

**Advance Questions for LTG Robert L. Van Antwerp, U.S. Army  
Nominee for Chief of Engineers and Commanding General,  
U.S. Army Corps of Engineers**

**A. 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 the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Chairman of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the services and the combatant commanders, among other things, in joint training and education and in the execution of military operations.*

**A.1. Do you see the need for modifications of any Goldwater-Nichols Act provisions?**

**Answer:** No. The goals of the Goldwater-Nichols legislation are as important today as when the Act passed thirty years ago. I continue to support these reforms and will be guided by the objectives of this important legislation, which promote the effectiveness of military operations, strengthen civilian control, provide for more efficient and effective use of defense resources, and improve the management and administration of the Department of the Army and Department of Defense.

**A.2.If so, what areas do you believe might be appropriate to address in these modifications?**

**Answer:** Not applicable, in view of my previous answer.

**B. Relationships**

**B.1. Please describe your understanding of the relationship of the Chief of Engineers to the following offices (for the purpose of these questions, the term “Chief of Engineers” should be read to include Commanding General U.S. Army Corps of Engineers):**

**The Secretary of Defense**

**Answer:** As head of the Department of Defense, the Secretary of Defense has full authority, direction and control over all its elements. The Secretary exercises this power over the Corps of Engineers through the Secretary of the Army, whose responsibility for, and authority to conduct all affairs of the Army is subject to the authority, direction, and control of the Secretary of Defense. If confirmed, I will cooperate fully with the Secretary of Defense in fulfilling the Nation’s national defense priorities and efficiently

administering the Corps of Engineers in accordance with the policies established by the Office of the Secretary of Defense.

### **The Joint Staff**

**Answer:** The Joint Chiefs of Staff serve as military advisers to the President, the National Security Council, and the Secretary of Defense. Subject to the authority, direction, and control of the President and the Secretary of Defense, the Joint Chiefs of Staff assist the Chairman of the Joint Chiefs of Staff in carrying out the Chairman's responsibilities of providing for the strategic direction, strategic planning, and contingency planning; advising the Secretary of Defense on requirements, programs and budgets identified by the commanders of the unified and specified combatant commands; developing doctrine for the joint employment of the armed forces; providing for representation of the United States on the Military Staff Committee of the United Nations; furnishing certain reports to the Secretary of Defense; and performing such other duties as may be prescribed by law or by the President or the Secretary of Defense. If confirmed, I will cooperate fully with the Joint Chiefs of Staff in the performance of their responsibilities.

### **The Secretary of the Army**

**Answer:** As head of the Department of the Army, the Secretary of the Army is responsible for, and has the authority to conduct, all affairs of the Department of the Army, subject to the authority, direction, and control of the Secretary of Defense. The Secretary of the Army may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Army, as well as the Assistant Secretaries of the Army, and require officers of the Army to report to these officials on any matter. If confirmed, I will support the Secretary in the performance of the Secretary's important duties. I will strive to establish and maintain a close, professional relationship with the Secretary of the Army, based on full and candid communication with the Secretary on all matters assigned to me.

### **The Assistant Secretary of the Army for Civil Works**

**Answer:** The Assistant Secretary of the Army for Civil Works is principally responsible for the overall supervision of the Army's civil works functions, including programs for conservation and development of the national water resources, including flood control, navigation, shore protection, and related purposes. Carrying out the Army's civil works program is a principal mission of the Corps of Engineers and the complex issues that arise in this area demand a close, professional relationship between the Assistant Secretary of the Army for Civil Works and the Chief of Engineers, based on mutual respect, trust, cooperation, and full communication. If confirmed, I am committed to establishing and maintaining such a relationship.

## **The General Counsel of the Army**

**Answer:** The General Counsel of the Army is the chief legal officer of the Army. The General Counsel serves as counsel to the Secretary of the Army and other Secretariat officials and is responsible for determining the position of the Department of the Army on any legal question or procedure. If confirmed, I will ensure that my Chief Counsel maintains a close and professional relationship with the General Counsel and actively seeks the General Counsel's guidance in order to ensure that Army Corps of Engineers policies and practices are in strict accordance with the law and the highest principles of ethical conduct.

