

Advance Questions for Admiral Michael G. Mullen, USN
Nominee for the Position of Chief of Naval Operations

Defense Reforms

Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of those reforms, particularly in your joint assignments as Commander, Striking Fleet Atlantic/U. S. Second Fleet, and Commander, Joint Force Command Naples/U. S. Naval Forces Europe

Do you support full implementation of these defense reforms?

Yes. I strongly support full implementation of the Goldwater-Nichols Department of Defense Reorganization Act of 1986. These changes were the right approach and have resulted in a stronger, more capable and responsive defense organization.

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

I believe that we have made great strides in implementing these defense reforms and these reforms have enhanced our nation's warfighting capabilities. Examples include the changes I've seen in my current assignment in Europe and the U.S. military's support of Operations ENDURING FREEDOM and IRAQI FREEDOM. In the European Theater, it is clear many other nations have adopted similar reforms and are moving in the right direction.

I also believe there is room for improvement. The future lies in leading and supporting coalition forces and this will require further integration of these reforms. We have made major progress in developing joint perspectives. It is now time to examine joint educational requirements, joint billet structure and joint service credit to ensure we are best postured, from a statutory point of view, for the 21st Century. If confirmed, one of my goals will be to make the Navy a more joint force.

Finally, additional reforms are required, I believe, in the acquisition process to ensure that new systems are in full compliance with joint interoperability requirements, and in improving the coordination and interaction between the uniformed requirements personnel and the civilian acquisition professionals to deliver systems which are "born joint." Among the greatest risks facing us is the spiraling cost of the procurement of modern military systems. Additionally, implementation of the Act's provisions giving "sole responsibility" for acquisition to the Service Secretaries has effectively cut the Service Chiefs out of the acquisition process. The voice of the Service Chiefs in the process should be enhanced.

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

I believe the most important aspect of these defense reforms is the emphasis and commitment to

joint warfighting with commensurate regard for each of the Service's core competencies. I believe our nation has been well-served by operations conducted under the command of regional Combatant Commanders with joint forces from all the Services. As noted above, this is critical for the success of future operations and missions.

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

Do you agree with these goals?

Yes.

Recently, there have been expressions of interest and testimony from senior military officers recommending modifications to Goldwater-Nichols.

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

I am not familiar with any particular legislative proposals to amend Goldwater-Nichols. However, after 20 years, a comprehensive review might be an idea worthy of consideration. If confirmed, I will work closely with the Secretary of Defense and Secretary of the Navy if I see the need to seek improvements.

What do you understand the role of the Chief of Naval Operations to be under the Goldwater-Nichols Act relative to the Secretary of Defense, the Secretary of the Navy, the Chairman of the Joint Chiefs of Staff, the other members of the Joint Chiefs, and the combatant commanders?

I am comfortable with the Chief of Naval Operations' (CNO) interaction with these principal leaders. If confirmed, I will work for the Secretary of Defense and the Secretary of the Navy, who will be my direct civilian superior. Along with the other Service Chiefs, I will be a member of the Joint Chiefs of Staff (JCS) tasked with the responsibility for actively reviewing and evaluating military matters and offering professional military advice on any issues relevant to our national defense. Finally, Title X makes the CNO responsible for organizing, training, and equipping forces in support of the Combatant Commanders with whom I will endeavor to foster close working relationships.

Relationships

Section 5033 of title 10, United States Code, discusses the responsibilities and

authority of the Chief of Naval Operations. Section 151 of title 10, United States Code, discusses the composition and functions of the Joint Chiefs of Staff, including the authority of the Chief of Naval Operations, as a member of the Joint Chiefs of Staff, to submit advice and opinions to the President, the National Security Council, or the Secretary of Defense. Other sections of law and traditional practice, also establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Chief of Naval Operations to the following offices:

Secretary of Defense

Deputy Secretary of Defense

The Under Secretaries of Defense

The Chairman of the Joint Chiefs of Staff

The Vice Chairman of the Joint Chiefs of Staff

The Secretary of the Navy

The Under Secretary of the Navy

The Assistant Secretaries of the Navy

The General Counsel of the Navy

The Judge Advocate General of the Navy

The Commandant of the Marine Corps

The Chiefs of Staff of the Army and Air Force

The combatant commanders

Secretary of Defense

The Secretary of Defense is the principal assistant to the President in all matters relating to the Department of Defense. As a Service Chief and member of the Joint Chiefs of Staff, the Chief of Naval Operations is a military adviser to the Secretary of Defense, particularly regarding matters of naval warfare, policy, and strategy.

Deputy Secretary of Defense

The Deputy Secretary of Defense, on occasion, serves as acting Secretary in the absence of

the Secretary. During these periods, my relationship with the Deputy Secretary will essentially be the same as with the Secretary. The Deputy Secretary is also responsible for the day-to-day operation of the Department of Defense. If confirmed, I will endeavor to regularly interact with him and provide him with the best possible professional military advice and the same level of support as I would the Secretary.

The Under Secretaries of Defense

Under current DoD Directives, Under Secretaries of Defense coordinate and exchange information with DoD components, to include the services, in the functional areas under their cognizance. If confirmed as CNO, I intend to respond and reciprocate. If confirmed, I will use this exchange of information as I communicate with the CJCS and provide military advice to the Secretary of Defense.

The Assistant Secretaries of Defense

All Assistant Secretaries are subordinate to one of the Under Secretaries of Defense with two exceptions. This means that any relationship I would have with subordinate Assistant Secretaries would be with and through the applicable Under Secretary of Defense. Since the Assistant Secretaries of Defense for C3I and Legislative Affairs are principal deputies to the SECDEF, my relationships with them would be conducted along the same lines as those with the various Under Secretaries. Additionally, if confirmed as CNO, I intend to foster collaborative working relationships with the civilian leadership in the Office of the Secretary of Defense and to consult with them on matters within their respective areas of responsibility.

The Chairman of the Joint Chiefs of Staff

If confirmed, I look forward to working with and through the Chairman in the execution of my newly assigned duties as the Chief of Naval Operations member of the Joint Chiefs of Staff. My statutory responsibility as a Service Chief would be to provide properly organized, trained, and equipped forces to the Combatant Commanders to accomplish their military missions and to provide military advice to the President and Secretary of Defense.

