

Advance Questions for Mr. Daniel R. Stanley
Nominee for Assistant Secretary of Defense for Legislative Affairs

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.

Do you support full implementation of these defense reforms?

Answer: Yes, I support the full implementation of these reforms.

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

Answer: I believe these reforms have been fully and successfully implemented.

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

Answer: I consider the strengthening of the role of the Combatant Command to be the most important aspect of these defense reforms. In my view, virtually all of the attributes of "Jointness" are a result of the enhanced role of the Combatant Commanders.

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

Do you agree with these goals?

Answer: Yes.

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

Answer: The results of the Quadrennial Review may conclude that certain aspects of Goldwater-Nichols need to be revised or adjusted, however, it would be premature for me to speculate. Should this be the case, and should I be confirmed, I would work closely with this Committee and the Congress to provide witnesses, briefings, and the necessary information so the Congress can

make an informed judgment regarding any proposed changes the Department of Defense may advocate.

Duties

Section 138 of Title 10, United States Code, and DOD Directive 5142.1, provide that the principal duty of the Assistant Secretary of Defense for Legislative Affairs is the overall supervision of legislative affairs of the Department of Defense. Additionally, among other responsibilities, the Assistant Secretary of Defense for Legislative Affairs is required to provide advice and assistance concerning congressional aspects of DOD policies, plans, and programs; to coordinate actions relating to congressional consideration of the DOD legislative program; and to coordinate responses to congressional inquiries.

Should you be confirmed as the Assistant Secretary of Defense for Legislative Affairs, what would you view as your principal responsibilities to the Secretary of Defense?

Answer: If confirmed, my primary responsibility to the Secretary would be to keep him informed on all major Congressional actions, requests, concerns, and initiatives on matters of import to the Secretary and the Department of Defense.

Assuming you are confirmed, what other duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer: If confirmed, I expect Secretary Rumsfeld to charge me with the responsibility of ensuring that the Department's liaison with the Congress is effective, responsive, user and customer friendly, and to ensure the Department's goals and priorities are properly articulated.

Relationships

If confirmed, what would be your relationship with:

The Secretary of Defense

Answer: If confirmed, I will function as the principal assistant to the Secretary on Congressional matters. Under the Secretary's direction, I will be responsible for coordination of the DoD legislative program, liaison with the Congress, participation of Departmental witnesses in Congressional hearings, responses to Congressional inquiries, and DoD support of Congressional travel.

The Deputy Secretary of Defense

Answer: If confirmed, I would have a similar relationship with the Deputy Secretary of Defense.

The Under Secretaries and Assistant Secretaries of Defense

Answer: If confirmed, my relationship with the Under Secretaries of Defense and the Assistant Secretaries will be to serve as the principal advisor regarding liaison and communications with the Congress.

The General Counsel of the Department of Defense

Answer: If confirmed, I would work closely with the General Counsel to ensure responsiveness in matters of Congressional interest and to expedite their coordination on legislation proposed by the Department. In addition, I would help identify legal issues inherent in legislative matters and obtain the views and recommendations of the General Counsel.

The Inspector General of the Department of Defense

Answer: I would exercise no authority or control over the DoD Inspector General. If confirmed, I would be fully cooperative and supportive of the IG's mission.

The chiefs of legislative affairs of the military services

Answer: If confirmed, I would routinely meet with the chiefs of legislative affairs of the military services to coordinate the Department's liaison mission, and ensure responsiveness to this Committee and the Congress. By DoD Directive, ultimate responsibility for supervision of legislative liaison activities throughout the Department is vested in the Assistant Secretary of Defense for Legislative Affairs. I would work closely with the legislative affairs offices of the military services to foster a climate of effective cooperation and support.

The legislative assistant to the Chairman of the Joint Chiefs of Staff?

Answer: If confirmed, I would routinely meet with the legislative assistant to the Chairman so as to coordinate the Department's liaison mission and ensure responsiveness to this Committee and the Congress.

The Defense Agencies

Answer: If confirmed, I would provide overall guidance to the individual Defense Agencies with respect to the Department's legislative issues. I would routinely meet with the legislative assistants to the various Defense Agencies to ensure the Agencies understand the Department's initiatives, the Secretary's position, and to ensure they are responsive to Congressional inquiries.

Within the Office of the Secretary of Defense, the Defense Agencies and the combatant commands, there are numerous offices which have their own congressional liaison personnel.

What would you do to ensure that your office is the focal point for all of the Department of Defense for dealing with the Congress and that all DOD legislative affairs personnel are responsive to Congress?

Answer: The Secretary and the Acting Deputy Secretary have directed me, if I am confirmed, to develop and implement recommendations to ensure that the legislative affairs operations of the Department of Defense are better coordinated, more responsive, and customer friendly.

Major Challenges and Problems

In your view, what are the major challenges confronting the Assistant Secretary of Defense for Legislative Affairs?