## **The Chief of Staff of the Army and the Army Staff**

**Answer:** The Chief of Staff of the Army performs the Chief of Staff's duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary. The Chief of Staff also performs the duties prescribed by law as a member of the Joint Chiefs of Staff.

The Army Staff assists the Secretary of the Army in carrying out the Secretary's responsibilities, by furnishing professional advice and operations expertise to the Secretary, the Under Secretary, and the Assistant Secretaries of the Army and to the Chief of Staff of the Army. Under the authority, direction, and control of the Secretary of the Army, the Army Staff prepares for and assists in executing any power, duty, or function of the Secretary or the Chief of Staff; investigates and reports on the Army's efficiency and preparedness to support military operations; supervises the execution of approved plans; and coordinates the action of Army organizations, as directed by the Secretary or Chief of Staff. As a statutory member of the Army Staff, the Chief of Engineers assists the Secretary in carrying out the Secretary's responsibilities and furnishes necessary professional assistance to the Secretary, the Under Secretary, the Assistant Secretaries of the Army and the Chief of Staff of the Army. Specifically, the Chief of Engineers is the principal adviser to the Army Staff on engineering and construction matters. In discharging these responsibilities, the Chief of Engineers must develop positive, professional relationships with the Chief of Staff, the Vice Chief of Staff, the Deputy and Assistant Chief of Staff, the Surgeon General, the Judge Advocate General, the Chief of Chaplains and the Chief of the Army Reserve, in order to ensure that the Army Staff works harmoniously and effectively in assisting the Army Secretariat. I am committed to establishing and maintaining such relationship with the members of the Army Staff.

## **The Combatant Commanders**

**Answer:** The Combatant Commanders are responsible to the President and to the Secretary of Defense for the performance of missions assigned to the commands by the President or by the Secretary with the approval of the President. Subject to the direction of the President, the combatant commanders perform their duties under the authority, direction, and control of the Secretary of Defense and are directly responsible to the

Secretary for the preparedness of the commands to carry out their assigned missions. These missions include providing humanitarian and civil assistance, training the force, conducting joint exercises, contingency activities, and other selected operations. If confirmed, I will support the combatant commanders in the performance of these important duties by providing any necessary engineering and construction services required from the Corps of Engineers to the combatant commanders' component commands.

### **The U.S. Ambassador to Iraq**

**Answer:** The Corps of Engineers is providing a broad array of engineering and construction related services in Iraq generally to either the CENTCOM Commander or the State Department. In the first situation, the CENTCOM Commander has the primary relationship with the U.S. Ambassador and my involvement with the Ambassador would be in support of the CENTCOM Commander through my Gulf Region Division Commander. In the second situation, my representative, the Gulf Region Division Commander, would have a direct relationship with the Ambassador, but would coordinate with the CENTCOM Commander nonetheless.

### **The State Governors**

**Answers:** The execution of the Corps of Engineers civil and military missions often demands a balancing of diverse interests. The proper reconciliation of these interests requires an understanding of the Corps' authorities and legal responsibilities and open communication among all parties. I am committed to working cooperatively with the Governors of the States for the public interest. If confirmed, I pledge to establish and maintain a full dialogue with the Governors of the States on all issues we must cooperatively address.

**B.2. Please describe the chain of command for the Chief of Engineers on: (a) military matters; (b) civil works matters; (c) operational matters; and (d) any other matters for which the Chief of Engineers may be responsible.**

#### **(a) Military Matters**

**Answer:** The Chief of Staff presides over the Army Staff and assists the Secretary of the Army in carrying out the Secretary's responsibilities. The Vice Chief of Staff has such authority and duties with respect to the Army Staff as the Chief of Staff, with the approval of the Secretary of the Army, may prescribe for him. As a statutory member of the Army Staff, the Chief of Engineers reports to the Chief of Staff, through the Vice Chief of Staff, with respect to military matters.

#### **(b) Civil Works matters**

**Answer:** The supervisory duties of the Assistant Secretary of the Army for Civil Works extends to all civil works functions of the Army, including those relating to the

conservation and development of water resources. The Chief of Engineers reports to the Assistant Secretary of the Army for Civil Works on civil works functions.