The Vice Chairman of the Joint Chiefs of Staff

When functioning as the Acting Chairman, the Vice Chairman's relationship with Combatant Commanders is exactly that of the Chairman. The 103rd Congress amended Title 10 to give the Vice Chairman the same rights and obligations of other members of the Joint Chiefs of Staff. If confirmed, I would exchange views with the Vice Chairman on any defense matter considered by the Joint Chiefs of Staff. The Vice Chairman also heads or plays a key role on many boards that affect readiness and programs and, therefore, the preparedness of naval forces. If confirmed, I will endeavor to establish a close relationship with the Vice Chairman on these critical issues.

The Assistant to the Chairman of the Joint Chiefs of Staff

The Assistant to the Chairman represents the Chairman in the interagency process; while there is no command relationship between the Assistant to the Chairman and a Service Chief, informal exchanges of view are of mutual benefit. If confirmed, I would expect to participate in such exchanges, especially regarding initiatives and support for the Global War on Terror. In addition, if confirmed, I would be committed to exploring methods of improving interagency cooperation, including interagency participation on the staffs of Combatant Commanders.

The Director of the Joint Staff

The Director of the Joint Staff is generally the Joint Staff point of contact for soliciting information from the Combatant Commanders as the Chairman develops a position on an important issue.

- The Secretary of the Navy
- The Under Secretary of the Navy
- The Assistant Secretaries of the Navy
- The General Counsel of the Navy
- The Judge Advocate General of the Navy

The Secretary of the Navy

Statutorily, the CNO performs his duties under the authority, direction, and control of the Secretary of the Navy. Specifically, the CNO is responsible for providing properly organized, trained, and equipped forces to support the Combatant Commanders in the accomplishment of their missions. In addition, the CNO assists the Secretary of the Navy, through the OPNAV staff, in the development of plans and recommendations for the operation of the Department of the Navy. In my opinion, the interaction and coordination between these two organizations and staffs has improved markedly during the last four years, to the direct benefit of the readiness of our Navy. There is a much more collaborative environment within the Department of the Navy, and if confirmed, I intend to work closely with the Secretary of the Navy to continue this positive progress.

The Under Secretary, the Assistant Secretaries and the General Counsel

These principals of the Secretary of the Navy, and their staffs, work to implement the Secretary's vision for the Navy and Marine Corps of tomorrow. If confirmed, I will work closely with each of them to achieve the Secretary's goals.

The Judge Advocate General of the Navy

Under 10 USC § 5148(d), the Judge Advocate General (JAG) of the Navy performs duties relating to any and all Department of Navy legal matters assigned to him by SECNAV. The JAG provides and supervises the provision of all legal advice and related services throughout the Department of the Navy, except for the advice and services provided by the General Counsel.

It is important that the CNO receive independent legal advice from his senior uniformed judge advocates. He/she is a significant component of the Department's legal service infrastructure and performs functions that are essential to the proper operation of the Department as a whole. I believe that no officer or employee of the DoD may interfere with the ability of the JAG to give the CNO independent legal advice.

If confirmed, I will endeavor to establish a close working relationship with the JAG and will seek his/her independent legal guidance.

The Commandant of the Marine Corps

I believe there is a close historical, operational and joint relationship between the Navy and the Marine Corps. If confirmed, my relationship with the Commandant of the Marine Corps must necessarily be exceptionally close. Many of our capabilities, programs, and personnel issues are inextricably linked; our forces deploy together, and both must be "ready on arrival." If confirmed as CNO, I will work to make the Navy-Marine Corps team stronger wherever possible

The Chiefs of Staff of the other Services

In my view, the only way for our Armed Forces to be truly effective on behalf of this nation is to work together, to recognize each other's strengths and to complement each other's capabilities. We can -- and must -- achieve synergy in warfare, training, and procurement to ensure each Service contributes optimally to joint and combined operations. If confirmed, I am absolutely committed to making the relationships with my counterparts as mutually beneficial as possible and to enhance, wherever possible, joint interoperability and other aspects of the joint relationship in order to improve the warfighting capabilities of the United States.

Major Challenges

In your view, what are the major challenges confronting the next Chief of Naval Operations?

I think the major challenges confronting the next Chief of Naval Operations are:

- 1) the need to maintain and sustain our Navy's current readiness, to deliver for the President and this nation exactly the right combat capability for exactly the right cost --

today. Admiral Clark's innovative organizational and financial reforms these last five years have produced a Navy far more combat-ready than it has been since the end of the Cold War. One need look no further than the Navy's extraordinary contributions to Operations Enduring and Iraqi Freedom or our rapid response in support of East Asian nations hit by the devastating tsunami in December to see the truth in that statement. We are, as one journalist recently so aptly put it, a "force for good," but we cannot rest on those laurels;

2) The need to build the Navy of the future -- to create a Fleet that is properly sized and balanced to meet head-on the uncertain and dynamic security environment that awaits us over the next 20 to 30 years. I believe our Navy must be prepared to fight major conflicts against aggressor states while simultaneously dealing with the asymmetric warfare this Global War on Terror will continue to present. We are ready now for the war we are fighting, but we are not yet appropriately shaped for the types of threats we will most assuredly face in the future.

And,

3) the need to likewise shape the Navy's manpower and personnel system for the 21st Century -- to transform a Cold War-era assignment, distribution and compensation system into one that is more reflective of and, quite frankly, more responsive to the unique and incredible talent of the men and women serving our Navy today. Our readiness -- current and future -- is inextricably tied to the growth and development of our people and to the quality of service we provide them and their families. I believe that, though we are clearly winning the battle for talent, the marketplace for that talent will grow increasingly competitive in the future. Admiral Clark's emphasis this year on the development of a Human Capital Strategy is well-placed and, in my view, an imperative for the future.

If confirmed, what plans do you have for addressing these challenges?

If confirmed, I plan to focus my efforts early and firmly on these three challenges.

