriad of critical tasks.

If confirmed for this important position, I would focus on three initial challenges. First, during a transition in a time of war, it is essential that the Department execute a smooth transition of leadership as quickly as possible. To that end, I would work with the Secretary and the Congress to assemble a top-quality cadre of civilian leaders. And as part of that effort, I would also place a high priority on strengthening the capabilities of the career staff who are essential to address the many near-term challenges, as well as the longer-term tasks of the Department.

A second challenge will be to conduct at least three sets of major program and budget reviews in the first few months of the new Administration. These include a review of the 2009 supplemental appropriation, revisions to the draft fiscal year 2010 budget, and its timely submission to the Congress, and finally, the expeditious completion of the Quadrennial Defense Review.

In the QDR, a key task will be to lay the foundation for an effective force for the 21st Century that establishes the right balance among capabilities for addressing irregular and counterinsurgent warfare, potential longer-term threats from a high-end, or a near-term competitor, and the proliferation of threats from rogue states, or terrorist organizations.

A third challenge will be to pursue an active reform agenda, for the management of the Department as a whole. If confirmed, I would devote considerable time and energy to improving the Department's processes for strategic planning, program and budget development, and acquisition oversight.

At a time when we face a wide range of national security challenges and unprecedented budget pressures, acquisition reform is not an option, it is an imperative. It is time to improve all aspects of the Department's acquisition and budget processes, so that every dollar we spend at the Pentagon is used wisely and effectively to enhance our National security.

Mr. Chairman, member of the committee, thank you again for the honor of appearing before your committee, and for your efforts to schedule such a prompt hearing. I look forward to answering your questions, and if you see fit to confirm me for this position, I stand ready to serve to the best of my ability.

Thank you, Mr. Chairman. [The prepared statement of Mr. Lynn follows:]

Chairman LEVIN. Thank you so much. Our next nominee is Robert Hale, nominated to be Under Secretary of Defense and Chief Financial Officers.

Mr. Hale?

STATEMENT OF ROBERT F. HALE, NOMINEE FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER) AND CHIEF FINANCIAL OFFICER

Mr. Hale: Well, thank you Chairman Levin, Senator Inhofe, all of the members of the committee. I want to thank the committee for having this hearing, and again, express my appreciation—joining Mr. Lynn—in thanking you for the expedited nature of it.

I'm very grateful to the confidence President-elect Obama has placed in me by indicating his intent to nominate me for this position, and then also the support of Secretary Gates. If confirmed, I'll be honored to serve as the Under Secretary of Defense Comptroller, and the Chief Financial Officers of the Department of Defense.

I especially want to thank my family, as you said, Mr. Chairman. This is a journey that will take a considerable amount of their time, as well, or take me away from them. And particularly Susan Hale, my wife of 35 years, who's right back here.

I thank Sue in advance for putting up with all of the long hours that I know are coming. I have two grown sons, Scott and Michael, who live and work in California, unfortunately were not able to be here at the hearing, but I certainly want to acknowledge them, they are very much important parts of my life.

Mr. Chairman, the responsibilities of the DOD comptroller are many and varied. I served for 7 years as the assistant Secretary of the Air Force, Financial Management and Comptroller, 12 years before that—as the Chairman mentioned—as head of the National Security Division at the Congressional Budget Office. I am well-aware of the challenges that the DOD Comptroller faces.

I also had the honor early in my career of spending a couple of years as an active duty officer in the United States Navy, several more years in the drilling Reserve, so I have a sense, I think, of the culture of the brave men and women who serve in uniform.

With that as background, and if confirmed, my top priority will be to help the Department of Defense obtain the necessary resources, so that the men and women of the Department can meet our National security objectives.

As Mr. Lynn indicated, an early high priority will be a—an expedited review of the second portion of the fiscal year 2009 supplemental, and an expedited review of the fiscal year 2010 budget request.

I understand the importance of working with this committee, as the appropriating committees in all of Congress, as we seek to accomplish these critical goals. At a time when we have tens of thousands of Americans serving overseas and in harm's way, we all need to work together to be sure they have the resources that they need.

The committee and the Congress have also charged the DOD comptroller with the authority and responsibility for overseeing Defense financial management, financial operations in the Department. We need to make continued improvements in how we pay our people, how we pay our vendors. We need to improve financial systems, and approve the way we account for funds in the Department, and these latter two items are fundamental to the goal of continued progress toward auditable financial statements. And this, overall, will be another high priority for me.

The Department also needs better financial information in order to spend the dollars that are appropriated to it efficiently and effectively, and I think wise spending of Defense dollars is always important, but it's especially important right now, as the Nation weathers this really serious economic crisis.

I'm well aware of the daunting and longstanding challenges associated with improving financial operations and financial manage-

ment in the Department, but if confirmed, I will certainly pledge my best efforts with this committee and many others, to accomplish these goals.

Another priority, Mr. Chairman, the Department must have a capable and well-trained workforce in order to accomplish Defense financial management. We have the best systems in the world, we can have the best accounting practices, if we don't have the people out there that are well-trained, and in adequate numbers, it's not going to work.

I'm familiar with this workforce through my current job as the Executive Director of the American Society of Military Comptrollers, a professional—a non-profit professional association. If confirmed, I plan to spend some time supporting the DOD, the military departments, and the agencies as they seek to recruit, to train, and retain, the right defense financial management workforce so that we can do this job well into the 21st Century.

In closing, Mr. Chairman, I'd again like to thank President-elect Obama, and Secretary Gates for selecting me as the nominee for this position. If the Senate confirms me as the Under Secretary of Defense Comptroller, I will make every effort to live up to the confidence that you will have placed in me.

Thank you, Mr. Chairman. [The prepared statement of Mr. Hale follows:]

Chairman LEVIN. Thank you so much, Mr. Hale.

We notice now another of our new Senators, Senator Udall, has joined us. We're delighted to have you as a member of the Senate, and a member of this committee, welcome.

Senator Udall: Thank you.

Chairman LEVIN. Our next nominee is Michele Flournoy, to be Under Secretary of Defense for Policy.

Ms. Flournoy, welcome.

**STATEMENT OF MS. MICHELE FLOURNOY, NOMINEE FOR
UNDER SECRETARY OF DEFENSE FOR POLICY**

Ms. Flournoy: Thank you, Mr. Chairman and Senator Inhofe.

Members of the committee, it is truly an honor to appear before you today as President-elect Obama's nominee for the Under Secretary of Defense for Policy. Serving our Nation in this capacity would be a great privilege, and I'm grateful both to President-elect Obama, and to Secretary Gates, for choosing me for this position.

I'm also very grateful to Representative Skelton for that kind introduction, and for being such a wonderful colleague and mentor to me over the years. I was very honored by his presence here today.

I also, particularly, want to thank my family for being here, my husband and partner in all things, Scott Gould, and my children, Alec, Victoria and Aiden—they are my foundation and my joy, and I could not even contemplate public service without their steadfast love and support.

If confirmed, I look forward to working closely with this committee in shaping our Nation's defense policy. Over the years, the Senate Armed Services Committee has shown a strong, consistent—and as you said, Mr. Chairman—a bipartisan commitment to advancing our Nation's security, and to caring for the men and women in uniform. I appreciate Congress' critical role under our

Constitution in providing for the common defense, and I also appreciate this committee's willingness to expedite the confirmation process, when more than 200,000 soldiers, sailors, airmen and Marines are deployed in harm's way, supporting operations in Iraq, Afghanistan, and elsewhere.

At this time of war we owe them—and we owe the American people—the smoothest transition possible between Administrations.

At this moment in our history, the United States—as you all know—faces a daunting number of national security challenges, but also some very hopeful opportunities. We can, and we must, restore our Nation's global standing, and protect America, our interests, and our allies, from attack.

We can, and must, craft whole of government, integrated strategies to deal more effectively to defeat threats like violent extremism, and the proliferation of weapons of mass destruction.

We can, and must, rebalance our efforts in Iraq and Afghanistan, and ultimately achieve successful outcomes in both.

We can, and must, work to reduce the strains on our forces, the brave men and women in uniform, and their families who have rendered such extraordinary service—and tireless service—to this nation.

And we can, and must, restore the economic power that underwrites our military strength, and prepare for a very complex and uncertain future. This is a critical time for our country, the stake are high, the resource are tight, and the need to make hard choices is pressing.

If I am confirmed by this committee, and by the Senate, as Under Secretary of Defense for Policy, I promise you that I will work diligently to help the President-elect and Secretary Gates responsibly conclude the War in Iraq, and continue the fight against al Qaeda and its associated movement. I will work closely with inter-agency partners, and international partners, to support the stabilization of Afghanistan.

Working with our colleagues at State, I will engage with our allies and our partners, to advance common security interests, and help build their capacity to move forward. And I will do my best to help the U.S. military adapt to the challenges of the 21st Century. I will also do my best to ensure that our brave men and women in uniform have what they need to be successful in the field, and that they have the peace of mind, knowing that their families are receiving the support that they deserve.

Over the course of my career, I have been truly blessed, with remarkable opportunities to contribute to U.S. national security and defense policy, in government, and in the think-tank world.

If confirmed, I assure you that I will work very hard to ensure that the Department of Defense implements the President-elect's national security strategy in a way that is both principled and pragmatic. I pledge to listen to the best available civilian and military advice, and to offer my own best advice and counsel to the Secretary of Defense and the President-elect.

In closing, I just, again, want to thank President-elect Obama for nominating me for this position, Secretary Gates for supporting my nomination, and my family and my friends for their love and support. I am both honored and humbled to be before you today,

and if the Senate chooses to confirm me in this position, I hope to fully justify your trust, and I look forward to working closely with all of you, and your staff, going forward.

Thank you. [The prepared statement of Ms. Flournoy follows:]

Chairman LEVIN. Thank you so much, Ms. Flournoy.

And the nominee to be General Counsel of the Department of Defense, Jeh Charles Johnson.

Mr. Johnson?

**STATEMENT OF MR. JEH CHARLES JOHNSON, NOMINEE FOR
GENERAL COUNSEL, DEPARTMENT OF DEFENSE**

Mr. Johnson: Thank you, Mr. Chairman, Senator Inhofe.

I want to thank the members of the committee and the staff for expediting the review of our nominations. I want to obviously acknowledge and thank the President-elect for designating me to be the nominee for General Counsel of the Department of Defense, and for the support of Secretary Gates. I've gotten to know him a little bit over the last several weeks, and I am as impressed as everyone else seems to be with Secretary Gates, and his leadership of the Department.

Obviously, I want to thank my family. My wife, Susan, is here behind me—my wife of 15 years—my sister and brother-in-law from Alabama are here, my two children could not be here today. My son's obligations to his World Civ class overrode his desire to appear before this committee. [Laughter.]

Mr. Johnson: I also want to note some friends of mine from the Air Force from when I was General Counsel of the Air Force. Retired Major General Bill Morman, former Judge Advocate General of the Air Force is here today. I also want to note the presence of Judge Stuckey from the Court of Appeals for the Armed Forces, former counsel to this committee.

I appeared here for confirmation 10 years ago, in front of Chairman Thurman. I first worked for the United States Senate in 1978 as an intern for Pat Moynihan, and so my respect for the United States Senate is enormous, and if confirmed, I look forward to the Senate, with this committee, and I look forward to supporting the men and women in uniform who sacrifice so much.

Thank you. [The prepared statement of Mr. Johnson follows:]

Chairman LEVIN. Thank you so much, Mr. Johnson.

We will make part of the record a statement of Senator Kennedy, welcoming Bill Lynn, here. And we will put that statement in the record in the same place, right next to the introduction of Senator Reed. [The prepared statement of Senator Kennedy follows:] [COMMITTEE INSERT]

Chairman LEVIN. And now there's some standard questions which we ask of all of our nominees. And I'll ask them all—I'll ask you all to answer together on these questions.

Have you adhered to applicable laws and regulations governing conflicts of interest? [All three witnesses answered in the affirmative.]

Chairman LEVIN. Have you assumed any duties, or undertaken any actions which would appear to presume the outcome of the confirmation process? [All three witnesses answered in the negative.]

Chairman LEVIN. Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record in hearings? [All three witnesses answered in the affirmative.]

Chairman LEVIN. Will you cooperate in providing witnesses, and brief written response to Congressional requests? [All three witnesses answered in the affirmative.]

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony or briefings? [All three witnesses answered in the affirmative.]

Chairman LEVIN. Do you agree, if confirmed, to appear and testify, upon request, before this committee? [All three witnesses answered in the affirmative.]

Chairman LEVIN. Do you agree to provide documents, including copies of electronic forms and communication in a timely manner, when requested by a duly-constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents? [All three witnesses answered in the affirmative.]

Chairman LEVIN. Thank you. I think we'll try an 8-minute first round. We have four witnesses, so obviously, there will be a second round, at least, here, but in order to get everybody an opportunity to ask questions, we'll start with an 8-minute first round.