**(c) Operational matters**

**Answer:** The Chief of Engineers serves as a member of the Army Staff and as Commander of the U.S. Army Corps of Engineers. In this latter capacity, the Chief of Engineers commands nine engineer divisions and one engineer battalion. When employed in support of military contingency operations, these engineer assets fall under the command and control of the Combatant Commander designated for the particular operation.

**(d) Any other matters for which the Chief of Engineers may be responsible:**

**Answer:** The Chief of Engineers reports to each of the Assistant Secretaries within their areas of functional responsibility. For example, in the areas of installation and real estate management, the Chief of Engineers reports to the Assistant Secretary of the Army for Installations and the Environment. Similarly, the Chief of Engineers reports on procurement matters to the Assistant Secretary of the Army for Acquisition, Logistics and Technology.

**B.3. Who is responsible for providing direction and supervision to the Chief of Engineers in each of the four areas listed above?**

**Answer:** In each of these areas, the Chief of Engineers acts under the overall authority, direction, and control of the Secretary of the Army. With respect to military matters, the Secretary has assigned to the Chief of Staff, the authority to preside over and supervise the Army Staff, including the Chief of Engineers. With respect to civil works functions, the Chief of Engineers reports to the Assistant Secretary of the Army for Civil Works. In operational contexts, command and control of engineer assets is exercised by the Combatant Commanders designated for the particular operation.

**B.4. In your view, are there any areas of responsibility where it would be inappropriate for the Chief of Engineers to provide information to the Secretary of the Army or the Assistant Secretary of the Army for Civil Works? If so, what areas and why?**

**Answer:** No. Certain information may require protection from disclosure, as in the case of certain procurement sensitive information, however, even this information may be shared if appropriate steps are taken to protect sensitive and proprietary aspects of the information. The relationships between the Secretary of the Army and the Assistant Secretary of the Army for Civil Works and the Chief of Engineers must be founded upon information sharing, and full and open communication about all matters. If confirmed, I will ensure that all Secretariat officials are informed about issues and provided with all information pertinent to their functional areas of responsibility.

**B.5. What is your view of the relative authority of the Chief of Engineers, the Assistant Secretary of the Army for Civil Works, the Secretary of the Army, the Army Chief of Staff, and the Secretary of Defense with regard to the civil works functions of the Army Corps of Engineers?**

**Answer:** As head of the Department of Defense, the Secretary of Defense has full authority, direction, and control over all elements within the Department of Defense. Similarly, as head of the Department of the Army, the Secretary of the Army has the authority necessary to conduct all affairs of the Department of the Army. Therefore, either Secretary could personally intervene in an issue involving the civil functions of the Corps of Engineers. However, the principal responsibility for overall supervision of the Corps civil works functions has been assigned to the Assistant Secretary of the Army for Civil Works by statute and various directives. Generally speaking, this supervisory responsibility includes the responsibility for setting program policies and for coordinating with the Department of the Army, Department of Defense, Office of Management and Budget, and other Executive Branch officials on the Corps budget, legislative program, and other matters of program interest involving the Corps civil functions. In general, the Chief of Engineers is the engineering and construction expert responsible for carrying out the civil functions of the Corps and for conducting the various program, project, or study activities that comprise the civil works program. Typically, the Chief of Engineers does not interact with the Chief of Staff of the Army on a regular basis with respect to matters involving the Corps civil functions.

*The work of the Chief of Engineers often involves issues of great significance to the States and localities and their elected officials in Congress.*

**B.6. If confirmed, what would be your role in addressing such matters with the Congress?**

**Answer:** I agree this work often does involve issues of great significance to the States and localities and their elected officials in Congress. In fulfilling its statutory requirements, the Corps must interact positively to define an appropriate Federal role in addressing these issues that recognizes fiscal realities, environmental, and other societal considerations. The challenges the Corps faces are complex, and there are many difficult decisions to be made. It is important that all interests be brought to the table and that they be given a voice in the development of solutions to our Nation's problems. The Corps must be responsive to these interests and must engage in an open, constructive, and cooperative dialogue with the States, localities, and elected officials to ensure issues are resolved in a manner that maximizes the public interest.