I will ensure we continue to put to sea a combat-ready Navy through the tenets of the Fleet Response Plan, and that through this plan we remain a rotational force for the nation -- forward deployed, fully engaged and surge capable. I believe strongly in the notion of "presence with a purpose" and will work hard to provide the President and the people of the United States a Navy that can -- and will -- be where they need it to be, when they need it to be there. Likewise, if confirmed, I plan to ensure our units are ready for combat operations earlier in the training and maintenance cycles, and that they remain so for a longer period of time, generating a higher return on our country's investment. Thus, I intend to advance our Integrated Readiness Capability Assessment (IRCA) process.

Having held joint command and served these last six months as a NATO commander in Europe,

I am well-versed in the importance of joint and combined operations. I know the Navy brings to the fight unique maritime and expeditionary warfighting capabilities, but I also realize that such capabilities are only as good as the contribution it makes to the overall strategic effort. If confirmed, I plan to work to improve "jointness" in the Navy -- from a systems acquisition, operational planning and execution, and manpower perspective. I am convinced this is one, very significant way we can increase both the effectiveness and the efficiency of our current operational readiness. If the war on terror has taught us nothing else, it is that the future of national and international security lies in mutual cooperation and interoperability -- not only with our sister services but also with allies, coalition partners, and a host of corporate and non-governmental agencies.

As to the challenge posed by building our future Navy, I intend to remain true to the vision articulated in Sea Power 21. Through that vision -- and its pillars of Sea Strike, Sea Shield and Sea Basing -- I believe the Navy has laid the groundwork to truly transform itself for the century to come. If confirmed, I will focus my efforts on evaluating the composition and capabilities required to make that transformation a reality and will work with the Secretary of Defense, Congress and industry to more effectively and efficiently deliver to the nation those precise capabilities, as well as the fleet that will take them to sea.

In particular, I believe we must continue -- through Sea Enterprise -- to reap the savings necessary to buy our future Navy and to balance our investments with those of our sister services. Continued increased productivity is vital as well. We must aggressively pursue the acquisition of systems that are "born joint," and we must be courageous enough to further accelerate the testing and fielding of these new systems. Technology is changing -- and our enemies are adapting -- far too fast for us to remain hamstrung by Cold War era procurement practices. In a similar vein, I am convinced the shipbuilding challenge before us is significant and portends to stifle the development of the very Navy we will need to win this war on terror and protect the homeland. If confirmed, I look forward to working closely with OSD, Congress and industry leaders to develop a shipbuilding plan that delivers the fleet our nation needs to prevail in war and live in peace.

Finally, as we build this future Navy, we must stay mindful of the impact our decisions have on our people and their families. Recruiting and retaining the very best talent and providing these brave men and women meaningful, rewarding career opportunities remains critical to the readiness and combat capability of our Navy. If confirmed, I will aggressively pursue the development of a Human Capital Strategy that maximizes the potential of all who serve, be they active, reserve or civilian. We will continue to pursue the kinds of new technologies and competitive personnel policies that will streamline both combat and non-combat personnel positions, improve the two-way integration of active and reserve missions, and reduce the Navy's total manpower structure.

We expect to be a better educated and trained, but smaller, workforce in the future. Getting there will likely require changes in the way we recruit, assess, train and manage the workforce. It will,

therefore, also require some flexible authorities and incentive tools to shape both the career paths and our skills mix in ways that let us compete for the right talent in a competitive marketplace.

Most Serious Problems

What do you consider to be the most serious problems in the execution of the functions of the Chief of Naval Operations?

In my view, the most serious problems that the next Chief of Naval Operation will face in terms of executing his duties are: ensuring cost effective readiness while achieving increased productivity; properly balancing current resources allocated to maintain, train and equip the Navy; obtaining the necessary resources to build the future Navy; managing personnel through an outdated, cumbersome manpower system; improving the speed, agility and flexibility of naval forces; and reconciling acquisition policies and methodologies to meet our needs.

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

Mindful of both the results of BRAC and the QDR, if confirmed, I will move immediately to review in-place execution issues in the fleet; craft a clear, concise vision and execution plan; develop a plan to track real savings for future use; aggressively pursue the development -- and delivery -- of a 21st century Human Capital Strategy; maintain and strengthen organizational, financial and operational alignment across our Navy; work closely with OSD, Congress and industry leaders to develop a shipbuilding plan that delivers the fleet our nation needs; foster amongst our Navy's four-star admirals a broad and productive guiding coalition; and deepen the relationship between our Navy and the U.S. Marine Corps.

Statutory Authority of the Office of the Chief of Naval Operations

Chapter 505 of title 10, United States Code, provides the statutory framework for the Office of the Chief of Naval Operations and delineates the authority and duties of the Chief of Naval Operations, Vice Chief of Naval Operations, the Deputy Chiefs of Naval Operations, and Assistant Chiefs of Naval Operations.

Based on your extensive experience serving in the Office of the Chief of Naval Operations, what recommendations for legislative changes do you have, if any, to chapter 505?

I do not currently have any recommendations for legislative changes for chapter 505. I believe the current authority is appropriate and commensurate to the many designated duties required of the Chief of Naval Operations. If confirmed and if I do have any recommended changes, I will work closely with the Secretary of the Navy on such initiatives.

Qualifications

Section 5033 of title 10, United States Code, requires the Chief of Naval Operations to have had significant experience in joint duty assignments, including at least one full tour of duty in a joint duty assignment as a flag officer.

What background and experience do you have that you believe qualifies you for this position?

I believe I am qualified to serve as Chief of Naval Operations and have significant experience in the duties required. I had the privilege of six command tours from which I gained a solid operational foundation. I have served in two joint flag positions: Commander Striking Fleet Atlantic and currently as Commander, Allied Joint Force Command Naples, Italy. Further, I served in the Office of the Secretary of Defense, completed four tours at Navy Headquarters, a tour with the Bureau of Naval Personnel and one in naval training. I have an MS in Operations Research and Analysis from our Naval Post Graduate School, and I completed an Executive Business Course at Harvard University. Finally, I believe my programmatic background and experience will be beneficial in leading the Navy through the fiscal challenges that lie ahead.

United Nations Convention on the Law of the Sea

At her confirmation hearing in January, Secretary of State Rice expressed the Administration's strong support for the U.N. Convention on the Law of Sea. She stated that she would work with the Senate leadership to bring the Convention to a vote during this Congress. You have been a strong advocate of the Convention and testified in favor of its ratification before Congressional committees in 2003 and 2004.