Mr. Lynn, you've made reference to the cost growth and other problems on DOD's major acquisition programs, and those problems have reached crisis proportions. Last spring, as I mentioned, GAO reported that the cost overruns on the Department's 95 largest system acquisition programs now total roughly \$300 billion over original program estimates, even though we have cut unit quantities and reduced performance expectations on many programs, in an effort to hold down costs.

In response to a pre-hearing question, you note that some of this cost growth is a result of "a reluctance" to balance performance demands, particularly in the early stages of programs, when decisions have a major impact on subsequent cost and schedule outcomes. The Department recently instituted an organization, which is called the "tri-chair" committee, bringing together senior officials that are responsible for acquisition, budget, and requirements, in an effort to better balance cost, schedule and performance early in the acquisition cycle.

My question to you is, if confirmed, do you anticipate continuing that process, or a similar process, to ensure the tradeoffs between cost, schedule, and performance of a major weapons system are fully considered, before it's too late?

Mr. Lynn: Mr. Chairman, I certainly agree with the thrust of your comments, that the key to getting a handle on programs costs is to ensure that we are able to establish the requirements up front, and adhere to those requirements, unless there is some overriding need, but not to regularly—to change those. And it's critical to do that up front.

I'm aware of the tri-chair process, I haven't had time to study it, but I think the direction that that goes—the setting of requirements—is done at the highest level, and that any changes later in

the program be also approved at the highest levels, is the right principle.

Chairman LEVIN. A year ago, Mr. Lynn, we established an Acquisition Workforce Development Fund, to ensure that the Department will have the workforce that it needs to ensure that the billions that we spend on acquisition programs every year get the planning, management and oversight they need.

Over the last 8 years, the Department's spending on acquisition programs has more than doubled, but the Acquisition Workforce has remained essentially unchanged in numbers and in skills. If confirmed, will you ensure that the Acquisition Workforce Development Fund is fully implemented, and used for the intended purpose of rebuilding the acquisition workforce?

Mr. Lynn: I agree with the Chairman that rebuilding the acquisition workforce is a critical tenant in improving our overall acquisition process. As you've noted, Mr. Chairman, we've had a decline in the—we've had an increase in the program costs, and not a corresponding increase in the acquisition workforce.

I'd add to that, there's also a bubble of retirement —many of the current workforce is eligible for retirement, they're going to need to be replaced with expert personnel, and I think the mechanism that the committee has put in place for the Acquisition Workforce Development is going to be an important part of improving and developing the future cadres of our acquisition workforce.

Chairman LEVIN. And Mr. Hale, will you agree to keep that mechanism in place, or a similar mechanism?

Mr. Hale: Mr. Chairman, we will definitely work with the committee to make sure that we support from the Comptroller's shop, the Acquisition Fund, and more generally, the improvement in acquisition planning.

Chairman LEVIN. Thank you.

Now, Mr. Lynn, Ms. Flournoy, and Mr. Johnson, this question is for all three of you. I've spoken to each of you regarding my concerns regarding the use of contractors in Iraq and Afghanistan, to perform functions that have historically been performed by government personnel.

And I think you're aware of recently enacted legislation with regard to private security contractors, and contract interrogators. Now, I have a few short questions for each of you. Would you agree that the Department needs to undertake a comprehensive review of whether, and to what extent, it is appropriate for contractors to perform functions like performing private security in high-threat environments, and interrogation of detainees, and that the Congressional views expressed in two sections of the National Defense Authorization Act for fiscal year 2009 should be fully considered in the course of that review?

First, would you agree with the need to undertake that review, Mr. Lynn?

Mr. Lynn: I do agree, Mr. Chairman, that we do need a baseline to understand what the appropriate roles are for the military, for civilian personnel, and for contractors, and we ought to base our judgments on the size of each of those forces on those judgments.

Chairman LEVIN. And will you undertake that review?

Mr. Lynn: I will certainly undertake—work on that review. And my understanding is Secretary Gates has asked Admiral Mullin to begin, at least, a piece of that, and we'll be working—together with Admiral Mullin, under the direction of Secretary Gates—on that matter.

Chairman LEVIN. Okay.

And Ms. Flournoy, do you agree with the need for that review?

Ms. Flournoy: I do, sir. Yes.

Chairman LEVIN. Okay, thanks.

Mr. Johnson?

Mr. Johnson: Yes, Senator, I do. And I know from our conversations with Secretary Gates that he is concerned about increased accountability of private contractors in the field.

Chairman LEVIN. And now, for each of you, would you agree that long-term policy decisions about the roles that may or may not be performed by contractors should guide our future force structure, rather than being driven by limitations on our existing forces?

Mr. Lynn?

Mr. Lynn: That was the thrust of my earlier comment, Mr. Chairman.

Chairman LEVIN. Ms. Flournoy?

Ms. Flournoy: Yes, sir, I agree with that.

Chairman LEVIN. Mr. Johnson?

Mr. Johnson: Yes, sir.

Chairman LEVIN. And would you agree—each of you—that while policy decisions on these issues should be informed by the views of our uniformed military, that they must ultimately be made by Congress, the President, and the civilian leadership of the Department of Defense?

Mr. Lynn?

Mr. Lynn: I agree with that.

Chairman LEVIN. Ms. Flournoy?

Ms. Flournoy: I do, as well, sir.

Chairman LEVIN. Mr. Johnson?

Mr. Johnson: Yes.

Chairman LEVIN. And this is for you, Ms. Flournoy.

President-elect Obama has called for additional combat troops for Afghanistan. The Defense Department has plans for sending up to four combat brigades and support units, or 30,000 additional U.S. soldiers to Afghanistan, potentially doubling the nearly 32,000 soldiers currently serving there.

Secretary Gates has said that most of these combat brigades will not be available for deployment to Afghanistan until late spring or early summer, in part due to continuing deployments in Iraq. It's now been reported that the Department is saying that the additional troops for Afghanistan will not be fully deployed by the end of the summer. Do you support a proposal, first of all, to nearly double the U.S. troop presence in Afghanistan?

Ms. Flournoy: Senator, I do believe that we need to substantially plus-up the size of our forces in Afghanistan to secure and stabilize the environment there, yes.

Chairman LEVIN. And how aggressive should we be in our efforts to get the additional U.S. combat troops to Afghanistan faster?

Ms. Flournoy: I actually think the intent of both President-elect Obama and Secretary Gates is to move as quickly as possible. I have not yet been briefed on the details in terms of what would be required to do that, but I do believe that in principle, we should be moving as quickly as possible.

Chairman LEVIN. And what would you think about drawing down U.S. forces in Iraq faster, in order to accelerate the deployment of additional forces in Afghanistan?

Ms. Flournoy: Again, Senator, I think the key principle is to shift the emphasis, but to do so in a very responsible manner. I, again, I have not been briefed on the details of what's possible there, but I do look forward to looking into that, and getting back to discussing that with this committee.

Chairman LEVIN. Okay, thank you.

Senator Inhofe?

Senator INHOFE. Thank you, Mr. Chairman.

First of all, as we were having opening remarks, I write down a couple of things that were said.

Mr. Hill, having the necessary resources—I was glad to hear that because—and I think Ms. Flournoy, you said essentially the same thing—restore economic power to the military. I think that's a recognition that there's no cheap way out of this thing. And I know a lot of people used to talk about a percentage of GDP that should go toward military that wouldn't serve any useful purpose to talk about that.

But, I think there's some areas where we just have to recognize that we are faced—as I said in my opening statement—with, in my opinion, greater threats than we have been in the past, because of the asymmetrical nature of the enemy.

Each of us up here on this committee has programs that we have watched work in the field. And, rather than just to hear testimony from various committees here in Washington, see how they work on the ground. I have some that I think work very well, and I would like to ask Mr. Lynn, and Ms. Flournoy, your opinions of these.

First of all, the IMET program is the education program you're—I'm sure you're familiar with that. Ironically, back in the beginning of that program, we were doing the IMET program as if we were doing a favor to them—I'm talking about other countries—who would be sending their officer material to be trained in the United States.

The more I served—was in the field, and observed this program—the more I felt that this was something that really, we're doing for ourselves. And there's no better relationship than one that is—comes from training. And I've seen some of the products go back to their countries—whether it's in Africa or elsewhere—and they have an allegiance that is there.

And then, second, if we don't do it, either China is going to do it, or somebody else is going to do it. That's one of the programs that I have strong feelings about.

The second one is the train and equip programs—the 1206, 1207, 1208. It's been my opinion, as we go around, that by doing this, we can avoid having our own troops have to do a lot of the things that they otherwise can be trained to do for us.

And the third one is the Commander's Emergency Response Program, the CERP program. I think they've changed the name of that, they always do that to confuse us, I think. But nonetheless, this allows the commander's in the field to have a greater latitude of what they can do. And I—some of the experiences that I had, early on, in Baghdad when it appeared that if the commander were in a position to take care of some of the transmitting problems, of electricity into some of the neighborhoods—they could do it, and do it cheaper—a lot cheaper—than going through the lengthy process of getting these things done.

Well, these are three of the programs that I feel personally very strongly about, and I'd like to know if you have any comments about your feelings toward the IMET, the train and equip, and the CERP programs.

Mr. Lynn: Let me respond, first, Senator Inhofe, and then turn to Ms. Flournoy.

I agree with you, Senator, that the—overall, the military exchanges, the military training programs—should be seen in the light of a benefit to the United States, not as a favor to someone else. They develop relationships that we build on over decades, they provide an understanding for us of other country's militaries and how they operate, and equally importantly, they provide these other countries senior leadership when these individuals rise to the senior leaders, as many of them do. It provides them with an understanding of how we operate, and the strengths of this nation.

On the—just one comment on CERP program—I agree it's a very important program, Senator, it's always—I think we have to be conscious that we have to balance the importance of knowledge at the front end that those commanders on the ground understand, I think, best the needs that are right in front of them.

On the other hand, we have to have appropriate controls of taxpayer dollars. And so we have to ensure that we have a process that both gives the flexibility that's needed on the ground and assurance that the money is spent in an appropriate manner.

Ms. Flournoy: Senator, thank you for that.

I believe that all three of the programs—well, the two programs that you mentioned, IMET and the train and equip authorities—are very critical to our engagement with other militaries, and to building partner capacity—helping them to be able to do more alongside us, where we have common interests.

On CERP, in particular, I think, you know, the intention of that program was originally for force protection. And to also—to assist affected populations in counterinsurgency and stability operations, and so forth. I think it's a very critical tool for our military in the field. I would also say, though, that all of these, really, are most effective when they're part of an integrated, sort of whole of government approach to a particular country, or to a particular region. So, I would hope that we would view and use them in the future in that context.

Senator INHOFE. Yeah, well, I think I would agree with your response to this. I would only ask that you get into this, look at some of the examples where, Mr. Lynn, we've actually saved a lot of money, on the example that I used on the transmission situation.

It was about 10 percent of what it would have cost, having to go through the whole thing.

Second, a program that I have been very interested in, I know that it's—the African continent is so important. And when we had that divided up into three commands, it wasn't working very well. Of course, we had the Pacific Command, the Europe Command, you had EUROCOM and CENTCOM. They're doing a great job with that program right now. But it is really suffering in terms of getting any—getting the resources necessary for it.

The—it is my hope when we established the AFRICOM, that we would actually have the headquarters in Africa someplace, thinking, perhaps in Ethiopia or some of the other places where it would have worked better.

Unfortunately, even though it's about my experience talking to the Presidents, and I'm talking about including [indiscernible], and all of the rest of them, that they think it would work better, but they can't sell the idea.

So, it's going to require, I think, more resources for AFRICOM than they have had before, and I'd just like to ask Mr. Lynn and Mr. Hale if you would be willing to get into that, and to see how well it's working, and perhaps they have transportation needs, and other needs to make that program work better.

Mr. Lynn: Thank you, Senator. We certainly will look at the African Command. I certainly agree that it's a far better situation to have a unified command, have responsibility for the continent, rather than divide it up under three—three different commands. And this is an important initiative. We need, certainly, to look at the resources, and I'd undertake to do that.

Senator INHOFE. Yes, sir?

Mr. Hale: We'll certainly support him from a Comptroller's standpoint.

Senator INHOFE. All right. Lastly, my time is about to expire, we have had discussions in this committee, and we've had a lot of discussions—somewhat pretty lively—on the floor, on the Future Combat System. My goal has always been that we have—that we supply—we give our kids that are out there, the best resources that are available, and all of these resources that are better than our prospective opponents.

Things like the ILOS cannon—In Line Of Sight—cannon. It happened that we're still relying on the old Paladin, which is World War II technology. It's—there are five countries, including South Africa, that have a better artillery piece than we do.

I would hope that you would look very carefully on all of the elements—some 12 to 15 elements of a Future Combat System—that you could bring me into your discussion, your thinking process. Because some of us have a greater interest than others do in those programs. Any thoughts on the Future Combat System that you'd like to share? Any of you?