**B.7. What is your understanding of the role of the civilian and military leadership of the Army Corps of Engineers in developing goals for Army Corps of Engineers programs and presenting these goals to the legislative branch?**

**Answer:** The civilian and military leadership of the Corps of Engineers plays an important role in developing goals for Corps programs and in presenting these goals to

the legislative branch. These goals are guided by the leaders' technical knowledge and understanding of Corps capabilities and by information gleaned from a variety of sources inside and outside the Corps of Engineers. The leaders' goals must promote the public interest, be affordable, and comport with existing law. Ultimately, the leadership's goals will set the direction and tone for the execution of the Corps missions, if embraced by the Administration and the Congress. Military and civilian leaders within the Corps play a pivotal role in shaping these goals, and in ensuring that the goals are supported by the Executive Branch and the Congress. These leaders may be asked by Congress to give testimony on the goals or to answer questions about the goals. They must be prepared to enter into a full and constructive dialogue with the Congress to ensure that the goals are understood by and endorsed by Congress as promoting the public interest.

### **C. Qualifications**

*Sections 3031, 3032 and 3036 of title 10, United States Code prescribe some of the duties and responsibilities of the Chief of Engineers. Other civil works related responsibilities are described in title 33, United States Code.*

#### **C.1. What background and experience do you have that you believe qualifies you for this position?**

**Answer:**

**Background:**

- Undergraduate- Bachelor of Science with concentration in Engineering from West Point (majors not offered at that time);
- Graduate-Masters Degree in Mechanical Engineering from University of Michigan and Masters Degree in Business Administration from Long Island University;
- Registered Professional Engineer in State of Virginia;
- Associate Professor of Mechanical Engineering at West Point.

**Experience:**

- Commanded Combat and Combat Heavy (horizontal construction) units at the Platoon and Company level;
- Commanded 326 Engineer Battalion, 101st Airborne Division during Desert Shield/Desert Storm-built Camp Eagle II;
- District Engineer, Los Angeles District during Northridge Earthquake and Arizona Floods-military and civil works responsibilities;
- Chief of Staff, Corps of Engineers;
- Executive to the Vice Chairman, Joint Chiefs of Staff;
- Division Engineer, South Atlantic Division;
- Special Assistant to Chief of Staff for privatization and best business practices;
- Assistant Chief of Staff for Installation Management overseeing construction, operations and maintenance of all Army Installations;

- Commanding General, Maneuver Support Center and Commandant of the Engineer School, Fort Leonard Wood MO, in charge of engineer training, doctrine, and future systems;
- Commanding General, Accessions Command responsible for Army recruiting and initial military training for officers and enlisted Soldiers.

## **D. Major Challenges and Problems**

### **D.1. In your view, what are the major challenges confronting the next Chief of Engineers?**

**Answer:** If confirmed, my first priority would be to meet with the Assistant Secretary of the Army for Civil Works, Corps Leaders, Army, DoD and Administration leadership, as well as Members of Congress to seek their input into the major challenges confronting the next Chief.

In my view, the next Chief - and probably the next several Chiefs - must be concerned with the following issues.

Maintaining the technical competence and professionalism of the Corps. Attracting and retaining the most talented employees is key. The Corps must train, equip and challenge its people properly, and continue to move forward as a recognized leader in developing and implementing the best technology. The integrity of the Corps of Engineers rests on the objectivity, transparency and scientific validity of its analytical processes.

Meeting the Army's infrastructure transformation needs stemming from the BRAC decisions, the re-stationing of troops, and the ongoing increase in the size of the Army. This is coupled with a need for meeting future water resources needs as the nation grows and demographics change. I believe the refurbishing of our civil infrastructure (in which the Corps of Engineers shares responsibility) as highlighted in the American Society of Civil Engineers Report Card on the state of the nation's infrastructure will be a major issue.

The Corps, working with other key players, must help create a joint and interagency Stability, Security, Transition, and Reconstruction doctrine and process. This may include the creation of a civilian deployment force to support the kind of contingency operations we have undertaken in the Balkans, in Afghanistan, and in Iraq.