Do you continue to support United States accession to the United Nations Convention on the Law of the Sea?

Yes, I support United States' accession to the Law of the Sea Convention, and I believe that joining the Convention will strengthen our military's ability to conduct operations.

In your opinion, is this Treaty in the national security interest of the United States? If so, why?

Yes, I believe that accession to the Law of the Sea Convention is in national security interest of our nation. The basic tenets of the Law of the Sea Convention are clear and the U.S. Navy reaps many benefits from its provisions. From the right of unimpeded transit passage through straits used for international navigation, to reaffirming the sovereign immunity of our warships, providing a framework for countering excessive claims of other states, and preserving the right to conduct military activities in exclusive economic zones, the Convention provides the stable and predictable legal regime we need to conduct our operations today and in the future.

The ability of U.S. military forces to operate freely on, over and above the vast military maneuver space of the oceans is critical to our national security interests, the military in general,

and the Navy in particular. Your Navy's -- and your military's -- ability to operate freely across the vast domain of the world's oceans in peace and in war make possible the unfettered projection of American influence and power. The military basis for support for the Law of the Sea Convention is broad because it codifies fundamental benefits important to our operating forces as they train and fight:

- It *codifies essential navigational freedoms* through key international straits and archipelagoes, in the exclusive economic zone, and on the high seas;
- It *supports the operational maneuver* space for combat and other operations of our warships and aircraft; and
- It *enhances our own maritime interests* in our territorial sea, contiguous zone and exclusive economic zone.

These provisions and others are important, and it is preferable for the United States to be a party to the Convention that codifies the freedoms of navigation and overflight needed to support U.S. military operations. Likewise, it is beneficial to have a seat at the table to shape future developments of the Law of the Sea Convention. Amendments made to the Convention in the 1990's satisfied many of the concerns that opponents have expressed.

Since 1983, the U.S. Navy has conducted its activities in accordance with President Reagan's Statement on United States Oceans Policy, operating consistent with the Convention's provisions on navigational freedoms. If the U.S. becomes a party to the Law of the Sea Convention, we would continue to operate as we have since 1983, and would be recognized for our leadership role in law of the sea matters. Joining the Law of the Sea Convention will have no adverse effect on the President's Proliferation Security Initiative (PSI) or on U.S. intelligence gathering activities. Rather, joining the Convention is another important step in prosecuting and ultimately prevailing in the Global War on Terrorism.

Transformation

If confirmed, you would play an important role in the process of transforming the Navy to meet new and emerging threats.

What are your goals regarding Navy transformation?

I fully support the Navy's ongoing transformation efforts. If confirmed, Sea Power 21 will remain the Navy's vision for the future, and I firmly believe we have made great strides through that vision towards developing the capabilities we will need in coming years. But, much work remains. I believe our Navy is not yet properly shaped for the future, especially for operations in the littoral. We must continue to refine and accelerate Sea Power 21, particularly Sea Basing and FORCEnet capabilities. Both are vital to providing national capabilities that enhance our warfighting potential -- as a Navy and as part of the joint force.

Fleet Response Plan

The Fleet Response Plan has been implemented to provide a surge capability for “presence with a purpose.” There have been some reports indicating sailors’ dissatisfaction with the unpredictability of the new deployment schedules.

What strengths and weaknesses have you perceived to date with the implementation of the Fleet Response Plan?

The Fleet Response Plan is a new operational construct, which retains and builds on our current force rotation concept, to better leverage the Navy’s force and provide the President more responsive, flexible, and combat credible options.

I believe we have demonstrated the viability and value of FRP – the ability to surge more Carrier and Expeditionary Strike Groups and combat power than before, largely within the resources already planned (OIF, Summer Pulse 2004, and tsunami). At the same time, we have a better understanding of how we must continue to assess, refine and improve the associated training and maintenance cycles needed to support FRP in the long term.

There is a certain amount of unpredictability to the FRP, though frankly I view this as a strength and a deterrent to those who have long studied and contemplated taking advantage of our historical “heel to toe” schedule of deployments. While unpredictability may initially cause some angst in the fleet, my experience with Sailors and their families throughout my career is if we remain honest and upfront with them about what we are doing and why – they will readily accept the mission and accomplish it with the same exceptional level of professionalism and dedication they have demonstrated in the past.

After a surge, do you feel there is sufficient maintenance and repair capability in the public and private sector to quickly reconstitute the force?

Yes, there is sufficient maintenance and repair capability to reconstitute the force after a surge. This ability was amply demonstrated during OPERATION IRAQI FREEDOM (OIF), during which we surged seven Carrier Battle Groups and 75% of our amphibious force. In all, more than half the fleet deployed and was then reconstituted using both public and private ship depot repair facilities. A big part of our success was due to the superb support from this Committee and the rest of Congress – for which the Navy remains extremely grateful.

How does “presence with a purpose” differ from other concepts such as “virtual presence”?

Simply put, “Presence with a purpose” is about being there for a reason. We can no longer afford to stay on station, “boring holes in the water” as Sailors like to say, merely for “presence” sake. The Navy’s response to the Asian tsunami is a telling example. U.S. naval units involved in theater engagement activities were diverted and quickly arrived on scene, providing vital support in the early hours after the tsunami. This highlights both the value of “presence with a purpose” and the responsiveness of naval forces rotationally deploying overseas.

In addition to actively assisting the tsunami victims as no other military or organization in the world could have in such a timely manner, there was a significant down payment made on the prevention of terrorism in that vital part of the world. You have to actually be there to achieve that.

“Virtual presence” on the other hand, is actual absence.

Navy Force Structure

Until recently, the Navy had a stated requirement for 375 ships, based on the Sea Power 21 vision. In a recent report by the Congressional Research Service (CRS) concerning alternative funding approaches for shipbuilding, CRS postulates “the fundamental cause for instability in the shipbuilding industrial base may be the absence of a current, officially approved, consensus plan for the future size and structure of the Navy.” A Quadrennial Defense Review (QDR) is now underway, based on a new National Defense Strategy that could affect the Navy’s force structure.