Mr. Lynn: Senator, I think the fundamental premise that you stated is absolutely right, that the elements that are in the Future Combat System are going to be essential to the modernization of the Army towards the next generation of equipment. Exactly what form—we will want to do, I think, a complete review of that program, and the underlying technologies need to be part of the future

force, and we'll certainly work with you and with the other members of Congress, as we undertake that review.

Senator INHOFE. I appreciate it very much. My time is expired. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator McCain?

Senator MCCAIN. Thank you, Mr. Chairman. I thank you for allowing me to just make a couple of comments. I was over at the Homeland Security Committee introducing Governor Napolitano to the committee, as you know, he's been nominated for Secretary of Homeland Security.

I would like to congratulate the nominees. We look forward to a rapid confirmation.

Mr. Lynn, and Ms. Flournoy, we've had other encounters in the past, and welcome Mr. Hale, and Mr. Johnson. We look forward to your rapid confirmation and movement to the floor of the Senate, so you can get to work.

I'd also like to say welcome to the new members of the committee, and we look forward to working with them.

And Mr. Chairman, this—I've forgotten how many years now this makes that you and I have worked together, and I look forward to a very productive year—or two—in very challenging times. And thank you for all of the cooperation that you have displayed, which is a long tradition of this committee of bipartisanship. And I look forward to working with you.

Gentleman, we have—and Ms. Flournoy—we have very great challenges, over in the Department of Defense. Some very tough decisions are going to have to be made, whether it be the F-22, or whether it be the larger issue of our engagement—disengagement—in Iraq, or further engagement in Afghanistan, as well as all of the myriad of other challenges that we face.

I look forward to working with you. I congratulate you and your families, and I appreciate your willingness to serve.

I thank you, Mr. Chairman.

Chairman LEVIN. Thank you so much, Senator McCain. You and your staff, as always, are playing the instrumental role in the success of this committee, and we are grateful for that, and all that you do.

It's the rule of the committee, here, the tradition that we call on members, we go back and forth between Democrats and Republicans, but for the new members, we do that on the basis of an "early bird" rule.

Senator Reed has just arrived in time to ace out Senator Webb. [Laughter.]

Chairman LEVIN. He didn't want any questions. I already had asked Senator McCain. Thank you so much.

Senator Reed?

Senator REED. This is the first-last time I'll ace out Senator Webb. Forgive me, but—

Senator WEBB. I doubt that. [Laughter.]

Senator REED. Again, I think the President-elect has chosen a superb team.

And let me address a general question to both Mr. Lynn and Mr. Flournoy. Secretary Gates has written his fundamental concern is

that there's not commensurate institutional support, including in the Pentagon for the capabilities needed to win today's wars, and some of their likely successors, which raises a host of issues that the tradeoff for preparing for conventional warfare against near-peer competitors, versus irregular asymmetrical warfare.

It also raises the issue of the integration of private contractors into the operations of the Department of Defense, and it raises the issue of the intergovernmental activities necessary—particularly to conduct irregular warfare, asymmetrical warfare. I'm sure my colleagues have touched on some of these issues.

But I wonder if—first Mr. Lynn, and then Ms. Flournoy, you could give us an idea of your views at the moment on these complex issues?

Mr. Lynn: Thank you, Senator.

I think Secretary Gates has it right, I think the fundamental challenge in doing the next Quadrennial Defense Review which will start, if confirmed, as soon as we get there, is to balance between the near-term needs of the force in the field, and the longer-term threats that are perhaps beyond the horizon, but still out there.

And that's complicated by what you mentioned, Senator, that there's a tension between the potential for a high-end, near-peer threat, as well as a lower-end counterinsurgency, and the types of equipment, types of forces, types of training, types of doctrine that you would use for one, don't necessarily apply fully to the other. So that—establishing that balance, I think, is going to be critical in the next Quadrennial Defense Review.

Ms. Flournoy: Senator, I would agree. I think looking at the initial review that the Department will undertake, I think the first question is going to be how do we strike the right balance, set the right priorities, allocate risk in current operations between Iraq, Afghanistan, larger operations around the world to combat terrorism.

But then as we look forward, in the QDR, thinking about what kinds of warfare do we really need? We're preparing for—and as we want the force as a whole to be full-spectrum—we're going to have to make choices that essentially allocate risk along that spectrum.

So, I really am looking forward, if confirmed, to working with member of this committee to try to frame and form those judgments going forward, so that we have a force that is robust across the spectrum.

Senator REED. Let me raise another issue, Mr. Lynn, which sort of touches on almost everything we do today. And that is the issue of energy. I mean, first of all, internal to your responsibilities to run the Department efficiently, you have to have a much more energy-efficient approach just in simply management, but also in terms of the strategic challenges that poses.

I saw, yesterday, where the Army took delivery of about several thousand vehicles, I believe, electric vehicles for use on various forts around the country. That might be an example of forward thinking. But, can you comment at all about the two issues, here. Internally—how to be more energy effective—is that going to be one of your priorities? And then, internationally, if any comments you would want to make.

Mr. Lynn: Well, I think the President-elect has made a new energy policy one of his priorities, so it will certainly be on of mine. And the Department is, I think, a critical component of the President—President-elect's—direction in this area—not just that we can make progress in terms of energy efficiency, the threat of global warming, but as, I think, you were alluding to, the potential cost savings for the Department of moving away from an oil-based dependency are huge—whether it's fuel cells or synthetic fuels or other mechanisms—the potential in a time of real budget stress for the Department to make that kind of savings makes it an essential initiative on that basis, as well.

Senator REED. Thank you.

Just let me ask Mr. Johnson, and then Mr. Hale a question.

Mr. Johnson, over the last several years, many of the uniformed lawyers in the Department of Defense—and some of their civilian counterparts—had serious misgivings about policies that were being pursued. As much as a comment, but also assurance that you will, one, listen to these uniformed officers, that you'll make sure that their opinions are respected, and at least passed along, and that you, yourself, will be actively engaged, and seeking out—particularly when the tough questions—both sides of the argument. Is that something you can assure us?

Mr. Johnson: Senator, when I was General Counsel of the Air Force I think that we had, between the civilian and military lawyers in the Department, as good a working relationship as ever existed in the Department. And I'd like to think that the JAGs would say the same thing.

My style of legal analysis, decision making, putting together recommendations for the Secretary is collaboration—I want all points of view. I'd want to hear from the two-star, now three-star Judge Advocate, as well as the Major who works the issue, who understands it better than anybody.

If I know that the military lawyers in the Department have a strong view about something, have an opinion about something, that the Secretary is considering, I had no problem with bringing the Judge Advocate General in with me to the Secretary's Office, so that I would express my General Counsel's view, and he had an opportunity to express his view, and the Secretary would make up his own mind about what to do.

From a practical point of view, if you're wrestling with tough legal issues, you have every interest in wanting to get the input of the cross-section of lawyers across the Department. We have many, many excellent military lawyers who, frankly, have experiences and viewpoints that, as a civilian, I don't share. And I want to know what they think.

Senator REED. Thank you, Mr. Johnson.

Finally, Mr. Hale, one of the realities of the last several years has been robust supplemental appropriations. And I think that is not something that you're going to enjoy as Comptroller. Have you given any thought as to how you sort of rebalanced the budget system? Given the fact that we've got to get away from these big supplementals?

Mr. Hale: Well, Senator, we need to move away from supplementals, I think the Secretary has said that, the Chairman

of the Joint Chiefs has said that—I certainly agree. We’re going to need a supplemental in fiscal year 2009 for the second portion, without question. I think after that, and if confirmed, I need to look at how quickly we can make that happen, obviously, working with Mr. Lynn when he’s confirmed—if he’s confirmed—and others in the Department. But we do need to move away from supplementals.

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

Chairman LEVIN. Thank you, Senator Reed.

Senator Chambliss?

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

Let me welcome each of you, and thank you for your willingness to serve. All of you are making a real commitment to America, and for that we appreciate it very much. And we look forward to moving you into position in a hurry, so as Senator McCain said, you can get to work.

Particularly, I want to welcome Mr. Johnson. As has been stated, he is a graduate of Morehouse College, one of the premiere institutions in the country. I’m not prejudiced just because it’s in Atlanta, but we certainly know that he is well-educated, and we look forward to working with you, Mr. Johnson.

To Mr. Lynn, Ms. Flournoy, Mr. Hale—one of the things that I think is a very smart decision of the Department of Defense over the last several years is to purchase major weapons systems on multi-year contracts. Its saved, literally, millions and millions of dollars to the government and allowed us to buy more weapons systems then we would have been able to do otherwise within the budget constraints that we’ve had.

The F-22 has been a success in that standpoint, C-17, C-130. I’m not sure what else we could include down the road, but I would simply say to you, I hope as you go through the budget process—which is going to be extremely difficult, we all know that—that we give great consideration to trying to figure out, at least lots of weapons systems that we know we’re going to have to buy. And let’s look at moving into multi-year contracts on as many of these different lots of weapons systems as we can.

If any of you have any comment one way or the other, relative to multi-years, I would appreciate that.

Mr. Lynn: Senator, I think multi-year contracting does offer an opportunity to get saving, I think you have to look at it on a case-by-case basis and see if the economic order quantities, and the upfront justify the commitment over a multi-year period, but I think when we find cases that that occurs, the savings to the Department are certainly well-needed, as you suggested.

Mr. Hale: I certainly share that view. I’m mindful that we’ve got a tough challenge to make ends meet in the Department of Defense, so I encourage the components to look where it’s appropriate, at things like multi-year contracting.

Senator CHAMBLISS. Mr. Lynn, you and I talked the other day about depo maintenance, and the issue of modifications being an issue that may be revisited by the Department, with respect to whether or not modifications are going to be included within the definition of depo maintenance, and how that’s going to affect 50/50. I would simply ask you for the record, if this discussion does

come up, and there is any consideration of changing current statutes relative to the definition of modifications within depo maintenance, that you commit that you're going to come back and discuss this with us before any kind of major shift in that is done.

Mr. Lynn: I do commit, Senator, that we'll discuss any major changes in depo policy with members of this committee, as well as other appropriate members of Congress.

Senator CHAMBLISS. Ms. Flournoy, I—along with Senator Levin—serve on the Board of the Western Hemisphere Institute of Security Cooperation, which has been a very effective entity in dealing with our neighbors to the South. We've obviously had some controversy with respect to WHISC, but with the changes that have been made, we now are providing a valuable service to our country because of the relationship that's been developed with Central and South American neighbors, particularly as it regards the emerging threats.

And I think this has the potential to be—if not the next hot spot—certainly one of the hot spots relative to WMD, drug trafficking, weapons trafficking, as well as other issues. And as this policy with respect to WHENSEC is reviewed, I would simply ask that you, number one, keep an open mind, listen to the commanders at Northern Command, and Southern Command, who are openly, very much in support of what we're doing at WHENSEC right now, and I don't know how familiar you are with it, but if you have any comments relative to that, I would appreciate it.

Ms. Flournoy: Sir, I have not had the opportunity yet to be briefed on details. I am generally familiar, but I would certainly pledge to keep an open mind, and hear all views going forward, and I do share your believe—fundamentally—that engagement with Western Hemisphere—not only because of the transnational threats, but because of all kinds of opportunities that exist for our country in relations with—with our neighbors. But that's a critical strategic issue and I will, if confirmed, I will give it strong attention.

Thank you.

Senator CHAMBLISS. Again, to all of you, thank you for your willingness to serve, we look forward to a very strong working relationship with the Department as we've always have.

Thank you.

Thanks, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Webb?

Senator WEBB. Thank you, Mr. Chairman.

And, Mr. Chairman, I'm fully understanding the time constraints on this process. I would say that it's also a bit difficult to prepare for nominations of such—each of which has such responsibilities. Having gone through two confirmations in this committee, each time sitting there for several hours by myself while you, actually, and others had your way with me.

It's a pretty short time period to be able to do all of this. So, I would hope that all of you would pledge to us to remain available over the next several months, if we have follow-up questions to clarify some of these matters.

Chairman LEVIN. If I can interrupt you—

Senator WEBB. Yes.

Chairman LEVIN. Very important point—we're going to keep the record open for questions. In addition to your request, which I would expect that they would honor, that they be really—always be available to us, but they be particularly available to us in the next few months because of the way in which we have compacted these hearings, it's an important point.

Senator WEBB. Thank you, Mr. Chairman.

A minor point, but Mr. Johnson, a member—a counsel on my staff has some specific questions with respect to your replies to written questions, I think he wants some further clarification. You were very lawyerly and precise in your responses, he may want just a little more information on a couple of areas. If you could contact our office at some point today, I don't want to take up my time during the hearing on it. They're probably small points.

Mr. Johnson: Happy to do that, Senator.

Senator WEBB. Great, thank you.

Mr. Johnson: I apologize for being lawyerly.

Senator WEBB. We would expect that, and we will always follow up.