I foresee a need for more comprehensive water resources and infrastructure solutions with new and innovative approaches. The Corps, as a member of a team, will play a role in determining the strategic direction essential to success.

**D.2. If confirmed, what plans do you have for addressing these challenges?**

**Answer:** If confirmed I would need to complete a thorough assessment of the needs, challenges and opportunities. I am familiar with the MILCON Transformation efforts that the Corps has already undertaken. These efforts should speed up the design and construction of military facilities, and promote lower costs by leveraging the capabilities of the private sector. I believe this work will need to be monitored very closely over the next several years to ensure continued success. I have also reviewed the 12 Actions for Change first announced last June in New Orleans by LTG Strock, in the wake of the Katrina disaster. I would also track these to ensure they achieve the desired results. It is the responsibility of the Chief of Engineers, and the Corps as a whole, to provide the most professional advice possible to the Administration and the Congress. I see a need to assure that the Corps has a vigorous and continuous strategic planning process, as well as a systematic and effective way of engaging the broad array of stakeholders.

**D.3. What do you consider to be the most serious problems in the performance of the functions of the Chief of Engineers?**

**Answer:** Many of the Corps' missions require balancing disparate interests. The Corps must further the public interest while executing the assigned missions.

**D.4. If confirmed, what management actions and time lines would you establish to address these problems?**

**Answer:** As previously discussed, if confirmed, my first priority will be to meet with the Assistant Secretary of the Army for Civil Works, Corps leaders, Army and DoD leadership, others in the Administration, as well as with Members of Congress to seek their input in preparation for developing a plan to meet the various challenges. I believe that the Corps must continue to transform its business processes in order to become more efficient and effective in the execution of its missions. I would go to the most critical areas with the greatest challenges to make a personal and thorough assessment of the needs and to meet with stake holders and officials.

**D.5. In your view, does the Army Corps of Engineers need to make any changes in the way it operates? If so what changes would you recommend?**

**Answer:** Historically, the Nation's rich and abundant water, and related land resources provided the foundation for our successful development and rapid achievement of preeminence within the international community. Since the beginning of our Nation, the U.S. Army Corps of Engineers has been a great asset, providing engineering support to the military, developing our nation's water resources, and restoring and protecting our environment. The Corps has improved our quality of life by making America more prosperous, safe, and secure. The Corps must be flexible and continue to evolve if it is to continue to make important contributions to the Nation and respond to today's and future challenges.

If confirmed, assessing the need for changes would be a top priority. Typically there are opportunities for improvements in any organization. I am confident that, in consultation with the Congress, Corps partners and others within the Administration, we could determine what, if any, changes are needed.

## **E. Contracting for Iraq Reconstruction**

*For the past four years, the Army Corps of Engineers has played a major role in Iraq reconstruction contracting.*

### **E.1. What do you see as the major successes of the Army Corps of Engineers in Iraq reconstruction contracting?**

**Answer:** It is my understanding that the Corps of Engineers has successfully completed almost 3,400 Iraq reconstruction projects valued at over \$4 billion out of a planned total of almost 4,500 projects with a total value of \$8 billion. These projects have:

- increased power generation benefiting 1.3 million homes
- provided 834 new grade schools serving 325,000 students
- provided 250 border forts helping to secure more than 2,000 miles of Iraq's borders
- provided for new and restored water treatment facilities benefiting 1.9 million Iraqis, and
- provided eleven renovated hospitals serving approximately 5,500 patients per day.

Currently, 900 reconstruction projects are under construction and scheduled for completion by the end of next year with an additional 200 projects in the planning phase. These projects employ, on average, 22,500 Iraqis each week. Currently 75 percent of the Corps' contracts are awarded to Iraqi contractors who not only employ thousands of Iraqis but also gain the expertise, capability, and experience needed to continue the reconstruction of Iraqi infrastructure once the Corps of Engineers' mission is complete.