Answer: The principal challenge is to ensure that critical information is provided to the Congress in a timely and useful manner. The Congress should not be in a position of reading or hearing about important issues in the media. The second challenge is providing timely, valuable advice to the Secretary, Deputy Secretary, and the key principals about Congressional issues, concerns or requests.

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

Answer: If confirmed, I would first evaluate the entire legislative affairs organization(s) in the Department to ensure that these activities are properly organized and coordinated to meet the Title 10 responsibilities extended to this position. I would propose organizational or procedural changes to the Secretary and Deputy Secretary where or if required.

What do you consider to be the most serious problems in the Office of the Secretary of Defense's relationship with Congress?

Answer: Timeliness of information and notification.

What do you consider to be the most serious problems in the military services' relationship with the Congress?

Answer: It varies from Service to Service. In some cases there is a problem with timeliness of the information, in some instances it is the accuracy of the information provided. On balance, I believe that the military services' relations with the Congress are sound.

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

Answer: If confirmed, I would “communicate, communicate, and communicate.” It is vital to emphasize the importance of a cooperative relationship with this Committee and the Congress, that the Department needs to be as responsive as possible, and that the accuracy of information is critical to maintaining a cooperative relationship. I would establish routine meetings with each of the legislative affairs operations within the Department and stress these principles at every meeting. In addition, if confirmed, I will immediately review all aspects of the Department’s legislative liaison operations to ensure that we have the right organizational arrangements, the right processes and procedures, and a common understanding of how this Department will conduct legislative affairs with this Committee and the Congress.

Role of the Congress in National Security Policy

In your opinion, what is the role of the Congress in setting national security policy?

Answer: Article I, Section 8 of the Constitution grants Congress the power to raise armies and maintain a Navy. This specific power, along with the power to appropriate funds for these purposes, as well as the power to ratify treaties establishes that Congress has a shared responsibility with the Executive Branch in setting national security policy.

Liaison with the Appropriations Committee

The liaison with the Appropriations Committees is primarily carried out through the Office of the Under Secretary of Defense, Comptroller, not through the Office of the Assistant Secretary of Defense for Legislative Affairs.

Do you believe that this arrangement allows you to carry out your responsibilities under section 138 of title 10, United States Code?

Answer: If confirmed, I would have a cooperative relationship with both the Under Secretary of Defense (Comptroller) and the Appropriations Committees. I would coordinate closely with the Comptroller’s office on all matters and issues of interest to the Congress and would include Comptroller staff in my daily staff meetings. I believe this arrangement would allow me to carry out the responsibilities under section 138 of title 10, USC.

Based on your experience, does the fact that there are two separate offices within the Office of the Secretary of Defense dealing with the Congress create problems?

Answer: As with any organizational function that is bifurcated in such a manner, this arrangement is not optimal. With that said, in my experience, the Offices of Legislative Affairs and the Offices of the Comptroller are committed to working together to support the Department’s mission and goals. Frequent coordination has been the routine and will continue if I’m confirmed.

`Do you believe that the current practice of a separate liaison between the Appropriations Committees, the Office of the Secretary of Defense and the budget offices of the military services should be continued or should all legislative affairs activities be consolidated under the Assistant Secretary of Defense for Legislative Affairs?

Answer: If confirmed, and in consultation with the Defense Oversight Committees, this is something that I would examine and analyze. I believe that the Congress does and should have significant input on how the Department liaisons with the Congress.

If confirmed, what do you anticipate would be your relationship with the Appropriations Committees?

Answer, If confirmed, I would anticipate my relationship would be cooperative, supportive, and responsive. No modification of the current organizational relationship would be made without the support of the Defense Oversight Committees.

Congressional Liaison Personnel Throughout DOD

The requirements for information from Congressional committees and offices has grown, and, as stated above, Defense Agencies and directorates and individual commands within the Services have personnel performing full-time congressional liaison functions. A former Assistant Secretary for Legislative Affairs estimated that there were 300 to 400 individuals in DOD that, as part of their official capacity, have some dealings with Congress.

How many individuals currently perform legislative liaison functions in your office and throughout DOD today?

Answer: There are currently 16 individuals whose primary responsibility is direct liaison with the Congress. There are additional administrative and support personnel, interns, and contractors who support various internal functions. Our current personnel total is 32. As for the entire DoD, there are hundreds of individuals who have some dealings with the Congress. The last count for which I am aware put the number at between 400 and 600.

What are your views regarding the optimal organization and numbers of personnel assigned throughout the Department for the Assistant Secretary of Legislative Affairs to carry out his or her assigned responsibilities?

Answer: If confirmed, I intend to specifically address this question and act, if necessary, to organize the Office of Legislative Affairs in a manner that supports my title 10 responsibilities,

meets the expectations and needs of the Congress, and provides the Secretary and Deputy Secretary of Defense with the critical information and advice they require.

