

**Advance Questions for Robert L. Wilkie**  
**Nominee for Assistant Secretary of Defense for Legislative Affairs**

**Defense Reforms**

**The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.**

**Do you see the need for modifications of any Goldwater-Nichols Act provisions? If so, what areas do you believe might be appropriate to address in these modifications?**

*Answer: The twenty year history of successful operations under this organizational construct has demonstrated its wisdom and effectiveness. If the Congress should pursue adaptations to this construct or if the Department proposes changes, I would work closely with this Committee and the Congress to provide witnesses, briefings, and the necessary information so the Congress can make informed judgments on policy alternatives.*

**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 shall be the overall supervision of legislative affairs of the Department of Defense. Additionally, 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.**

**If confirmed as the Assistant Secretary of Defense for Legislative Affairs, what would you view as your principal responsibilities to the Secretary of Defense and to Congress?**

*Answer: If confirmed, my primary responsibility to the Secretary would be to keep him informed on Congressional actions, requests, concerns, and initiatives on matters of importance 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 assign me 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.*

**What experience do you have that would qualify you to perform the duties of the Assistant Secretary of Defense for Legislative Affairs?**

*Answer: I began my professional career on Capitol Hill as Counsel to Senator Jesse Helms, where I served as the Senator's policy advisor for Armed Services, Nuclear Energy and Senate Rules and Procedure. Later, I served as Legislative Director for Congressman David Funderburk and was assigned to the Committee on International Relations and the Commission on Security and Cooperation in Europe.*

*In 1997, I began service as the Counsel and Advisor on International Security Affairs to the Senate Majority Leader, the Honorable Trent Lott. In addition to my regular duties, I was the principal staffer and editor of the national security section of the 2000 Republican Party Presidential Platform.*

*From 2003-2005, I served as Special Assistant to the President for National Security Affairs and as a Senior Director on the National Security Council. In this capacity I served as a senior policy advisor to the President's Assistant for National Security Affairs, Dr. Condoleezza Rice, and to her successor, The Honorable Stephen Hadley. While at the NSC, I developed strategic planning for the implementation of the Moscow Treaty, NATO Expansion, the Millennium Challenge Account; and Iraqi Reconstruction.*

*Finally, I hold a Juris Doctor degree from Loyola University of the South (New Orleans), where I received honors in Latin American Law, International Law and Legislation. I was also awarded a Masters of Law in International and Comparative Law from Georgetown University.*

**Relationships**

**If confirmed, what would your working relationship be 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 their principal advisor regarding legislative 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 assist Office of the General Counsel coordination on legislation under consideration within the Department. I would seek the views and recommendations of the General Counsel on legal issues.*

### **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 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 to 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 meet regularly with the legislative assistants of the Defense Agencies to ensure they operate consistent with the Department's initiatives, the Secretary's position, and to ensure they are responsive to Congressional inquiries.*

## **Major Challenges and Problems**

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

*Answer: The most significant challenge we face is communication. I would work to ensure that vital 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 and problems?**

*Answer: If confirmed, I would continue the effort begun by my predecessors to reassert the appropriate oversight of the legislative affairs function in the Department. I would work to ensure that these activities associated with our mission are properly organized and coordinated to meet the Title 10 responsibilities extended to this position. I would continue to advocate organizational and/or procedural changes to the Secretary and Deputy Secretary where or if required.*

## **Legislative Liaison Offices**

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

**What is your understanding of actions taken by the Secretary of Defense and previous Assistant Secretaries of Defense for Legislative Affairs to limit the numbers of individuals performing legislative liaison duties?**

*The Secretary is committed to ensuring that the mandate in Title 10 assigning the duties of managing the Legislative Program resides with the Assistant Secretary of Defense for Legislative Affairs.*

**If confirmed, what steps, if any, would you take to ensure that the Assistant Secretary of Defense for Legislative Affairs is the focal point for all of the Department of Defense for dealing with the Congress?**

*If confirmed, I would continue the efforts of my predecessor, on behalf of the Secretary, to ensure that all legislative functions of the Office of the Secretary of Defense are coordinated and managed by the Assistant Secretary of Defense for Legislative Affairs.*

**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 Office of Legislative Affairs and the Office 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.*

#### **Liaison with the Appropriations Committee**

**Legislative 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 fulfill 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.*

#### **Untimely Legislative Proposals**

**Late submission of legislative proposals by DOD to the Congress for consideration as part of the annual Defense Authorization Act has been a chronic problem. Legislative initiatives, which require substantial review and in many cases, testimony and discussion at annual posture hearings, are routinely 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, I believe this problem is due to poor management and a lack of emphasis. 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 the General Counsel and the Office of Legislative Counsel where this function is managed. 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.*