### **E.2. What is your understanding of the major failures?**

**Answer:** According to the Special Inspector General for Iraq (SIGIR) over 80 percent of the reconstruction projects audited by the SIGIR met project requirements. I'll list a few of the more significant factors, as I understand them, that contributed to project those difficulties:

- Some contractors and their sub-contractors failed to complete projects to an acceptable level of quality or in a timely manner due to security issues. Due to the hostile and dangerous environment, contractor supervision and contractor quality control was not always adequate.

-Construction Management and quality control for some projects had to be managed at a distance due to the inability for the project engineers, and the quality control and quality assurance personnel to physically visit the site.

- Due to security issues, prime contractors had difficulty in managing sub-contractors. This was a problem where local sub-contractors did not have the same quality standards as the prime contractor.

**E.3. What changes, if any, do you believe that the Army Corps of Engineers should make to improve its processes for reconstruction contracting?**

**Answer:** From my understanding, the procedures used by the Corps of Engineers for reconstruction contracting in Iraq are the same as those used by other executive agencies. They are grounded in public law and the Federal Acquisition Regulation. I believe improvement in the processes for reconstruction could be made. For example, the procurement processes and practices followed for Iraq reconstruction were peacetime practices. The Army and Department of Defense, in consultation with Congress, should determine whether alternate processes are necessary during contingency operations. If confirmed, I will further consider this issue and determine what potential changes I might recommend to the Army and Department of Defense to improve the overall process.

*The Army Corps of Engineers has been criticized for the process by which major contracts for the reconstruction of the Iraqi oil industry (the “RIO I” and “RIO II” contracts) were awarded.*

*The RIO I contract was awarded on a sole-source basis to the company that helped the Department of Defense assess the status of Iraq’s oil infrastructure – an apparent organizational conflict of interest. Although the Army Corps of Engineers has maintained that this contract was a temporary “bridge” contract, intended to last only until a fully competitive contract could be awarded, the contract had a term of up to 5 years and a value of up to \$7 billion. By the time that follow-on contracts were awarded more than a year later, the Department of Defense had already spent more than \$2 billion on a sole-source basis.*

**E.4. Do you believe that the Army Corps of Engineers did all that it should have done to ensure competition for this major reconstruction effort?**

**Answer:** While I have not been personally involved with this mission, it is my understanding that when the Army was assigned the responsibility for executing the Contingency Support Plan, the mission was still classified. Under the circumstances in which the Army was operating, and given the requirements of the mission, the Corps of Engineers determined that KBRS was the only contractor who could have provided the required services within the required time frame. A written justification prepared by the Corps of Engineers requesting authority to award a sole source contract was reviewed and approved by the Assistant Secretary of the Army for Acquisition, Logistics, and Technology (ASA-ALT). It is my understanding that the Corps has always planned to convert to a competitive contract as soon as practical, and that the successive RIO

contract was awarded competitively. Competition is always preferable, and the more competition the better. Circumstances and mission requirements sometimes dictate procurement methods. The Corps must comply with all procurement laws and regulations to include satisfying the requirement to provide a justification for limiting competition. I understand that there were several independent reviews of the award of the sole source contract and those reviews found the award to be proper.

**E.5. If confirmed, what, if anything, would you do differently if faced by a situation like this in the future?**

**Answer:** Not applicable, in view of my previous answer.

*The RIO II contract was awarded to two different contractors, including the RIO I incumbent. The RIO I incumbent was rated as excellent in areas including past performance, experience, business management, and contract administration despite the fact that the Defense Contract Audit Agency found systemic deficiencies in the company's estimating and financial management systems that "raised serious concerns about overpricing" and advised the Army Corps of Engineers to exercise extreme caution in contracting with the company.*

**E.6. Do you believe that the Army Corps of Engineers did all that it should have done to identify and address problems and deficiencies in the performance of the RIO I contractor?**

**Answer:** I am not personally familiar with the details of this specific contractor issue. The Defense Contract Audit Agency (DCAA) is an extremely important partner in the execution of our mission and, if confirmed, I will continue to work with DCAA as we move forward with our reconstruction mission. It must be recognized however, that DCAA is only an adviser. In making a decision regarding what to do in any given situation, the contracting officer must take the information received from DCAA, along with the information from all other sources.