Mr. Lynn, we had a—I think a very fruitful meeting with you, yesterday. I appreciate your time, and listening to your comments today, the two—the second and the third points that you made about your goals, I think, are very relevant to where we need to go. When you speak of the need to really get into proactive reform measures. I want to work with you on that. We had a long conversation about this whole notion of independent contractors.

There's, I think, a fallacy right now when people start talking about "the total force" as active Reserve and independent contractors. Having spent a great deal of my life, early on, working on the total force, when something fell into long-term, semi-permanent independent contractors, that was essentially viewed as a flaw in the total force, not a part of it.

And we have a situation now, as you know, where we've probably got more independent contractors in Iraq than we do military people, and I don't think that's healthy for the country.

Your second point about making a commitment to really scrub the budget—this year's, next year's—and to bring the type of tightness to this budget that we haven't seen in awhile, is very important to me, and actually, Ms. Flournoy, you have written about this—there's an article here from the Washington Quarterly, where you went into your own views about the environment that we're now going to be in, and how important it is to really put a new sense of responsibility and accountability into this process.

And in that regard, I'm going to ask you about this Mayport issue, both of you. This decision by the Navy to relocate a nuclear carrier to Mayport, Florida, with the additional requirement that it has to re-fix the process down there in order to enable it to handle nuclear carrier facilities—they haven't done this in 47 years. Forty-seven years ago, we started having nuclear carriers here in Norfolk. There was never a decision—at the height of Cold War—to do something like this.

And the United States Navy, right now, has put forward a budget that is \$4.6 billion in unfunded priorities—unfunded require-

ments. They have a shipbuilding program that is behind schedule—they've got about 276, I think, now, combatants. They had 568 when I was Secretary of the Navy. They're trying to get to 313.

They have—in my view, a lamentable record over the past several years in terms of their aircraft procurement programs, and they want to take a billion dollars—which is what it's going to end up being, if you look at history—above these amounts in order to create a redundant facility in Mayport, Florida.

And I'm going to ask—I'm not asking for an answer from you today, but what I would like from you is a commitment to examine this as the OSD level.

You and I talked yesterday a good bit about the processes of the Defense Resources Board—which I sat on for four years—and I certainly think this is an item—whether I was representing Virginia or not, if I was in the Pentagon today, I would be saying the same thing. We've got \$4.6 billion in unfunded requirements? And we're going to put this on top of it? How are we going to build the aircraft fleet back where it needs to be. We've got empty squadrons out there—how are we going to get to 313 ships—which is a floor.

And Ms. Flournoy, you've mentioned, in a lot of the stuff you've written about how important it is now for us to re-engage in terms of our maritime strategy around the world.

So, I'm asking for your commitment to take a look at this at the OSD level, in terms of strategy, and budget priorities.

Mr. Lynn: Senator, you—we're going to have to look at the entire Navy program as well as the other services. As you suggest, this is a major budget item. We'll commit to you that we will review it with you and Congress, about where we think we need to go on this program.

Senator WEBB. All right.

Ms. Flournoy: Senator, I would just add that from a policy or strategy perspective, I think take a look at our global posture, including our home porting and basing structure is going to be, certainly, on the table in the QDR, going forward. I would hope that it would be.

Senator WEBB. We're entering a period where DOD, and I think the people at this table understand it—other people in DOD have to realize that these budgets are going to get a lot tighter, these programs are going to have to be justified—we haven't even seen a clear strategic justification for this. All we've seen is a little bit of rhetoric. We have the briefings from the Navy—it's not there.

So, I appreciate you saying you will look at this, and we will continue to discuss it.

Ms. Flournoy, you suffer from the same problem that I do, in that you are a rather prolific writer, so you've got a large paper trail behind you on a lot of these different issues. But I would like a few clarifications, and if my time runs out, I may stay for a second round.

You have written in the past, that you believe that there should be a residual force in Iraq of approximately 60,000 American military, do you still believe that?

Ms. Flournoy: Sir, I think I—I'm not willing to stand behind that number, given that—at this time, given that when I wrote that, we were in a somewhat different circumstance. There was no SOFA

commitment, for example, the security environment was somewhat different.

What I do believe is that I think there's a very strong commitment to implementing the SOFA, to bringing U.S. forces out of the combat role.

I don't know what the long-term support for Iraqi forces in our, you know, long-term relationship is going to look like. I don't know if the Iraqi government will want any U.S. forces in Iraq, once we reach the end of the SOFA agreement. So, I think it's an open question.

So, I would not want to be digging my heels on any particular number or posture at that point in time. I think the key thing is to implement the SOFA, and to reduce our role and our numbers there. I think a little bit down the road, we will have a better sense of what a security cooperation relationship with Iraq, going forward, looks like.

Senator WEBB. Do you—my time is up in this round—but I want to make sure I fully understand what you're saying. Do you believe that the United States strategy for that region requires a long-term presence of the United States military in Iraq?

Ms. Flournoy: Not necessarily.

Senator WEBB. So, you don't believe it's a requirement?

Ms. Flournoy: I don't think we know, yet. I don't think we know where we'll be at the end of 2011. And the honest answer is, I don't know. But what I can say is if I am in this position, I would welcome the opportunity to continue to look at this, to discuss it with you, and other members of the committee—

Senator WEBB. But you're not—you don't see—this needs to be clarified.

Ms. Flournoy: Yes.

Senator WEBB. You don't see—and I'm not trying to put words in your mouth—from what I'm hearing, you would not analogize the situation in Iraq to, for instance, the basing system that we have in Korea, in that—

Ms. Flournoy: No, sir, I would not.

Senator WEBB. American military—

Ms. Flournoy: No, I would not.

Senator WEBB.—presence in Iraq is a regional requirement—

Ms. Flournoy: I do not think Korea provides the right metaphor for what our relationship, long-term, with Iraq may, or should, be.

Senator WEBB. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

Senator Graham?

Senator GRAHAM. Thank you, Mr. Chairman.

Well, continuing along Senator Webb's line of thought, do you believe our relationship, militarily, with Kuwait, has been beneficial?

Ms. Flournoy: Yes, I do, sir.

Senator GRAHAM. What about the UAE?

Ms. Flournoy: Yes, sir.

Senator GRAHAM. So, the point is, whatever relationship we have with Iraq is yet to be determined, I think that's a fair answer. And the SOFA agreement has a 2011 date on it with the ability to renegotiate a long-term agreement. As I understand it, their navy

and air force is almost non-existent, so I encourage you to keep that line of thinking up. Let's evaluate each year, where we're at with Iraq, and make a good decision that when we leave that we have a stable partner behind, that like Kuwait and other partners in the region, has been very beneficial, in terms of our long-term strategic interests.

So, I applaud you for that kind of thinking, and nobody here expects you to make a decision three years out, until we look at the information.

Now, one of the things that we're going to be dealing with in this new Administration is the closing of Guantanamo Bay. And I can assure you in this regard, a fresh start at the Pentagon is welcome.

And where I stand—in terms of looking at detainee policy, Mr. Johnson, you come with great recommendation and high opinion by the military lawyers, and the Chairman hit on a very important point, along with Senator Reed—we need to make sure we do not make the mistakes of the past.

And I look forward to working with you, as well as the uniformed lawyers, to make sure that as we go forward, and when we close Guantanamo Bay—which I think we will—that we make some very wise decisions as a nation. To make sure we humanely treat detainees, regardless of who they are, and what their ideology may be. That we have a transparent justice system, and that we also protect the Nation against people who are committed to our destruction.

In that regard, Mr. Lynn, one thing I would ask from you—there's been a report in the media that 61 of the detainees who have been released, have gone back to the fight in some form. I don't know if that's accurate or not, but if you play the role of Gordon England, it will be up to you, really, under the current system—and I think we want to maybe change that, quite frankly—as to who stays, and who goes.

Two things—see if you can confirm how many people have gone back to the fight, define what the fight is. And also, see if you can tell us, of the detainees that have been captured, how many of them were inappropriately detained? So that we can make a logical decision, going forward, about what kind of system to employ.

There's two things we want to be sensitive of. We don't want to put someone in custody, long-term, who's in the wrong place at the wrong time. And we don't want to let people go who present a military threat in the future. And we have to do that based on a system that's competent, that's transparent, that has checks and balances.

Now, as we go forward, Mr. Lynn, what is your view of long-term detention policy, when it comes to people that we have captured that may not be subject to the normal criminal process. Have you thought about that much?

Mr. Lynn: Thank you, Senator. I'm aware of the role that, at least, the current Deputy Secretary plays, in terms of the detention release policy. I think the new Administration will be looking at that, and I can't tell you right now whether I would be continuing that role or not. You're correct—I think that's going to be re-evaluated.

In answer to your specific question, clearly we're possible, we want to prosecute. There are going to be circumstances where that's not going to be possible, and we're going to have to evaluate those individually. There's clear authority to hold enemy combatants. There's discussion as to what actually constitutes an enemy combatant, but we have that authority, and—

Senator GRAHAM. Would you think a member of al Qaeda should be classified as an enemy combatant?

Mr. Lynn: I'd have to know more circumstances than simply that, Senator, really, to fully answer the question.

Senator GRAHAM. Okay, well, if I gave you a situation where the evidence was conclusive that this person was a part of an organization called al Qaeda that was actively involved with activity with al Qaeda, would they be a good candidate to be considered an enemy combatant?

Mr. Lynn: Without quite going down the line of your hypothetical, Senator, I think there are certainly cases that al Qaeda operatives would be considered enemy combatants.

Senator GRAHAM. Okay.

Mr. Johnson, when it comes to the criminal law—domestic criminal law, and military law—do you see a difference between what the military justice system can do, and traditional domestic criminal law regarding detaining enemy combatants?

Mr. Johnson: Yes, Senator, I believe I do.

First, let me preface my remarks by saying, I'm pretty much a traditionalist when it comes to the essential mission of the military. I believe that implicit in the ability of the military to do its job is the inherent ability to detain an enemy combatant captured on the battlefield. I think that's implicit in the job. And I believe that the Supreme Court would say the same thing, and, in fact, it did, in the Hamde decision.

When Congress passed the authorization for the use of military force, the Supreme Court determined that, implicit in that was the authority to detain an enemy combatant—

Senator GRAHAM. If I could interrupt you right there—if a person is, in fact, detained as an enemy combatant, as I understand the law of armed conflict, once that decision has been properly made, there is no requirement to release them back to the fight. If they still present a military threat.

Mr. Johnson: If, in fact, Senator, that person was properly captured, and the circumstances suggest—

Senator GRAHAM. Right.

Mr. Johnson: In your hypothetical that you posed—

Senator GRAHAM. Right.

Mr. Johnson: Is, in fact, a member of al Qaeda—

Senator GRAHAM. Right.

Mr. Johnson: The al Qaeda that Congress had in mind in 2001.

Senator GRAHAM. Right.

Mr. Johnson: Then, I think the answer to your question is yes.

Senator GRAHAM. Well, I look forward to working with you to clean up a mess, quite frankly. You know, the Military Commissions Act that was originally passed by our committee that enjoyed complete Democratic support, and three Republicans, may be a good document to look at in terms of how you would try somebody

who is alleged of committing a war crime against the United States. And this idea, how you detain someone that we believe to be an enemy combatant, indefinitely, is a thorny issue. But I think we can get there.

And my goal would be to tell the world that the reason this person is in prison, under military control, is not because we say so, but because there's competent evidence to suggest they're part of an enemy force, that's been reviewed by an independent court, outside of the Department of Defense, and that more than one person reached that conclusion.

If we could accomplish that goal, I think we'll improve our image, and keep America safe. And just as sure as we're sitting here, we're going to pick somebody up in Afghanistan, and there are 900 people imprisoned in Afghanistan, that's going to have high intelligence value, may not be subject to trial in the United States, but presents a very serious threat to our National security and our troops in the field. Let's get ahead of that in a bipartisan manner, and I think this team can deliver. I think you're outstanding nominees, and I look forward to supporting you all.

Thank you.

Chairman LEVIN. Thank you, Senator Graham.

Senator Ben Nelson?

Senator BEN NELSON. Thank you, Mr. Chairman. And I want to add my appreciation for your decision to serve, and certainly am impressed with the comments that you've all made this morning, as well as your written statements.

We're fighting two wars, and we're preparing for threats that emerge in the future, and are emerging right now. And so, the challenges that you're going to face are, needless to say, daunting. But I believe that you have the capacity to help us all deal with those emerging, as well as continuing, threats that we face today. I have a question regarding—and as chairman of the Personnel Subcommittee in the past—I certainly have a question regarding dwell time, as it might relate, not only to the current circumstances, but to the future circumstances with the reduction—the transition—the reduction of force in Iraq, and an increase in Afghanistan.

So, Mr. Lynn, we've already had challenges, meeting the goals for dwell time, between deployments for troops with certain specialties. What do you consider a minimum for dwell time, under the circumstances we face today, and will that—in some respects—change as this transition goes forth?