If confirmed, how do you intend to work within the QDR process to gain consensus on the number and types of ships required in the Navy?

If confirmed, I will work to ensure that the full capabilities of naval forces are judiciously considered and weighed against other alternatives as the QDR seeks to provide the most effective joint force to our nation within a resource constrained environment. My recommendations will be based on detailed analysis of the capabilities required to defeat the future threat.

I believe that the value of -- and the need for -- naval forces will increase as very significant numbers of troops currently based overseas redeploy back to the United States without replacement, and our adjustment continues to the reality of the reduction of our ability to freely use the sovereign territory of other countries, even that of our allies. And I believe there is -- and must be -- a balance between the size of the fleet and the combat capability of individual platforms.

OPERATION ENDURING FREEDOM and IRAQI FREEDOM proved the value of the combat readiness in which this nation has invested and the importance we must place on improving the fleet’s ability to respond with decisive, persistent combat power for major combat operations. This is an enduring requirement for naval forces.

These operations demonstrated the importance of the latest technology in surveillance, command and control, and persistent attack. Sensors and precision weaponry are changing everything we know about the balance between firepower and maneuver in a battlespace defined increasingly by time and information rather than by distance and geography. In this environment, time critical targets will increasingly be the norm rather than the exception, and the speed of action will demand that we deal more effectively with the doctrinal problems associated with fratricide. Distributed and networked solutions must become the norm.

Our operations over the last few years have also highlighted once again that over-flight and basing overseas are not guaranteed. Therefore, our supremacy of the maritime domain and our consequent ability to quickly deliver an agile combat force is a priceless advantage.

The Navy is already 25 ships below the level that was determined to be required in the last QDR. Most of these shortfalls are in surface combatants, but there is also a shortage of submarines. If the Navy decommissions an aircraft carrier, as it has announced it intends to do, a shortfall will arise in that category as well.

With an ongoing QDR and Global Posture Review, and Base Realignment and Closure process commencing, what are your views about the Navy proceeding now with major force structure changes?

I believe that our first commitment must be to maintaining the requisite combat readiness to fight and win the Global War on Terror and to respond to major crises. The Fleet Response Plan has enabled the Navy to deliver significantly more combat power faster, thereby increasing the operational availability and utility of the fleet even as the size of that fleet has decreased in terms of numbers.

So, while the Navy is currently below the levels determined in the last QDR, we continue to meet our operational requirements through innovative operational, maintenance, and manning policies. Resources must, however, be found for the recapitalization of the Navy. We are not yet properly shaped for the future. While I support the decommissioning of the aircraft carrier now, I would not support any additional major force reductions until I have an opportunity to assess the results from the Global Posture Review, BRAC and the QDR.

Alternative Financing Methods for Shipbuilding

Navy leaders have testified that alternative financing methods must be found for shipbuilding.

What are your views and recommendations on the benefits and feasibility of alternative financing methods, such as incremental funding and advance appropriations?

I believe that alternative financing methods in conjunction with a shipbuilding plan could be very helpful in reducing uncertainty for our nation's shipbuilders and could ultimately lead to more affordable ships and a larger fleet.

I believe that funding lead ships of new classes that introduce advanced technologies with Research & Development funds is both appropriate and reasonable as well as consistent with the current acquisition practices of most major, technologically advanced programs.

I also believe that it is in our country's best interest to reduce the large perturbations in the new

ship construction account caused by the funding of capital ships under current funding policy and that the Navy, industry and Congress should explore the full range of mitigations available as well as other resources and resourcing methods.

What is your assessment of the long-term impact of such alternative financing methods on the availability of funds for shipbuilding?

Alternative financing methods have the potential to reduce uncertainty and enhance the efficiency of our shipbuilders, lowering to some extent the per-unit cost of new ships and thereby freeing resources that could be apportioned for the construction of additional ships. Alternative financing methods are, however, neither a panacea nor a replacement for appropriate funding levels overall. What is needed is a shipbuilding plan to which we are committed and for which resources consistently support. All too often, the best-laid plans are undone by affordability challenges and increased costs.

The ultimate requirement for shipbuilding, however, will be shaped by the potential for emerging technologies, the amount of forward basing, and innovative manning concepts such as Sea Swap. Additional critical variables are operational availability and force posture, survivability and war plan timelines.

Attack Submarine Force Levels

The most recent official statement of requirements for attack submarine force levels was included in a study by the Joint Chiefs of Staff in fiscal year 1999. That study indicated that the minimum requirement for attack submarines is 55 and that in the future the Navy would need to have between 68 and 72 submarines. Substantial portions of these boats were deemed in the study to be necessary to meet various intelligence, surveillance, and reconnaissance requirements. Despite this, there have been indications that the Navy is considering significantly reducing the force structure of attack submarines to fewer than 40 boats.

What are the considerations that might lead the Navy to conclude that a number of attack submarines substantially smaller than 55 would be sufficient to meet the requirements of the combatant commanders and other intelligence, surveillance, and reconnaissance needs?

In considering whether the minimum attack submarine force-level requirement of 55 should be reduced, it is important for studies and analyses to evaluate the range of options and potential performance versus the risk associated with those options and the trade off between competing platform investments. We have a responsibility to balance all of our warfighting investments to deliver the full range of naval capabilities. Over the past four years, we have made tough decisions to reduce the total number of surface combatants and tactical aircraft based on this kind of analysis. Submarines are, and will continue to be, part of the calculus in determining how best to deliver the capabilities the nation requires of its Navy. The major considerations in establishing submarine force levels begins with establishing the capabilities required to, first,

meet wartime requirements and, second, fulfill additional requirements, such as intelligence, surveillance and reconnaissance.

Although no definitive submarine force structure has been determined, the 2001 QDR set 55 submarines as the baseline.

I believe that a thorough analysis of the required number of submarines should, at a minimum, consider the potential duration of future conflicts and subsequent threat draw down rates; the value of precursor actions and distributed sensors; possible changes in threat numbers and capabilities; changes in the environment or theater of operations; changes in strategy and tactics; inherent differences in capabilities of platforms; forward basing and optional crew rotation versus supportable infrastructure; political climate; and the vulnerability of forward basing to weather, threats and other variables. It is also a question of affordability of these units, which must be considered in any evaluation. An improved availability of the submarines we currently have will be important for our future force structure as well.