Providing Congress with Timely Information

If confirmed, what steps would you take to ensure that the appropriate congressional officials and Committees are provided with timely notification and relevant information concerning international crises, the use of United States military forces, and incidents involving Department of Defense personnel and equipment?

Answer: Clearly, the Department needs to do a better job of this. If confirmed, this will be my top priority. I will discuss this matter with the Secretary and all senior leadership of the Department to emphasize the importance of timely notification and providing relevant information to this Committee and the Congress.

Late submission of legislative proposals by DOD to the Congress for consideration as part of the annual defense authorization act formulation has been a chronic problem. Legislative proposals and initiatives which require substantial review and in many cases, testimony and discussion at annual posture hearings in February and March, all too often have been forwarded to the Congress too late for appropriate action.

Based on your experience in the Department, what do you consider to be the reasons for the inability of DOD to provide the Congress with all of its legislative proposals at the same time as submission of the President's annual budget?

Answer: Based upon my experience, this problem is due to lack of management emphasis throughout the Department of Defense. The submission process occurs too late in the year to meet the timelines of the budget submission and lacks discipline with regard to what proposals are forwarded for consideration.

If confirmed, what actions would you take to improve the Department's performance in providing timely legislative initiatives to Congress?

Answer: If confirmed, I would immediately address the timeline for submission of legislative proposals with appropriate officials within the Department. I would also address this matter with the Office of Management and Budget. Starting the process earlier in the year to provide the system adequate time to evaluate and approve the proposals is part of the solution. I would make more timely submissions of legislative proposals to the Congress a priority.

Late submission of written statements by high ranking officials in the Department of Defense for scheduled hearings has become a matter of concern. This practice is in contravention of Committee rules and adversely affects the ability of Senators to properly prepare and exercise oversight.

What recommendations do you have for addressing this problem?

Answer: If confirmed, I would ask the Secretary and the Deputy Secretary to reiterate guidance as to the expectations of the Committee, the Committee rules, and to reinforce their expectation that these rules are to be respected and complied with. I would also emphasize this with all witnesses whom I would assist in preparing testimony.

If confirmed, what actions would you take to improve the Department's performance in providing timely submission of written statements for hearings?

Answer: If confirmed, I would, as frequently as necessary, remind Department leaders of the Committee rules and their expectations that these rules be respected.

Monitoring Legislation Affecting the Department of Defense

The Committees on Armed Services of the Senate and the House of Representatives have principal oversight responsibility in the Congress for Department of Defense activities. However, there is a great deal of legislation considered by other congressional committees that specifically affects the Department of Defense or that affects government agencies in general and which may have a substantial impact on the Department of Defense.

If confirmed, what steps would you establish to ensure that you and the Secretary of Defense are kept informed of all legislation that may have an impact on the Department of Defense?

Answer: Maintaining an understanding of Congressional interests, the flow of legislation, and topics that may impact the Department is a key function of the Office of Legislative Affairs. Sources of this information are numerous and varied; the best of which is frequent contact with Members and staff. If confirmed, I would ensure that my staff would be alert to legislative initiatives that may emanate from other committees.

If confirmed, would you ensure that the Committees on Armed Services are alerted to all legislative matters of interest to the Department in a timely manner?

Answer: Yes.

Nominations

If confirmed, what role would you, as Assistant Secretary of Defense for Legislative Affairs, expect to play in the military and civilian nomination process?

Answer: If confirmed, I would expect to play a primary role in preparing civilian nominations for confirmation, and a primary support role to the Chairman of the Joint Chiefs and the

Services in preparing military nominations for confirmation. In addition, my staff and I will track nominations closely and ensure the Committee is made aware of all relevant information.

Management of the Congressional Fellowship Program

What are your personal views on the value of the legislative fellowship program within the Department of Defense? Specifically, in your opinion, is the dedication of military officers and civilian employees to legislative fellowships warranted?

Answer: In those cases where Members have little or no personal experience with the military, I believe the Fellowship Program provides an enormous benefit to the Member. In any case, this program provides an extraordinary educational experience for military officers and civilian employees. In my view, there is a difficult balance to maintain. Secretary Rumsfeld believes very strongly that military people should be doing military things – this concept is important to maximizing efficiencies. This must be balanced with the advantages of providing the Congress important insights that can be gained through daily interaction with Military Fellows and the educational value of such a tour to the broadening and development of our officer corps.

While the assignment of legislative fellows following their fellowships is a service responsibility, what is your assessment of the manner in which the experience gained by legislative fellows has been used?

Answer: The post fellowship utilization tour management has been spotty at best. In my view, a more defined process should be in place that more quickly takes a fellow from the Hill into a legislative affairs component in the DoD. A fellowship tour should be considered a three year tour – one year working in a Congressional office or committee and two years follow-on in legislative affairs. I believe that such a program would enhance the experience for the officer and provide better value to the Department and to the Military Services.

Congressional Oversight

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?

Answer: Yes.

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

Answer: Yes.

Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Legislative Affairs?

Answer: 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?

Answer: Yes.