Mr. Lynn: Senator, I don't have a specific minimum at that point, prior to review, but I agree with the thrust of your question—deploying forces on repeated tours with three, six, nine months, only, between those tours is a long-term detriment to the quality of the force. The—I think it's often been said that you recruit individuals, and you retain families. I believe strongly that's the case.

So, I think we have to be true to our military families, and increase the dwell time to a level that reduces the burden on those families.

Senator BEN NELSON. Well, I know that Secretary Gates is committed to increasing it, and we all are. I guess the practicalities

that we're going to face in terms of that transition are certainly going to have to be dealt with. And I'm assuming that you will—both you and Ms. Flournoy will do everything within your power to get the dwell time as generous as possible, under all circumstances.

Mr. Lynn: Absolutely, Senator.

Senator BEN NELSON. Mr. Hale, you know, you said something about working diligently to get to the point of an audit. Do you honestly think that it's possible to get an audit of the Department of Defense?

Mr. Hale: Well, Senator, the Department has a plan—you're probably familiar with it, the Financial Improvement and Audit Readiness Plan, and I think is working toward it. I'm mindful that the hardest things have been put to the end, and that there are enormous challenges remaining. I think at this point I'm not prepared to answer, definitely, your question, but I'd take your point, and if I'm confirmed, that's certainly something I want to look at.

We may need to look at some priorities. What do we do first that would be most helpful? The part of the—the goal of the audit, in my view, is just not simply to have an unqualified opinion, but to verify that we have good financial information. And there may be some priorities we can impose on the audit, that lead most quickly to getting verification that we've got good data.

Senator BEN NELSON. Would it be possible to—in response to your answer—would it be possible to have, let's say, the equivalent of a partial audit in certain areas, that could be stair-stepped? In other words, there are some high priority areas where probably the challenges are the greatest, in terms of getting an audit. There are going to be other areas where the necessity of an audit is stronger than, perhaps, than some others. Are you going to look at trying to do this in some rational, stair-stepping process?

Mr. Hale: I think the answer is yes. And there are some limits on partial audits, and the degree to which they can be done, but consistent with those limits—or abiding by those limits—I think we do need to look at priorities.

Senator BEN NELSON. But your goal is to, essentially, at some point, get an unqualified audit?

Mr. Hale: That is the law, and we are trying to pursue it. So, yes, it remains a goal. If confirmed, I certainly want to look at this issue. I'm mindful of the challenges.

Senator BEN NELSON. It's Herculean.

To increase public support for crucial nuclear security programs, and to achieve effective allocation of resources, Mr. Hale, what is your opinion on the possible recommendation for the Executive Branch to submit—as part of the annual budget request—both an unclassified, and a classified accounting of all nuclear weapons-related spending?

Mr. Hale: Well, Senator, that's a good question. I have to confess, I know about it only in general terms. I think that's one where borrowers learn more if I'm confirmed, and get back to you with a specific answer to the committee.

Senator BEN NELSON. Because generally what we get is fairly sketchy, if it's related to something that's classified. Perhaps is sketchy, in total, as well. But I'm hopeful that you'll look at that

very carefully. I think it's a great recommendation, I hope we can see it followed.

Ms. Flournoy, as we've talked in the past, the shortages of mid-level officers is continuing to be a problem for our military, the mid-level, because many of those mid-career war fighters are opting out of the military, because of the high-demand, high-stress deployment tempo, which puts this in connection with the previous question about dwell time. Do you have any thoughts about whether we can continue to have incentives? Or have we reached the point where incentives are not going to be sufficient to help us retain those mid-level career officers?

Ms. Flournoy: Senator, I think this is—you've put your finger on something that's very important to the long-term health of the all-volunteer force. And I would hope that, going forward, the Department would take a close look at this issue.

I think when you think about incentives, we have to define that broadly, not just financial incentives, but educational opportunities, career development opportunities, flexibility, and so forth. And so, I think we are asking so much of the people who serve, and particularly our officer corps—our field-grade officer corps today—that if we're going to retain these incredibly skilled, experienced people, we're going to have to look anew about—at their career paths, at their incentives and so forth. And I would hope, if confirmed, to have an opportunity to be part of that—that examination.

Senator BEN NELSON. And I would assume that would apply, as well, to the professional ranks, with physicians, dentists, and other professional areas? The challenge is there—it's both recruiting in the professional ranks, officers, but the retention is true in both cases—of our war fighters as well as those who provide the backup services.

Ms. Flournoy: Yes.

Senator BEN NELSON. I see that my time is expired. Thank you very much, all of you, and we look forward to working with you in the days ahead.

Thank you.

Chairman LEVIN. Thank you so much, Senator Nelson.

Senator Thune?

Senator THUNE. Thank you, Mr. Chairman. I want to thank our nominees for their willingness to serve their country, and many of you have had careers in public service, and it's a great calling. And we appreciate your willingness to answer that call again.

So, thank you for being here, thank you for the opportunity to meet with you individually, as well, and pull some of these questions.

I do want to, maybe, expand upon, I know that some of these issues, perhaps, have been covered, at least at some level already. But I'd like to get Mr. Lynn's and Ms. Flournoy's response to some questions relating to energy issues. And like I said, I think some of that's—ground has perhaps been covered. But, as we all know, we spend an awful lot of money, every single year, sending that money to unfriendly foreign nations to purchase oil, some of which ends up in terrorist hands, and perhaps then is used by those organizations to destroy us, and to attack Americans.

Our, of course, military is one of the biggest consumers of energy, and of oil. The Air Force, alone, is the Federal Government's largest energy buyer, and spent \$5.6 billion for aviation fuel in year—fiscal year 2007.

As we all know, too, in 2007, 2008, oil prices reached record highs, which had a direct impact on the Air Force's readiness. Now we've got oil prices that have come down, compared to what they were only a few months ago, and we tend to put those issues on the back burner, and get a little bit complacent, which I think is a big mistake.

And so, I think it's important that we be looking at ways that we can prevent that sort of crisis in the future, when those fuel prices go up again—which we know they will. And that's why I've been pleased that the Air Force Secretary Mike Donnelly, has signed an Air Force Energy Program Policy Memorandum last month which, among other things, establishes the goals of certifying the entire Air Force fleet, to use synthetic fuel blends by early 2011, and to acquire 50 percent of the Air Force domestic aviation fuel requirement be an alternative fuel blend by the year 2016.

My question is, do you think that the Air Force's energy initiatives regarding synthetic and alternative fuels is worthy of Department-wide consideration?

Mr. Lynn: Thank you, Senator. Let me come back to your specific question, just make a couple of general points that—I agree with your emphasis on the energy area, the President-elect—as a general policy, extending well beyond the Department is committed to reducing the oil dependency, given the foreign sources of supply, given the global warming implications, and so on. The Department will certainly be a critical part of the largest government consumer of energy.

And as you suggest, there's a second reason, beyond those broad policy reasons. The financial implications to the Department of relying on oil are severe and potential—have the potential to get much worse. And there's an enormous savings out there if we can move away from that, as you indicated.

And then finally, I'd add one thing to yours. Is there's an operational benefit if we can move away from oil-based products in that—a huge part of the logistics train of the United States military is just providing fuel to the forward forces. To the extent that we can find other, more efficient ways of supplying energy, whether they're fuel cells or other means, I think it will allow the military to perform the mission in a more effective way.

So, for all of those reasons, I agree with the thrust of your comments. I'm not completely familiar with Secretary Donnelly's initiative, but your description is certainly compelling, and we'll take a close look at it as—and what kind of broader application it might have, if confirmed.

Senator THUNE. Ms. Flournoy?

Ms. Flournoy: Senator, I would agree that, given the size of the enterprise, the Department of Defense has an opportunity to be a leader in areas of conservation and efficiencies, alternative fuels, and so forth. I have not had the opportunity to look at the specific

proposal you put on the table, but I look forward to having that opportunity.

I would also just underscore the importance of thinking about energy security and climate change together, and as key elements of the future that DOD has to grapple with in its military planning. So, I think this goes beyond current practices in how we use energy, but also to understanding how some of these energy trends are going to change the security environment that the U.S. military operates in 10, 15, 20 years out.

Senator THUNE. The Rand Corporation recently issued a study that estimates that synthetic fuel would reduce the U.S.'s reliance on foreign oil by as much as 15 percent, while possibly generating up to \$60 billion in domestic revenue each year.

One of the things that I've been advocating, and we worked with the committee, my colleagues on the committee the last couple of years in the defense authorization bill is to try to get some procurement authority, multi-year procurement authority for purchasing synthetic fuel. And I guess the question I would have is, would the Defense Department be supportive of effort by Congress to provide incentives to promote private sector investment in synthetic fuel production, such as expanding the military's multi-year procurement authority for purchasing domestically produced synthetic and alternative fuels. And I guess I would direct the question, again, to Mr. Lynn, and Ms. Flournoy.

Mr. Lynn: Senator, I would have to look at the question, and I pledge to you that I would do so, but I can't make a commitment prior to that kind of review.

Senator THUNE. Okay.

Ms. Flournoy: I'm afraid I'm going to say the same thing.

Senator THUNE. Well, I kind of expected that response. But I do look forward to working with you, and hope we can find a way to make that happen. I think it will incentivize a lot greater participation by the private sector in expanding synthetic fuel production, if we have those—that type of multi-year procurement authority.

As you probably know—and again, I would direct this to Mr. Lynn and Ms. Flournoy—the 2006 QDR stated the Department plans to develop a new land base penetrating long-range strike capability that would be fielded by the year 2018. Secretary Gates recently discussed that new national defense strategy in an article that was published in this month's edition of *Foreign Affairs Journal*, and it stated the United States ability to strike from over the horizon will be at a premium, and will require shifts from short-range to long-range systems, such as the next-generation bomber.

In your view, will the next-generation bomber be vital to our National defense strategy, and what steps would the Department take to ensure that the next-generation bomber is able to achieve initial operational capability by the year 2018, which is currently the goal?

Mr. Lynn: Senator, the review of the next-generation bomber program, and the underlying strategic premises that led to it is going to be one of the central parts of the Quadrennial Defense Review that we'll undertake, if confirmed.

The general trend, I think you're right, as we've moved towards more of a—expanded to look at Pacific scenarios, as well as Euro-

pean scenario, the range of aircraft has certainly become a more important variable. And the proliferation and the sophistication of air defenses have made stand-off almost essential to survivability, so both those strategic trends, I think, continue, but we're going to have to evaluate each program within those trends in this QDR that's coming forward.

Senator THUNE. Yes.

Ms. Flournoy, anything to add to that?

Ms. Flournoy: I would agree with that. I think the need for a long-range precision strike that can penetrate the most sophisticated enemy air defenses is absolutely critical. I think we'll—hopefully the Department will use the Quadrennial Defense Review to examine the range of possible capabilities that will actually get us to meeting that need. And I—certainly the long-range bomber will be part of that discussion—a central part of that discussion.

Senator THUNE. Mr. Chairman, I see my time is expired, so I want to thank our nominees for their service. We look forward to your speedy confirmation, thank you.

Chairman LEVIN. Thank you, Senator Thune.

After Senator McCaskill, I'm going to have to leave for a few minutes, and then Senator Webb is kindly going to take over for that period of time.

Senator McCaskill?

Senator MCCASKILL. Thank you, Mr. Chairman.

I'd like to begin with Mr. Johnson, if I could. Procurement fraud in the Department of Defense—in the nineties, between 130 and 391 cases per year were referred for criminal prosecution. In 2007, that number was a whopping 11. Now, at the same time, you had the same drop-off in civil fraud cases. This defies common sense. We've had a massive explosion of procurement during the conflict in Iraq, and I would like to get a commitment from you today that this would be one of your highest priorities, as we strive to tell the taxpayers of this country that we get it, that they have been fleeced, in many instances, and our military has been shortchanged as a result of some of the procurement fraud that has gone on during the Iraq conflict, and that what is rumored to be a backlog of these cases that exist right now, would be immediately forwarded to the Department of Justice for appropriate prosecution.

Mr. Johnson: Senator, I agree, given the growth of procurement dollars, that a dramatic fall-off like that—I'm an optimist in life, but I tend to doubt that it's because we've—there's so far less procurement fraud out there in 2007.

My recollection is, I actually prosecuted procurement fraud when I was a prosecutor, and this is obviously a very important area and I certainly would make that a priority. Yes.

Senator MCCASKILL. Thank you very much.

Mr. Hale, you and I had a chance to visit about the scandal at the Defense Contracting Audit Agency. Obviously, the credibility of contracting is split apart at its core, if the very agency that's supposed to be looking over everyone's shoulder has the kind of problems that were documented by the GAO, I mean, nothing's worse than an audit agency being found not to be compliance with auditing standards in government. It doesn't get any worse than that.