**E.7. Do you believe that the Army Corps of Engineers appropriately took these problems and deficiencies into account in making its award decision on the RIO II contract?**

**Answer:** I am not personally familiar with the details of this award decision. However, in accordance with law and regulation, it is ultimately the responsibility of the Source Selection Authority to make an independent award decision based on the identified selection criteria and facts and information available.

*On June 27, 2005, Bunnatine Greenhouse – then the senior civilian at the Army Corps of Engineers responsible for contracting – testified before the Democratic Policy Committee about the problems that she saw with the RIO I and RIO II contracts. Ms. Greenhouse alleged that these contracts were symptomatic of an "old boys" approach to contracting, more directed to achieving specific outcomes than to compliance with contracting requirements, which she asserted was pervasive at the Army Corps of Engineers.*

**E.8. Do you believe that the Army Corps of Engineers, in its contracting, has focused too much on achieving specific outcomes and not enough on compliance with contracting requirements?**

**Answer:** In my experience, the Corps of Engineers is an agency with a strong focus on complying with contracting requirements, while still accomplishing the difficult and challenging missions it is assigned. If I am confirmed, I will work to ensure that the Corps of Engineers complies with all applicable contracting requirements.

*The Special Inspector General for Iraq Reconstruction (SIGIR) has reported on a series of Iraq reconstruction projects that appear to have been spectacular failures. For example, the SIGIR has reported that: (1) the RIO I contractor spent the full \$75 million allocated for the construction of a pipeline river crossing, but achieved only 28 percent of the planned pipeline throughput, resulting in the loss of more than \$1.5 billion a year in potential oil revenues to the Iraqi government; (2) plumbing was so poorly installed at the Baghdad Police College that dripping sewage not only threatened the health of students and instructors, but could affect the structural integrity of the building; and (3) after the Army Corps of Engineers spent \$186 million on primary healthcare centers throughout Iraq, the contract was terminated with only 6 health care centers completed, 135 partially constructed, and the remainder “descoped.”*

**E.9. What is your assessment of the SIGIR’s evaluation of these projects?**

**Answer:** The Special Inspector General for Iraq Reconstruction (SIGIR) provides a valuable service to the Coalition Force in Iraq and the U.S. taxpayers. The feedback and assessment provided in consultation with the SIGIR has helped identify areas of concern and improve processes during the reconstruction effort. The SIGIR has stated that the problem projects are not indicative of the overall reconstruction effort in Iraq. Obviously, the three specific projects mentioned fall into the category of problem projects.

The SIGIR identified the Baghdad Police College as not having adequate quality assurance oversight. The Corps of Engineers acknowledged that quality assurance was inadequate to monitor all phases of construction for each building given the size of the project. Communication failures between quality control, quality assurance representatives, the prime contractor and the project engineers also contributed to the situation. During the deficiency correction period, the Baghdad Police College is continuing daily operations and normal training functions.

It is my understanding that the Corps of Engineers terminated the original contract for the primary healthcare centers. The Corps of Engineers has awarded subsequent contracts and is making steady progress in the completion of the primary healthcare centers. It is my understanding that the Corps of Engineers has completed 31 primary healthcare centers and has 124 under construction.

**E.10. What is your understanding of the major reasons for the failures of these and other major reconstruction projects in Iraq?**

**Answer:** There are a number of reasons some projects were not successful. A few of the more significant factors are:

- Some contractors and their sub-contractors failed to complete projects to an acceptable level of quality or in a timely manner due to security issues. Due to the hostile and dangerous environment, contractor supervision and contractor quality control was not always adequate.

-Construction Management and quality control for some projects had to be managed at a distance due to the inability for the project engineers, and the quality control and quality assurance personnel to physically visit the site.

- Due to security issues, prime contractors had difficulty in managing sub-contractors. This was a problem where local sub-contractors did not have the same quality standards as the prime contractor.

**E.11. What lessons do you believe the Army Corps of Engineers has learned from its experience in Iraq reconstruction contracting?**

**Answer:** I believe the Corps of Engineers could benefit from the following changes:

- Consideration of new contingency contracting procedures that balance the requirements to immediately provide needed supplies and services in contingency situations with the need to obtain competition.
- Reduce over-reliance on large design-build and cost-plus contracts in favor of smaller firm-fixed price and IDIQ contracts.
- Implementation of the President's proposed Civilian Reserve Corps.