Navy Marine Corps Intranet

What is your assessment of the status of the Navy Marine Corps Intranet program and the ability of that program to meet the Navy's information technology needs?

The Navy-Marine Corps Intranet (NMCI) is essential to increasing our organizational efficiency, controlling overall information technology costs and maintaining the high level of information assurance and security we need for the 360,000 users we currently have transitioned.

Implementation of NMCI has revealed just how vulnerable our networks were, the fragility of our system architecture, and the extent of unnecessary legacy systems Navy owned.

If confirmed, I will remain committed to NMCI and to bringing the entire department onto a single, secure, enterprise-wide intranet. NMCI is meeting our information technology needs, particularly in the realm of information assurance and security, and in the near term we will continue the rapid "cutover" of NMCI seats to the NMCI network.

Military to Civilian Conversions

The Services have been engaged in a multiyear effort to eliminate thousands of military billets and replace them with civilian or contractor personnel. The Navy has been unique in targeting health profession billets for military-to-civilian conversions.

If confirmed, how would you use military-to-civilian conversions to shape the future force of the Navy?

The Navy is conducting a careful and measured review of military billets to determine what billets require the unique skills of a uniformed Sailor and which ones could best be performed as effectively, and at lower cost, by a civilian or by private industry.

In conducting this review, we are using several tools, including “zero-based reviews” of individual officer communities and enlisted ratings; functional reviews of service delivery for various infrastructure requirements; and a review of the model for providing total force health care requirements. We will phase in the results of these analyses to ensure that Sailors continue to have viable and rewarding career paths and that we continue to support the fleet with an appropriate mix of civilian and uniformed professionals.

If confirmed, I will continue to support these efforts.

If confirmed, what metrics would you establish to measure the effectiveness of this transformational tool, and how would you determine if and when DoD civilians and private contractors could perform work in a more efficient or cost effective manner?

Effectiveness of the Navy’s military-to-civilian conversion efforts will be measured by the degree to which they meet the following criteria: maintaining -- or improving -- fleet readiness; overall cost savings; and the continued growth and development of our Sailors.

The identification of those billets most appropriate for conversion will stem principally from our “zero-based reviews” of individual officer communities and enlisted ratings, functional reviews of service delivery for various infrastructure requirements, and a review of the model for providing total force health care requirements.

How would you measure the impact of such conversions on readiness?

War-fighting capability and readiness will be assessed using those metrics and methods of assessment already in place, which are applied across the fleet by the operational commander.

If confirmed, how would you assess the quality and availability of civilian physicians, dentists and nurses, and their willingness to serve in the federal civilian workforce?

The Navy’s Surgeon General provides oversight for the Navy’s medical services, including civilians, and I would, if confirmed, charge the Surgeon General with assessing both the quality of care provided by civilian physicians, dentists and nurses serving Navy Service members as well as their willingness to serve in the federal civilian workforce.

It is my understanding that the Quadrennial Defense Review is addressing the delivery of military medical care and those results will play a significant role in determining the final structure and delivery mechanisms for military and Navy medicine.

Prevention and Response to Sexual Assaults

On February 25, 2004, the Senate Armed Services Committee Subcommittee on

Personnel conducted a hearing on policies and programs of the Department of Defense for preventing and responding to incidents of sexual assault in the Armed Forces at which you testified and endorsed a “zero tolerance” standard. In late April 2004, the DoD Task Force on Care for Victims of Sexual Assault issued its report and recommendations, noting “If the Department of Defense is to provide a responsive system to address sexual assault, it must be a top-down program with emphasis placed at the highest levels within the Department down to the lowest levels of command leadership. It must develop performance metrics and establish an evaluative framework for regular review and quality improvement.”

In response to the report and recommendations of the DoD Task Force report, what actions has the Navy taken to prevent and respond to sexual assaults?

As the then Vice Chief of Naval Operations, I testified before the hearing in February 2004. As I stated then, and re-emphasize now, sexual assault is not tolerated in our Navy. Prevention is our first priority, but, when incidents occur, we have a sound process in place to provide specialized assistance to the victim quickly, conduct a full and fair investigation, and hold offenders accountable. We must rigidly adhere to and improve this process.

The senior leadership of the Navy has personally communicated to each commanding officer our expectations regarding Sexual Assault Victim Intervention (SAVI) responsibilities and reporting compliance. Annual training on sexual assault awareness and prevention is required. Training is also included throughout the Navy’s student curricula, including RTC Great Lakes, the Naval Academy, NAS Pensacola, prospective Commanding Officers and Executive Officers courses, Surface Warfare Officer classes, and at the Senior Enlisted Academy. Additionally, we are starting to conduct an internal monthly review of sexual assault data to identify trends and propose corrective action where required.

If confirmed, I will continue to personally support these efforts and look for ways to improve our training and prevention programs, our reporting and data collection processes and our response methodologies in order to address this issue. I will adequately resource these programs.

What additional resources and organizational changes, if any, has the Navy devoted to its Sexual Assault Victim Intervention (SAVI) program?

We are continually evaluating resource requirements and, accordingly, have allocated additional funding for FY 05 to further enhance program services and to offset increasing costs. In addition, the Navy is working to improve its reporting and data collection processes.

If confirmed, what actions do you plan to take to ensure that senior leaders of the Navy have day-to-day visibility into the incidence of sexual assaults and the effectiveness of policies aimed at ensuring zero tolerance?

In general, I believe we have effective policies in place in the areas of awareness, prevention education, and victim advocacy. To improve our ability to execute those policies, we have

focused -- and will continue to focus -- commanding officer attention on the issue, we have committed the additional funding noted above, and we are working to develop better performance metrics in our data collection and trend analysis.

If confirmed I will personally and stridently support these efforts and will communicate early and often the need for all leaders in the Navy -- at all levels of the chain of command -- to remain vigilant to the conditions and behavior that precipitate sexual assault and to the special needs of victims.