Part of the examination of that scandal disclosed a memo that was written by, in fact, a lawyer for the—the Special Counsel, excuse me, the lawyer for the audit agency, wrote a letter to the whistle-blower. And I want to make sure that I share it with both you and Mr. Johnson, because it is the more egregious example I have ever seen of an unethical and completely inappropriate memo, saying to this person, “Be quiet. You are not supposed to talk about this stuff, to anyone. Congress or anyone else.” It is enough to make your blood boil, when you read this memo.

At the time, I asked what kind of action had been taken against the lawyer that wrote this memo? I got two excuse. One, the Special Counsel’s investigation was still open, making any action inappropriate. And then— unfortunately for you, Mr. Johnson, they passed the buck to you. That, in fact, the lawyer at the DCAA is in your chain of command, rather than the DCAA’s chain of command.

So, I would like your comment, Mr. Hale, about what you intend to do about the lawyer—I’m sure that lawyer is still there—and I would like some comment about what will happen to this lawyer, who basically said to someone who was trying to right a wrong, “Be quiet, or you’re going to pay.”

Mr. Hale: Well, Senator, I am concerned about the issues at DCAA, a we talked about yesterday. It is also an ongoing investigation, I want to see that investigation completed, and if I’m confirmed, I will commit to you that I’ll be sure to review it, to solicit help from the Department’s lawyers, and figure out what the right strategy is. But at the moment, I don’t think I can make a —I can’t say what that is, but you’ve got my attention, the issue is important, and we will—if I’m confirmed— we will certainly seek a resolution.

Senator MCCASKILL. I certainly understand that employees within the Department of Defense have a standard of conduct. But I also understand, we can’t do our job in oversight, if they are all stifled. And I wanted to make sure that they understand that there are certain times, an obligation to come forward, and talk about what is happening internally.

Mr. Johnson, I didn’t mean to cut you off—did you have any—?

Mr. Johnson: Well, just—I obviously am not familiar with the particular circumstances here, I agree with Mr. Hale—this is something important to look into.

And just as a practical matter, my experience in life is, if you tell somebody to be quiet and go it in a corner, it’s probably going to come back and bite you, at some point.

Senator MCCASKILL. It did.

Mr. Johnson: Right.

Senator MCCASKILL. Yeah, in this instance it did.

Finally, Mr. Lynn, I—you know, first of all, all of you, I appreciate your service. All of you are not coming back for the glory or the money, you’re coming back because you want to serve, and I thank all four of you for that. And I don’t mean, by directing this question to you, to any way impugn your integrity.

But the revolving door is an important issue for us to talk about, between the Pentagon, and the Defense community. You went di-

rectly from the Pentagon to a defense contractor. You are coming back directly from a defense contractor—a major, one of the largest defense contractors—into the Department of Defense. And in that role, you have a major responsibility over acquisition, procurement. This is troubling to a lot of people who are just looking at this situation.

We have gone a long way in Congress to try to begin to stop the revolving door. We haven't done as well as we'd like to, but there's a whole lot of attention in the public about the revolving door, between lobbying in Congress, and lobbying in Congress. Frankly, there isn't as much attention in the defense sector. And it's an incestuous business, what's going on, in terms of the defense contractors, and the Pentagon, and the highest levels of our military.

I'd like to give you an opportunity to speak to it, since you're an example of it. [Laughter.]

Mr. Lynn: Senator, when I left the Department, I followed the strict ethics procedures, and didn't have any contact with the Department for the period that's set by law. On coming back into the Department, there are equally strict ethics procedures on what issues I can handle, and what issues I can't. I will be working with the General Counsel's Office to ensure I follow those ethics procedures completely.

Senator MCCASKILL. Well, do you have a comment—I mean, do you feel like you could be somebody who could be a reformer, in this regard? Is there—do you sense that there's something else that we need to do? Do you sense that there may not be a problem that there is, maybe, too much short-cutting of picking up the phone, and dialing into the Pentagon from a defense contract agency because of former friends that are there, and vice versa? I mean, do you have any sense that reform is needed here?

Mr. Lynn: Well, I—

Senator MCCASKILL. Do you hear the hopeful tone in my voice?

Mr. Lynn: I do hear the tone, Senator.

I'm not aware whether the DCAA case your—you probably have more familiarity with the details as to whether that was people leaving DCAA and contacting back to DCAA, I hadn't heard that, but perhaps you know more. I think we need to keep—

Senator MCCASKILL. The best example I can give you is the Thunderbird scandal. That was really somebody who had left the military and was working for a contractor, and reached back in the get a contract, a sweetheart contract, no bid, non-competitive contract for some PR work for the Air Force Thunderbirds—that's one example, I can give you some other examples.

Mr. Lynn: Well, Senator, I certainly believe that we need to maintain the highest ethical standards. I pledge to you that I will do that—that, personally.

In terms of your hopefulness that we can reform—I will work to not only ensure that we follow the highest ethics—ethical standards, but that we have the transparency that provides the public—the belief, the understanding that indeed those standards are being followed. It's not just the reality, it's the perception, and I understand that, and we plan to work on both.

Senator MCCASKILL. Okay. Thank you all very much. I look forward to working with you.

Senator Webb [presiding]: Thank you, Senator McCaskill.
Senator Hagan?

Senator Hagan: Thank you, Mr. Chairman.

In the absence of Chairman Levin, and ranking member McCain, I am definitely honored to be on this committee, and I am excited about being here and working with all of you.

But North Carolina does have one of the largest military footprints of any State in the country, and we're very proud that in North Carolina, our long-term support of the military—and as a member of this Armed Services Committee—I truly hope to be able to provide the support and advocacy that many North Carolina men and women in our armed forces deserve.

And to the nominees, I want to offer you my congratulations. None of you would be here before this committee, if not for your competence, and your records of service. And should you all be confirmed, I am confident that you will serve our armed forces with distinction. So, thank you on that regard.

And as I mentioned, and I hope you know, that the military is very important to North Carolina. And North Carolina is important to the military. It's my hope that, should you be confirmed, that we can work closely together in the year to come.

And the people of North Carolina are very pleased about the results of the Base Realignment and Closure Commission, and the Army and Marine Corps Grow the Force initiative. Both Fort Bragg and Camp LeJeune are slated to receive a large influx of personnel. And the Fort Bragg and Pope Air Force Base, Base BRAC Regional Task Force, are ultimately expecting total gains of about 40,000 military and civilian personnel, in and around the city of Fayetteville. And I think that those changes are ultimately going to be a great thing for the military, and the State of North Carolina.

But in the meantime, there is a lot to be done in the surrounding communities to get ready for that increase in personnel that we're going to be seeing in the next few years. And obviously, it's a welcome challenge.

And we, in fact, are likely to see a large increase in funding for State and local construction projects, as a part of the economic recovery package that will be considered soon. And I hope that in North Carolina, some of that funding can be devoted to school construction for the added military personnel and people, and the infrastructure upgrades around the bases.

And in the case of Fort Bragg, some of these projects will be essential to ensuring the security of the Nation's largest Army post. But it's very important that BRAC be implemented as smoothly and efficiently as possible.

And Mr. Lynn—a question—do you foresee any significant barriers to an efficient and timely implementation of BRAC? And I would ask that you would work with me and the committee to ensure as smooth and orderly a transition as possible.

Mr. Lynn: Thank you, Senator. I agree with the Senator that the BRAC process has been an incredibly important process for the Department as it right-sizes its infrastructure to the new size of the force over a couple of decades, and that's been something that's gone through, I think, five iterations now, and we wouldn't be able

to— we wouldn't have been able to get the—anywhere close to the right sized infrastructure without that.

So, I would pledge to you that we would want to protect the integrity of that process. I can't get into specific commitments on individual programs or projects, but it's certainly something we would want to work—work with you and ensure that the process remains as strong as it has been.

Senator Hagan: Thank you.

And again, congratulations to all of you. I certainly do look forward to working very closely with you in the years to come.

Thank you, Mr. Chairman.

Senator WEBB. Thank you, Senator Hagan.

Senator Begich?

Senator Begich: Thank you, Mr. Chairman.

It's—there's good and bad being last. The good is, everyone knows there's only about 8 minutes left.

Senator WEBB. Just for the record, Senator, there will be a second round—

Senator Begich: I know, I'm saying from this round.

Senator WEBB. Don't think it's going to be over in 8 minutes.

Senator Begich: This round. And the bad is, lots of the question have been asked.

I'm going to be a couple, very parochial, but before I do that—Mr. Lynn, your earlier comment about your child, I clearly understand that. If my son was here, it would be totally disruptive, and I'm not sure how it would all go.

To you, your family, I'm watching your son, here— I'm going to get some lessons of how you do this for two hours—very good, I give you great credit, there.

I'm going to ask two very parochial questions, but then I'll ask a couple of general—I'll leave them to you, Mr. Lynn, and you can direct them how—whoever would like to answer them.

You know, contrary to popular belief, we really don't see Russia from most of Alaska, just for the record. [Laughter.]

Senator Begich: But Russian military jets often passed—push the envelope and make flyovers along the Alaska border, promptly intercepts to launch from Elmendorf Air Force Base and other Alaskan military installations.

Alaska also finds itself the closest American State to North Korea, and Alaskans often get nervous when China and Taiwan start arguing, because of our proximity to the Pacific Rim.

Anchorage's port—Anchorage, Alaska's port—has been deemed one of the Nation's top 16 strategic ports, because of its vital mission of launching the Striker Brigade from Fort Richardson and Fort Wainwright and Fairbanks. In short, Alaska truly, in my belief, is on the front-line of the National defense. What is your assessment of the strategic importance of Alaska when it comes to America's interest in the North—Northern Pacific Rim?

Mr. Lynn: Well, clearly—as the Senator stated— Alaska plays a very important role in terms of the U.S. military posture in the Pacific Region, both in terms of the ballistic missile defense capabilities that are resident there, as well as the forces from all of the services that are in Alaska. So, I don't want to say one State is

more important than another, but clearly, Alaska's size and position makes it a critical element of our national security.

Senator Begich: Let me ask you another, again, very specific to Alaska, but yet to the National defense. And, you know, we're very proud, in this nation, to be the first fully-deployed in operational defense against ballistic missile attack, at Fort Greeley, the Ground-Based Midcourse Defense, the GMD system.

First conceived under the Clinton Administration, in a very strong, bipartisan approach here in Congress, including members of this committee, the GMD is an important element in homeland security, providing a deterrent, and if necessary, active defense against threats around the globe.

This past December, the program has another— completed another successful intercept test by detecting, intercepting and destroying a target warhead over the Pacific.

I remain, and continue to be, very supportive of this testing of the GMD system against a wide range of targets, and I strongly encourage the Pentagon to adequately fund the GMD, including testing, operations, maintenance at the Fort Greeley and other Alaska sites, and expansion of the Fort Greeley interceptor inventory, especially if we do not immediately deploy interceptors in Europe.

For either one of you, or whoever would like to answer this—can you give me your opinion and thought of how you would support this type of system?

Mr. Lynn: Why don't I start and ask Ms. Flournoy to follow?

Senator Begich: Very good.

Mr. Lynn: Senator, I think missile defense programs should be treated like all defense programs, and that is that one, they should be based, fundamentally, on a judgment of the threat that we face. And then they need to meet—they need to do the best that we have to meet that threat, and diffuse it.

Second, they need to be cost-effective. We need to program that's going to get the best return for the taxpayers, and then finally, we need to follow a strong testing regime to make sure that, in fact, that they will work to do the mission that they've been intended to you.

I think the missile defense program, as you've said, the GMD program in Alaska is proceeding down those paths. Without making any specific commitments on that, that would be the approach that we would take to that program, as well as the other missile defense programs.

Senator Begich: Thank you.

Ms. Flournoy: Senator, I would agree with Mr. Lynn's remarks. I would only just add that I think there are some imminent vehicles for looking at a broad review of missile defense, not only for long-range systems, but medium- and shorter-range systems. And I think that, you know, I think that will be an important element of the—both the QDR and the upcoming budget and program reviews.

And, I think, again—I would just underscore the need for—to look at these things holistically. And to see—to sort of look across the board to try to look at how best we can prioritize. So, I look

forward to discussing that—the Alaska system in that context with you, going forward.

Senator Begich: Thank you very much.

And, Mr. Chairman, I don't know how the timing works, this is my first time. So, I'm going to keep rapping until someone tells me, or a hook comes, right? Okay. [Laughter.]

Senator Begich: I didn't hear any discussion, you know, as I'm a former mayor of Anchorage, Alaska, and we do a lot work, we have—in the State population, 11 percent of our population are veterans, another 4 percent are active military. So, it's a very large percent of our population is related—indirect and directly—to the military.

The programs we worked a lot on was family support. And I guess I'd be interested—and you don't have to go into the detail here, but this is my opinion from a mayor's perspective, looking in, that there is good support, but not enough.

And, an example I would give you, in Anchorage, we have our Women, Infant, and Children program satellite office on the base, because of the needs. You know, I have personal opinions about why that should not be that case. But, can you tell me, as you mentioned, about reform and some of the activities you're going to take, where are you going to include the support for families on base, off base, and those kind of necessary elements, that I truly believe from a mayor's perspective, as a former mayor, were there, but not as aggressive as they could have been?