### **Responding to Questions and Information for the Record**

**The failure on the part of Departmental witnesses to timely respond to questions for the record (QFRs) by senators and requests for information for the record (IFRs) following hearings is a problem requiring the attention of the Assistant Secretary of Defense for Legislative Affairs.**

**What is your assessment of the reasons for lengthy delays in responding to QFRs and IFRs?**

*Answer: Simply put, we need to pay closer attention to the timelines of this Committee and others of the Congress to fulfill our responsibility to communicate with the Congress in a responsive manner.*

**What actions have been taken, if any, during your service as Principal Deputy Assistant Secretary to respond to this problem?**

*Answer: During my tenure, we reinvigorated our oversight and are holding responsible offices within the Department accountable for timely submission of their answers.*

**If confirmed, what actions would you take to improve the Department's performance in providing timely answers to QFRs and IFRs?**

*Answer: If confirmed, I would continue to reform the entire legislative operation of the Department to ensure that a system of timelines is in place for proper response to the Congress' request for information and for the Congress' desire to have all legislative proposals and statements submitted to both houses in a complete and timely manner.*

## **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 Detailees**

**The Department has been trying for almost ten years to establish and uniformly enforce rules pertaining to the detailing of military and civilian employee personnel to the legislative branch.**

**What is your understanding of the Department's rules, including necessary approval authority, in responding to requests by Congressional officers for details of military or civilian employees to the legislative branch?**

*Answer: The Secretary of Defense has engaged in a broad review of the role of all military officers currently assigned to non-operational billets throughout the Department. This includes detailees to the Congress. The Secretary recognizes that it is vital to maintain the link between the Congress and the Defense Department, consistent with applicable law. The DoD Legislative Fellows Program, while not a detail's program, is one key aspect of this linkage. This Program is also closely monitored within the Department..*

**What are your views about the limits, if any, that should be placed on details of DOD military and civilian employee personnel to the legislative branch?**

*Answer: The Secretary has emphasized the need to ensure that as many officers as possible are sent to operational billets as opposed to those in the National Capitol Region.*

## **Military Personnel Requirements for the Office of the ASD (LA)**

**The military Departments establish and consistently meet personnel requirements for their respective legislative liaison offices, carefully selecting and training military personnel for these important assignments.**

**What military personnel requirements, i.e., billets, presently have been established by service in the Office of the Assistant Secretary of Defense for Legislative Affairs?**

*We have 10 military officers authorized in the office: 4 Air Force, 4 Army, and 2 Navy.*

**What legislative or Congressional experience, if any, and what qualifications have been required of officers nominated for assignments in the office of the Assistant Secretary of Defense for Legislative Affairs?**

*Answer: Prior experience in service or joint legislative liaison billets is preferred. The office also seeks well-rounded officers from operational and staff billets that have an ability to clearly communicate Department policy, strategy, and priorities across the entire spectrum of Congressional interests.*

**In order to fully accomplish the responsibilities as the Assistant Secretary of Defense for Legislative Affairs, what management steps, if any, need to be taken to ensure that fully qualified, military legislative liaison personnel in the right numbers and with appropriate tour lengths are assigned?**

*Answer: We must continue to emphasize the importance of Congressional relations in the Department's strategic approach to its overall agenda. If confirmed, I will work with the services to ensure that service in the Office of Legislative Affairs enhances an officer's career and prepares him/her for duties of increased responsibility. This fits into the Goldwater-Nichols construct for the joint specialty officer.*

#### **Information from OSD During Iraq Floor Debate**

**On the afternoon of June 14, 2006, the Office of the Assistant Secretary of Defense for Legislative Affairs sent an email to a number of Congressional offices providing more than 75 pages of information in connection with the debate about certain amendments regarding ongoing military operations in Iraq during the Senate's consideration of S. 2766, the National Defense Authorization Act for Fiscal Year 2007. The information was apparently designed to provide information for use by senators who supported the Administration's policy on Iraq. Shortly after the email was sent, it was recalled by the sender.**

**What is your understanding of the facts and circumstances surrounding the preparation of the email, and at whose direction was the information prepared?**

*Answer: The Department routinely prepares position papers and statements of policy for use by the Congress. This was an effort by the Department and the National Security Council.*

**What role, if any, did you play in the preparation or dissemination of the information included in the email?**

*Answer: Members of my staff contributed to preparation of the material provided to the Congress.*

**Why was the email recalled?**

*Answer: Addressees on the communicators' distribution list had changed resulting in several email failure notices.*

**Do you believe it was appropriate for the Office of the Assistant Secretary of Defense for Legislative Affairs to prepare and distribute this material?**

*Answer: Yes*

**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, 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*