Quality of Life

In October 2002, the Center for Naval Analyses conducted a study to measure the retention benefits of several of the Navy's Quality of Life programs, and to compare these benefits with the costs of providing the programs. The study's results indicated that most Quality of Life programs have a positive impact on satisfaction with the Navy. Morale, Welfare, and Recreation programs, family housing and child development centers all had a positive impact on retention of enlisted personnel.

What is your view of the importance of quality of life programs in the Navy, and the impact of such programs on recruitment, retention and readiness?

Quality of life programs are crucial to maintaining a healthy working environment for Navy's Service members, their families, and our civilian professionals. They are particularly important in offsetting the rigors of a rotationally deploying force that operates overseas regularly. Quality of Life programs increase our attractiveness to potential recruits and subsequently ease recruiting challenges, enhance retention and increase our operational readiness.

I believe that quality of life programs provide a significant return on investment and that these are some of the most valued benefits of naval service. We provide -- as we should -- the gold standard of medical care, family support (particularly during deployments), Fleet and Family Support Centers, recreational facilities and services, childcare and personal development and education programs to help Sailors achieve their own goals. The result is a fleet of professional, motivated men and women ready in all respects to fight on their nation's behalf.

What are your recommendations on how best to ensure the financial sustainability of such programs in the future?

I believe mechanisms currently in place adequately ensure the financial sustainability of these important programs. I will pay attention to these programs, if confirmed.

Delivery of Legal Services

As Vice Chief of Naval Operations, you observed the working relationship between the General Counsel of the Navy and the Judge Advocate General of the Navy, as well as the working relationship of these individuals and their staffs with the Chairman's legal

advisor, the General Counsel of the Department of Defense, and the legal advisors of the other Services.

What are your views about the responsibility of the Judge Advocate General of the Navy to provide independent legal advice to the Chief of Naval Operations, particularly in the area of military justice and operational law?

I believe it is critical that the CNO receive independent legal advice from his senior uniformed judge advocates. Pursuant to 10 USC § 5148(d), the Judge Advocate General (JAG) of the Navy performs duties relating to any and all DoN legal matters assigned to him by SECNAV. Pursuant to U.S. Navy Regulations, 1990, Article 0331, the Navy JAG commands the Office of the Judge Advocate General and is the Chief of the Judge Advocate General's Corps.

The JAG provides and supervises the provision of all legal advice and related services throughout the Department of the Navy, except for the advice and services provided by the General Counsel. In accordance with the Manual for Courts-Martial, the Staff Judge Advocate (SJA) is the principal legal advisor of a command in the Navy.

The JAG is, in essence, the SJA to the CNO and is tasked to advise and assist the CNO in formatting and implementing policies and initiatives pertaining to the provision of legal service within the Navy. Additionally, the JAG effects liaison with the Commandant of the Marine Corps, other DoD components, other governmental agencies and agencies outside the Government on legal service matters affecting the Navy.

It is critical that the CNO receive independent legal advice from the JAG as he/she is a significant component of the Department's legal service infrastructure and performs functions that are essential to the proper operation of the Department as a whole. No officer or employee of the DoD may interfere with the ability of the JAG to give the CNO independent legal advice. I am comfortable with the existing working relationships and interactions.

What are your views about the responsibility of staff judge advocates throughout the Navy to provide independent legal advice to military commanders in the fleet and throughout the naval establishment?

Uniformed staff judge advocates are essential to the proper functioning of both operational and shore based units of the Navy and Marine Corps. In the critical area of military justice, commanders and commanding officers are required by statute (10 U.S.C. § 806) to communicate with their staff judge advocates with the purpose of receiving instruction and guidance in this field. In addition, officers rely on their staff judge advocates for advice on all types of legal matters, extending beyond their statutory responsibilities.

A staff judge advocate has a major responsibility to promote the interests of a command by providing relevant, timely, and independent advice to its military commander, whether at shore or in the Fleet. 10 U.S.C. § 5148(2)(2) reinforces the critical need for independent advice from a staff judge advocate, by prohibiting all interference with a judge advocate's ability to give independent legal advice to commanders, as applied to any employee of DoD. Navy and Marine

Corps commanders depend extensively on their staff judge advocates to provide independent advice, which combines legal acumen and understanding of military requirements and operations.

Ballistic Missile Defense

The Navy will play an important role in defending the nation against the threat of long-range ballistic missile attack and in defending allies, friends and deployed forces against theater ballistic missile threats.

Do you view ballistic missile defense as a core Navy mission?

Yes, missile defense is a core Navy mission. If confirmed, I will ensure that the Navy continues to work with the Missile Defense Agency (MDA) to develop and field this important capability aboard naval vessels. I also believe that the Navy's ability to provide ballistic missile defense will be increasingly important to joint warfighting and, based on successes to date, that the Missile Defense Agency's investment in naval missile defense systems is delivering important operational joint and national capabilities. In short, I believe there is great value in this capability for our nation, and will be more so in the future.

What plans does the Navy have for testing the Aegis Ballistic Missile Defense System?

The Missile Defense Agency is currently charged with testing of the Aegis Ballistic Missile Defense System (ABMD) for the Defense Department. Under this construct, the Navy will continue testing of the Aegis-SM-3 missile defense capability under the current agreement with MDA, providing full-time commitment of an Aegis equipped Cruiser to the Testing and Evaluation (T&E) role.

Additionally, the Navy plans to modify other Aegis equipped ships to conduct MDA missions when required, has entered into an international partnership to increase the capability of the SM-3 missile and has invested in science and technology to develop defenses against more advanced ballistic missiles.

Are you satisfied with the current rate of production for the SM-3?

I believe that the current rate of production is the minimum prudent rate and that overall operational risk could be reduced and testing accelerated if additional resources were available. It is MDA, however, that funds and procures missile defense systems and they must balance their risks and requirements within their constraints.

Science and Technology Program

The defense science and technology program is recovering after years of declining budgets. However, the budget request for defense S&T still falls short of the Secretary of

Defense's goal of dedicating 3% of the total defense budget to science and technology. In particular, the Navy science and technology program, especially the investment in long-term, innovative work which has been so successful in confronting emerging threats, has declined significantly over the last three years.

If confirmed, how do you plan to address the shortfalls in the Navy science and technology program to meet the Secretary's goal?