I know, as a mayor, we did a lot with the military, great relationship, and actually started with the U.S. Conference of Mayors, a new committee to get other mayors to do the same thing, because we think mayors have a great role in supporting the military that connects to them. But how do you see support and resources to support those families?

Mr. Lynn: Senator, we're well aware that we've recruited, we've trained, we've equipped the best military force the world's ever seen. And we're equally well aware that we're not going to retain that force, and we're not going to retain that capability, unless we treat our military families right. So, we will provide the resources that military families need to be able to sustain the kinds of activities, the wars that we're fighting and that we know that the families at home are at least as burdened by these deployments as the men and women who deploy themselves, so we need to find and support the programs that support those families.

Senator Begich: Will you have, in your process, some sort of strategic plan on how you'll do that?

Mr. Lynn: It will certainly be a critical element as we develop the budgets and programs, starting with the fiscal year 2010 program. And anything else, actually, that's needed in the fiscal year 2009 supplemental.

Senator Begich: And another, kind of broader, as the Arctic continues to be a new frontier in a lot of ways, Alaska is going to be right up there. Have you, or do you have any commentary regarding how the military will engage in Arctic policy?

Mr. Lynn: I'm afraid I don't, but maybe—

Ms. Flournoy: I don't have a comment on current policy, but what I can tell you is when I—that's a great example of what I was

referring when I talked about thinking about energy security and climate change in our military planning, in our scenario development, and so forth. I mean, as things change in the high north, then you're going to see implications for the U.S. military that we need to try to anticipate and plan for. And I would hope that some of our longer-range planning and thinking would take that and other energy developments into account.

Senator Begich: Thank you very much.

I have my cue card, my time is up.

Chairman Levin [presiding]: Senator Webb, we'll start our second round.

Senator WEBB. Thank you, Mr. Chairman.

First, I would like to express my appreciation that Senator Nelson raised this issue of dwell time. And I would like to give you, sort of, another group of thoughts on this. And I hope you'll keep in mind, as someone who wrote and introduced the dwell-time amendment in 2007, and someone who also wrote and introduced the GI bill.

We have a tendency inside the Pentagon—I spent 5 years in the Pentagon—of looking at these issues simply in terms of retention. And specifically, as the dialogue went back and forth, we talked about how important it is to retain field-grade officers. And, you know, in the Pentagon, you're hanging around Generals and Admirals and Captains, and you get a Lieutenant Colonel in front of you, and you tend to think he's a lower-ranking officer. On a rifle company, a Lieutenant Colonel is God. And we tend to forget, in this environment—and I say that as someone whose son and son-in-law both are enlisted in the Marines right now—we tend to forget that 70 percent of those who enlist in the Marine Corps, and 75 percent of those who enlist in the Army, leave the service at or before the end of their first enlistment.

And we have a stewardship to those people, that's quite a bit different than the way we address the career force. And these multiple deployments, with very short time periods in between, have an emotional impact that stay with people for the end of their—to the end of their lives. And I say that as someone whose first job in government was working as a counsel on the House Veterans Committee, 32 years ago, dealing with the problems of people who served in Vietnam.

So, part of it's a retention issue, part of it is how we deploy the Force, but the traditional dwell-time ratio has always been two to one, until we hit this period. Two years here for one year gone. One year here for 6 months gone. We got all the way down to below one to one. The Commandant of the Marine Corps has been very specific about trying to get it back to two to one, we tried to pass an amendment just saying it ought to be one to one.

Whatever your political thoughts are about the wars we're fighting, or anything else, we need a safety net under these people for their long-term emotional health.

And so, when you're getting the visits of all of these high rankers, and we're talking about retention, and we tend to do it constantly on this committee, please do not forget that the issue is much larger than retention. It is the long-term welfare of our citizen soldiers who step forward to serve.

Senator WEBB. Ms. Flournoy, I waited for a second round, because I think it's very important to hear from you two other issues with respect to your views on where the Department should be going. And I say this with a little bit of a sense of history of what happened in the last Administration with the first occupant of the position that you're about to move into.

We'll need to understand clearly what your views are on these issues as we move forward. The first is Afghanistan. You mentioned that you support the notion of an immediate and fairly large-scale increase of the American military into Afghanistan. Can you please articulate your view of this strategy in military terms, and what the endpoint is, where we will see that our mission is complete?

Ms. Flournoy: That is the question, Senator. And what I would say is that I think our objective in Afghanistan has got to be to create a more stable and secure environment that allows longer-term stabilization, and prevents Afghanistan from returning to being a safe haven for terrorism.

I think job number one, for—or one of the top jobs for this new Administration, is going to be crafting the strategy that you're asking for. And doing so—not just for the military piece, and how many troops we're going to deploy, but for the U.S. government as a whole, working with our NATO allies, working with the Afghan government, working with international donors. We do—we need a comprehensive strategy that articulates the end-state we're trying to achieve, and then bring all of the elements of national power—not just the military—to bear on trying to achieve it.

I can't tell you what that strategy is, yet. But I do know that President-elect Obama and Secretary Gates have both been very clear that they're committed to developing that as an early priority going forward.

Senator WEBB. I would hope that in this process, we can end up with a clearly articulated end-point. I think that was the great failure in Iraq. If you cannot clearly articulate when the commitment will be ended, then we tend to move sort of in an ad hoc way, based on the situation of the moment, and as you know, all around the world, we tend to end up staying in different places, and not necessarily resolving problems in a way that fits our National interest.

My second question regards NATO expansion. I spent a good bit of time working in NATO, when I was assistant Secretary of Defense. This is not the NATO that I was working in, in the 1980s. In my view, we have, we've— NATO was kind of broken down into three pieces. This is my concern, anyway, and I want to—I would like to hear your views on this.

We have the United States having moved into position—even more so than in the 1980s—of being the military guarantor. We have the traditional countries of NATO moving into their historic relationships with Central and Eastern Europe—there's nothing wrong with that, it's to be expected, and it's healthy for Germany, particularly—and then we have, in my view, picked up a worrisome set of dependencies, for lack of a better term. Not allies, in the traditional sense of the word. And, what do you think about that? What do you think about the further expansion that's on the table?

Ms. Flournoy: Senator, I think the—this is one of those issues where the upcoming NATO summit's going to offer a great opportunity to sort of elevate the discussion between the United States and our allies, on whether the alliance and what is our purpose, here?

I think that there—you know, I think that NATO expansion originally started out as being very much about creating a Europe that's whole and free. And I think that's still a worthwhile objective. But, I think going forward, there's a sense of, we need to have some clear criteria for membership, and also evaluate it on a case-by-case basis.

I'm not prepared to go country-by-country and give you that evaluation from where I sit now, given that I haven't been deeply involved in these issues for awhile. But I do think that the question you're raising of the purpose and nature of expansion going forward is important to inform case-by-case judgments going forward on which additional members would make sense, and which would not.

Senator WEBB. Well, obviously, stability is one— one issue. But being mandatorily committed to coming to the defense of a NATO—a country that has been allowed into the NATO alliance, as in the situation last year with Georgia—is very troublesome. When you—Europe has a very tangled history when it comes to this, if you go back and examine the period leading up to World War I. There's a lot of resonance in terms of the tangled commitments that were made. And I would hope that we could proceed forward in a very careful way, in terms of making any more mandatory obligations as to where our military would be used.

I thank all of you for your time today, and I wish you the best, and I obviously am going to support your nominations, and I look forward to working with you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

Let me—and I'll have a number of additional questions that I want to ask right now, but I want to join my voice with that of Senator Webb on the NATO expansion issue, the caution that is essential.

For the reason that he gives, which is the requirement that we come to the assistance of all members, but also because of the veto that every member has on any other— on any military activity—it's a very, very serious matter. There's no easy way to address it. We've gone into this in prior years, as to whether that ought to be modified in some way. But it's really important that any member meet all of the requirements of NATO, to reduce the likelihood that there will be such a veto, if all but one member of NATO wants to take action, and one member refuses—that's it.

But there's also, of course, the issue that Senator Webb raises, about the requirement of using military action to come to the support of any nation that feels it's been attacked. And the complication and complexity of that kind of a decision is, it seems to me, was highlighted by the recent activity of Russia and Georgia.

And I just would add that—I want to add my voice to the caution that Senator Webb, I believe, expressed on that.

Now let me—with the time remaining—we have votes in 10 minutes, and even if I'm alone here, I have more than 10 minutes of questions. But let me start off, first, on Iraq. You've addressed, Ms. Flournoy, the—one aspect of the Iraq issue, and the difficulty of knowing what the facts will look like down the line, in terms of what our future commitments, if any, ought to be to Iraq.

But one of the—one of the issues, of course, would be whether or not the Iraqi people ratify the SOFA agreement. And what happens if public opinion comes out in opposition to the referendum. And I would just ask you whether you agree—that would also be a fact which, complicating complexity which would need to be thrown into the mix, here.

Ms. Flournoy: Absolutely, Senator.

Chairman LEVIN. On Afghanistan, and I think all of us have a lot of questions relative to Afghanistan, and some have already been asked, but here are a few additional ones.

I have believed for a long time that the Afghan National Army, the so-called ANA, ought to be placed in the position where it's most needed. And where it's most needed is where the greatest threat is, and the greatest threat is along the border. And yet, we don't see—as far as I can tell—the Afghan Army being located along that border.

On top of that, there's been a—there was a commitment made to President Bush that the Afghan Border Police would be put under the jurisdiction of the Department of Defense. The Afghan Army is an army that is very, very highly motivated, highly professional. Their fierce dislike of the Taliban comes from a long history, and they have the will power to take on that issue along the border. There's a contrast there with the Border Police, and I won't go into too many details, but the Border Police does not have that kind of professionalism, or willpower.

And I'm just asking you and urging you to look into the question, Ms. Flournoy, of the location of the Afghan Army, whether we should ask the Afghans to locate more of their army along the border. That border is a threat, not only to Afghanistan, but the areas in Pakistan which harbor the terrorists and Taliban leaders and extremists are a threat directly to this country.

And I would ask you to take on, as one of your early policy issues, the question of the—not just the border, which is obviously high-up on your radar already, but the question, specifically, of the Afghan Army, where we should urge that it be located, whether the Border Police should be part of the Ministry of Defense, or the Ministry of Interior—and there's a huge difference in Afghanistan, in terms of the professionalism of those ministries.

Whether, indeed, a commitment was made to President Bush, relative to that Border Police. Whether that commitment's been kept, because those cross-border incursions from Pakistan, again, not only represent a huge threat to Afghanistan, but the presence of that safe haven in Pakistan, I know, is now allegedly being addressed more by the Pakistanis, and that's great.

But I've got my skepticism as to whether their heart is totally in it, and whether or not they're going to succeed, and that means that either if the Pakistan heart is not in it, whether there's any ambiguity there, or whether they're unsuccessful even with the

willpower, puts a great onus on the Afghans to control their own border, and to stop that incursion.

So, I would ask you, and to I guess, the extent you're going to be interested and involved—I know you're interested, Mr. Lynn, but involved in this issue—I would ask both of you to put some real specific focus on those issues, would you do that?

Mr. Lynn: Absolutely, Mr. Chairman.

Ms. Flournoy: Absolutely.

Chairman LEVIN. Missile defense, I think Senator Begich asked one part of that question, but I come at it from a similar angle, I think to the one that was discussed by Mr. Lynn. But let me just ask this question and, of you, Mr. Lynn. Do you agree that the Missile Defense Agency, and the programs of the Department—missile defense programs—should be subject to regular processes for budgetary, acquisition, testing, and policy oversight, rather than being managed outside of ordinary management channels?

Mr. Lynn: Mr. Chairman, I think that all of our military programs should be managed through those regular programs, that would include missile defense. I would think any exceptions should be rare, and fully justified.

Chairman LEVIN. Thank you.

Ms. Flournoy, on the European missile defense issue—do you believe it would be important to review the proposed European missile defense deployment in the broader security context of Europe, including our relations with Russia, the Middle East, and to consider those deployments or that deployment, as part of a larger consideration of ways in which to enhance ours and European security?

Ms. Flournoy: Yes, I do, sir. I think it's an important candidate issue for the upcoming QDR.

Chairman LEVIN. Thank you.

Mr. Lynn, the Army—excuse me, the Air Force and the Navy have been reducing their end strengths in recent years, but have announced that they are halting the reductions, short of previously stated goals. Can you give us your thoughts on the current size of the active force, both the Air Force and Navy size, but also the Army and Marines who have been steadily increasing under the requirements established by this Congress, that have pushed very hard for increases in the size of the Army and Marines? But comment, if you will, on specifically on the stated goals of the Air Force and the Navy, and whether they should be kept, or whether they ought to be modified?

Mr. Lynn: Well, Mr. Chairman, I think that's going to be a central part of the review in the next Quadrennial Defense Review. I think any strategic review has to include within it a thorough review of the force structure, because it's the first element in terms of how we address the threat, is the force structure that we develop. And most of the budget implications, at least the initial budget implications, flow from those judgments. So, we need to start with those judgments. But, I couldn't pre-judge at this point, the results.

Chairman LEVIN. That's fine.

Over the past 2 years, we've spend a huge amount of time working with the Department of Defense and the Department of Vet-

erans Affairs to improve the care and treatment of our wounded warriors. And we've adopted Wounded Warrior legislation which was comprehensive, to try to address some of the problems which were very, very visible and dramatically disclosed by the Washington Post series of articles that related to Walter Reed. But it was a much deeper problem that we addressed, in terms of the relationship between the Departments—the DOD, and the VA, to try to make sure there were seamless transition, that there were common standards and criteria for assessments, including disability ratings, and we made some major reforms in that area.

And, Mr. Lynn, if confirmed, will you ensure that the Department continues to work with the Department of Veterans Affairs to make sure that the wounded service members and their families receive the treatment that they need and deserve? And will you assure us that this issue is going to remain at a high visibility level in the Department throughout the period of transition, and beyond?

Mr. Lynn: Absolutely, Mr. Chairman.

Chairman LEVIN. Let me address this question to both of you, Mr. Lynn, Ms. Flournoy, about U.S.-Russia relations, and what steps you believe should be taken to improve the relationship in the near-term, mid-term, and long-term. And what issues face the Department now, which can affect that U.S.-Russia relationship, and how important is it that we try to improve that relationship?

Why don't you start, Mr. Lynn, and then I'll go to Ms. Flournoy.

Mr. Lynn: Mr. Chairman, the Russians still have the largest nuclear arsenal, and in that context alone, we need to pay attention to that critical relationship. We need to develop that relationship as far as we can, we have a START renewal to evaluate, as to whether that's the right way forward. We have ongoing relationships in terms of the Nunn-Lugar program. That's an important way that we've been able to reduce the threat of those—the proliferation of those nuclear weapons.

At the end of the day, Mr. Chairman, this is one of the most critical relationships, both for defense and foreign policy reasons, that the Nation has.

Chairman LEVIN. Ms. Flournoy?

Ms. Flournoy: Some of our most vital interests—preventing further nuclear proliferation, preventing the use of nuclear weapons by terrorists—it's very difficult for the U.S. to safeguard those interests without very deep, and broad, international cooperation. And when you look at the nature of some of the tasks, getting Russia to help police nuclear materials, ensure the safety of nuclear weapons arsenals, and so forth, they're a very critical partner in that regard.

So, I guess I would start from the premise that we do have some very important common interests, and although recent Russian behavior—particularly with regard to Georgia, with regard to energy supplies in Europe and so forth, have been great cause for concern.

You know, I would hope that going forward, the new Administration would reopen a strategic dialogue with Russia that would seek to identify areas—both of cooperation, and areas where we would like to see more constructive behavior, from Russia, going forward. But, I think it's an absolutely critical relationship that we need to be working actively, going forward.

Chairman LEVIN. Ms. Flournoy, the Chairman of the Joint Chiefs recently spoke about the need for a whole of government approach, and the limits of the use of military power as a tool of U.S. foreign policy. Admiral Mullin stated that our armed forces ought to be willing to say when it believes that the military is not the best choice to take the lead, in place of our civilian department, and agencies of government. And he emphasized the need to provide our civilian departments—including State Department, USAID, Agriculture and Justice, with the resource that they need to take the lead, even if that means less resources for the Department of Defense. And I'm wondering whether you agree with that? And I think Secretary Gates has spoken, even before Chairman Mullin, very eloquently about these issues. And I'm wondering whether or not you basically agree with that?

Ms. Flournoy: I do agree, sir. Both in the need for a much more integrated approaches using all of the elements of national power to achieve objectives, but also in the need to invest in building capacity of our non-military instruments, to be able to perform alongside our military.

Chairman LEVIN. All right, thank you.

Mr. Lynn and Ms. Flournoy, both—the recovery operations in North Korea for American prisoners of war who have been missing in action since the Korean War is an important humanitarian effort, and it should not be caught up, or tied to the political and strategic issues surrounding North Korea.

Since the inception of the bilateral operations in 1996 in North Korea, until their untimely suspension by Secretary Rumsfeld in 2005, this program was seen by both parties as a humanitarian program. It's incredibly important to the families of those missing service members that their remains be recovered.

Will you seen to resume those operations in cooperation with the North Koreans, Secretary Lynn? Mr. Lynn?

Mr. Lynn: Mr. Chairman, I'm going to have to become more familiar with that program, but I'll endeavor to do that, as a high priority.

Chairman LEVIN. Thank you.

And, Ms. Flournoy, are you familiar with that program?

Ms. Flournoy: I'm aware that it was stopped, but I am not too familiar with the details, but I'd be happy to look into it, sir.

Chairman LEVIN. Thank you.

Mr. Johnson, the convening authority for military commissions for the Department of Defense was quoted yesterday as saying that she declined to refer a detainee case for prosecution, because "his treatment was torture." And she said it was abuse of an uncalled for and coercive —clearly coercive, to use her words. Now, assuming that Ms. Crawford's statements are accurate, would you agree that these interrogation techniques are inconsistent with Common Article III of the Geneva Conventions, the requirements of the Army Field Manual, and should not be used by the Department of Defense?

Mr. Johnson: Yes, Mr. Chairman, I believe that and I also believe that such things are inconsistent with American values.

Chairman LEVIN. And Mr. Lynn, Ms. Flournoy, would you agree with that?

Mr. Lynn: I certainly agree that our interrogation techniques need to follow the Geneva Conventions and the Army Field Manual.

Chairman LEVIN. Ms. Flournoy, would you agree?

Ms. Flournoy: I would agree with Mr. Lynn's statement.

Chairman LEVIN. And with Mr. Johnson's statement?

Ms. Flournoy: Yes. I believe that torture should never be used by the United States, under any circumstances.

Chairman LEVIN. But, would you agree that the description which she gave met the legal definition of torture? Or are you not in a position to—

Ms. Flournoy: Sir, I am not in a position, I am not familiar with that particular case, I'm sorry.

Chairman LEVIN. All right.

Mr. Johnson, according to an article in yesterday's Washington Post, the evidence against detainees at Guantanamo Bay is "in a state of disarray." Apparently, so chaotic that it's impossible to prepare for a fair criminal trial. If confirmed, would you personally review the evidence against the Guantanamo detainees, for the purpose of determining—in consultation with other appropriate Administration officials—how to proceed with those cases?

Mr. Johnson: If confirmed, Mr. Chairman, I anticipate being part of an inter-agency review with respect to the manner in which such cases are brought, and to take a good look at the evidence against the detainees—both with respect to potential criminal prosecutions, and their continued detention. Yes, sir.

Chairman LEVIN. Do you have a view as to whether or not it's preferable or appropriate to try detainees who are going to be charged with criminal offenses before military commissions, rather than Article III courts?

Mr. Johnson: Senator, I think that my views are— well, first of all, I have predispositions. I don't, at this point, have an informed view. If confirmed, I'd want to get in there and learn a lot more about this subject, and learn about the nature of the evidence that we have on some of these detainees, so I think I know what I don't know.

But I do have some predispositions on this subject, which I think are similar to the President-elect's. I think that it is preferable that we proceed in Article III civilian courts. I do not rule out the possibility and the need for prosecutions in some form of UCMJ Court Martial or a properly constituted military commission—military commissions have existed since before World War II. I have some qualms and some issues with how they are currently constituted, and I think the new Administration will take a serious look at that.

But I think that, if I could add this—we need to also be mindful of the future, not just the 250 or so detainees at Guantanamo. We are certainly going to have detainees in the future, so we need to build a system that has credibility and survives legal scrutiny for the future as well as the people that are currently there.

Chairman LEVIN. In that review, I would recommend that you take a look at the debates and decision of this committee and Congress, relative to those procedures. There was some reference to that by Senator Graham, and I would urge you to take a look at the decisions, the debates, the issues which we confronted, and ul-

timately divided on. But, for a time, we thought, at least a pretty good majority—bipartisan majority—to put in place.

But if you would just take a look at that history, that, I think, will inform some of your thinking as to what direction we need to go in this area.

Mr. Johnson: Thank you.

Chairman LEVIN. Can you do that?

Mr. Johnson: Yes, sir.

Chairman LEVIN. On access to documents, Mr. Johnson, the Armed Services Committee, as you know, has had an extensive investigation—conducted an extensive investigation—into the treatment of detainees in U.S. custody. And for a long period of time, at least, that investigation was impeded by objections from the Department of Defense, and particularly by the Office of the General Counsel, to providing requested documents and information to the committee.

There were a number of excuses that were provided to us, for why documents and information were withheld, including claims that the communications were “deliberative” or that advice was “pre-decisional,” or other privileges. None of the privileges—none of those privileges, and a number of others that were asserted— were recognized, or ever have been recognized, by Congress or the Courts as a basis for withholding documents from Congress.

The objections that the Department raised delayed our investigation, and report. And I would ask you this— whether you would agree that a good working relationship between the Department and the committees of Congress is in the interest of everybody? It’s important for the Department to cooperate to the maximum extent practical with requests for documents and information made in the performance of our oversight function.

Mr. Chairman, I do, and I will undertake this, if any member of the committee or your committee staff believes that the Department of Defense has asserted an objection that does not have a basis in law, I want to know about that right away.

Chairman LEVIN. Okay.

Mr. Johnson: And I’d appreciate a phone call directly to me.

Chairman LEVIN. That’s great. And after you’re confirmed, we’ll not only make certain that that happens in the future, and hopefully is not needed, but we’re going to ask you to take a look at some of the documents that are denied us, the reasons for them, and to see whether or not you will—are able to make them available, based on prior requests.

Mr. Johnson: Yes.

Chairman LEVIN. Okay.

The President-elect has made a very strong commitment to openness and transparency in government and it’s essential that—you’re going to be right in the center of that when it comes to oversight, and your decisions will be important in that regard, and we welcome your commitment to that kind of openness and transparency.

Mr. Lynn, President-elect Obama said that it’s possible for us to keep the American people safe, while adhering to our core values and ideals, and that’s what he intends to carry forward in the new

Administration. Would you agree that restoring America's moral leadership globally is essential to our security?

Mr. Lynn: Yes, sir.

Chairman LEVIN. Will you agree that sending the clear signal that the United States does not engage in torture, or cruel, inhumane or degrading treatment, which are prohibited by our anti-torture laws, that that clear signal will enhance our standing globally, and enhance our security?

Mr. Lynn: I do.

Chairman LEVIN. Finally, I don't want to leave you too much off the hook, Mr. Hale, because you're—

Mr. Hale: That's quite all right, Mr. Chairman.

Chairman LEVIN. I know your family and you would be disappointed if that were true, so let me ask you this. Our current defense plans and programs are extremely expensive. You've got a huge budget deficit. And what we're going to need you to do is to work, obviously, with the leadership of the Department to work with us to find places where we can save money. We know where we've got to spend money—we're going to spend money to support our men and women in uniform, to give them everything they need to prevail on their missions, and we're going to give our families the support that they deserve, our military families. We're going to provide the equipment that's essential, and the healthcare that's essential.

What we cannot do is spend money either on systems we don't need, or excesses that we've seen too much of.

You've read—I think you're familiar, are you, with some of the Inspector General's reports on expenditures in Iraq?

Mr. Hale: Yes, in general terms.

Chairman LEVIN. And you're talking tens of billion, maybe hundreds of billion of unaccounted for dollars. And so we're going to need your energy to—not just help us reform business systems, which we need to do, and we need all your help, I guess, in the area of reforming acquisition. It's—I know a number one priority, or one of the top priorities I guess, not quite number one, but one of the top priorities of the new Administration is acquisition reform.

But you're going to be in a key position, Mr. Hale, we're going to need your full energy and your passion in this area is we're going to succeed.

We've got a vote on, now, in the Senate, you've been here a long time.

Ms. Flournoy, I particularly want to compliment your children.

Ms. Flournoy: Thank you, aren't they wonderful?

Chairman LEVIN. I want to compliment—they're great. And I want to compliment all of you for your answers, and for your commitments in working with this committee.

But I really want to embarrass your children, Ms. Flournoy, because of all of the people here this morning, I think they've been the most outstanding. [Laughter.]

Chairman LEVIN. And with that, again, we will move these nominations as quickly as we can. There are some things that have to be given to this committee which are not yet available to this committee. We expect they'll be fully routine, but nonetheless, they

have to be provided. And we're just going to bring your nominations as quickly to fruition as we can in terms of confirmation.

And with that, we congratulate you, we thank you for your service, and again, thank your families. We thank all of the families and friends who have shown up here today in support of these nominees, and we will stand adjourned.

[Whereupon, at 12:24 p.m., the hearing was adjourned.]