Three percent of the budget remains our goal as we balance competing investment priorities from year to year. The fiscal year 2006 Navy S&T budget is \$1.8 billion and maintains a broad base of science and technology to provide new capabilities to the warfighter and technological innovation in support of the National Military Strategy. Though short of the goal, I believe this sum provides a sufficient level of investment in this very important program for this year.

What is your view of the role and value of science and technology programs in meeting the Navy's transformation roadmap goals?

The Navy's ongoing efforts to integrate advanced technology with new operational concepts and organizational constructs result in a real transformation of military capability through our Future Naval Capabilities program. In that vein, the maturing technology we're seeing today and beginning to incorporate into platforms, weapons, sensors, and process improvements are the result of long-term investments in Science and Technology and an important element of the Navy's transformation.

Technology Challenges

In recent testimony before the Senate Armed Services Committee, the Chief of Naval Operations discussed challenges related to the national security environment. He noted that the Department of Defense must establish an "unblinking eye" above and throughout the battlespace. He maintained that speed and agility are the attributes that will define operational success.

What do you see as the most challenging technological needs or capability gaps facing the Navy in achieving speed, agility, and the referenced "unblinking eye"?

The ongoing global war on terror has highlighted the technological challenges of sustaining maritime domain awareness across a variety of theaters with an "unblinking eye". Technologically, this means pursuing the "needle in the haystack" to ensure security and continued domination in the maritime environment, as well as responding rapidly when detection occurs.

Speed and agility are critical to our operational success and are achieved through a combination of investments in modern platforms and through the increased operational availability of our existing forces. The Fleet Response Plan has achieved significant

improvements on the Navy's ability to respond to the nation's most pressing needs, and greatly increased our force posture achieved with our current force structure.

Investments in ACS, CG(X), DD(X), FORCEnet, Integrated Propulsion Systems, Littoral Combat Ship, JSF, MMA, SSGN, SSN-774, stealth, and unmanned systems will also ensure mission agility in response to a broad range of threats. These investments will help our Navy adjust its warfighting capabilities in order to support small-scale contingencies, such as peacekeeping and stability operations in addition to traditional warfighting requirements. Diversification of capabilities will assist in mitigating risk against irregular, catastrophic, and disruptive challenges we face today and for the foreseeable future. We must also pay attention to technological investments for additional high-leverage forces, e.g., SOF, EOD, SeaBees, medical, and maritime security forces.

If confirmed, how will you work with the Navy's research enterprise to ensure adequate investments in areas that will provide the technical breakthroughs of the future?

The Navy must continue to pursue a comparative advantage versus competitive advantage against our opposing forces. Rather than engage in a platform vs. platform, force-on-force conflict, we must exploit our technological advantages to develop sensors and systems to enhance our warfighting capability within the constraints of our current force structure. If confirmed, I will continue the current commitment to a strong science and technology program and will work with the Navy's research enterprise to explore development of a variety of weapons systems and propulsion systems as well as a range of sensors and surveillance capabilities to leverage our Country's and our Navy's technological superiority as an asymmetric advantage. Also, I believe we should explore, support, and sustain the developments produced by small, innovative companies.

Naval Reserve Force Structure

As a result of the Navy's "zero based review," significant changes in the size and structure of the Naval Reserve are taking place.

What role and mission do you expect the Naval Reserve to perform now and in the future?

The zero-based review of the Naval Reserve structure between the Chief of Naval Reserve and the Commander of Fleet Forces Command will allow us to re-baseline the Reserve Force with one overarching objective in mind: a Reserve force fully integrated with the active force.

The roles and missions of the Reserve force will continue to respond to the changing threat landscape. This includes Reserve force contribution to the Global War on Terror, including increased emphasis on civil affairs.

How would you access the progress being made in transforming the Naval Reserve into a fully integrated and capable force?

We have made great strides in Active Reserve Integration (ARI). We continue to pursue the creation of fleet response units (FRU's) which go hand-in-glove with the Fleet Response Plan to provide the nation more operational availability of our combined, naval forces.

An illustration of our progress is our multiple efforts to have reserve Sailors report to ships, not to buildings. Reserve centers are being replaced by operational organizations that help facilitate the vital contribution of the naval force across a broad spectrum of required capabilities.

What is your view of the optimal size of the Naval Reserve in the future?

The optimal size of the Naval Reserve is really a function of capacity management to determine what capabilities and skill sets we want to own in the active force. We must ensure that the right capabilities reside in the proper component; and that each component can work in ways that are fully complementary. While we are driving down the number of reserve personnel, their capability and skills remain vital to the success of the Navy's strategic vision for building the Total Navy Force.

Navy End Strength

The Navy's proposed budget for FY 2006 includes reductions of 13,200 personnel in the active duty ranks and 10,300 in the Naval Reserve. Admiral Clark has indicated that one of his goals is to reduce the Navy's active duty force to 350,000 sailors from the current authorized level of 373,800.

Do you agree with these reductions?

Yes, I agree with the reductions as a goal and will conduct my own review, if confirmed. Some of these proposed reductions are predicated on technology insertion, which suggests an overall phased approach as the technology is fielded. Organizational alignment, including initiatives like Optimal Manning, and billet reviews will also yield legitimate opportunities for reducing our total workforce and should be implemented if appropriate.

What is the justification for these reductions in active duty and Naval Reserve forces?

The Navy's overall strategy is still evolving and considerable effort is being devoted to ensuring that the changes we make are the right ones. The combat power of our forces is not directly tied to the number of Sailors, but rather their skills and the capabilities of the equipment they operate.

Additionally, there are still remnants of Cold War practices that are personnel-intensive and can be replaced by new organizations – such as Navy Installations Command – to potentially reduce our personnel requirements and continue to seek out and gather efficiencies ashore. There remains work to do in this area. Finally, by focusing on the military skills of our Sailors, we are finding that some functions can best be filled by the reserve component, converted to

government civilian or outsourced to great benefits: increased efficiency, higher quality of life, contractual service targets and lower cost.

Congressional Oversight

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

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

Yes.

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

Yes.

Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Chief of Naval Operations?

Yes.

Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Yes.