**E.12. What additional lessons, if any, do you believe the Army Corps of Engineers should learn from this experience?**

**Answer:** I think the Corps of Engineers learned from the Iraq reconstruction mission that for future similar missions, a common and consistent theater construction management and oversight organization is necessary to synchronize all construction activities. During the Iraq Reconstruction mission, multiple and overlapping organizations stressed the limited volunteer pool for expertise and brought a layer of inefficiency to the process. Quality assurance and quality control could be better executed with a lead construction agent clearly defined early in the effort. It is difficult and expensive to execute major reconstruction efforts in a wartime environment.

*Outside experts reviewing U.S. reconstruction contracts in Iraq have suggested that: (1) the Army Corps of Engineers and other responsible agencies were not adequately staffed to award and oversee these contracts; (2) the effort to hire one set of contractors to oversee the work of other contractors was misguided; (3) instead of bringing in U.S. contractors to undertake major reconstruction projects, the reconstruction effort should have relied upon*

*Iraqi companies to undertake much smaller projects; and (4) U.S. reconstruction goals were unrealistic, given the security situation in the country.*

**E.13. What is your opinion on these issues?**

**Answer:** 1) It is my understanding that providing personnel to oversee contractors was difficult because of the limited number of government civilian volunteers and the ability to provide them with adequate security.

(2) In some cases, due to the limited number of government civilians available, an additional layer of contractor oversight was needed. Ultimately, however, oversight of U.S. Government responsibilities was performed by U.S. Government civilians.

(3) Immediately after hostilities in 2003, it was necessary to bring in U.S. contractors to perform reconstruction work because of the unknown capabilities of the Iraqi construction industry. As the Iraqi construction companies geared up, the Corps of Engineers was able to initiate the Iraqi First policy. Currently 75% of the Corps' contracting actions are for Iraqi contractors. One of the Corps' primary missions is capacity development within the Iraqi government to raise the management, execution, operations and maintenance, and other skill sets needed for the Iraqi government to assume the reconstruction mission.

(4) The U.S. reconstruction goals were ambitious, but I would not characterize them as unrealistic. It is my understanding that out of a total of 10,600 Iraq Reconstruction projects, over 8,500 have already been completed. The remainder are either under construction or planned. Also, the SIGIR in his most recent quarterly report identified that 80 percent of the projects audited during the last quarter were quality construction.

**F. Navigation Mission**

*The Army Corps of Engineers has built and maintains an intracoastal and inland network of commercial navigation channels, locks and dams for navigation. The Corps also maintains 300 commercial harbors and more than 600 smaller harbors.*

**F.1. What do you view as the greatest challenges facing the Army Corps of Engineers with respect to the execution of its navigation mission?**

**Answer:** I expect one of the greatest challenges with the execution of the navigation mission to be the maintenance and modernization of aging infrastructure. Maintaining our ports and waterways is critical to our economic well-being. An equally significant challenge to the navigation mission is the management of hundreds of millions of cubic yards of dredged material removed from our nation's marine transportation harbors and waterways. My understanding is that the Corps is continually working to make dredging and placement of dredged material environmentally safe and acceptable. I believe that the Corps should continue these efforts and look for innovative ways to increase harmony

between the critical need for navigation improvements and our precious aquatic environment.

**F.2. What do you see as the most significant navigation projects planned for the next 10 years by the Army Corps of Engineers?**

**Answer:** Many ports, gateways to domestic and international trade and overseas military operations, are operating at the margin in terms of channel depths. Segments of the inland waterway system are congested and are in need of rehabilitation. Clearly we must sustain the efficiency of our major ports to assure our competitiveness in world trade. I believe that the Corps must be poised to meet these needs.

**F.3. What role, if any, do you believe the approval or disapproval of navigation industry groups should play in decisions made by the Army Corps of Engineers about specific projects?**

**Answer:** Decisions regarding Corps of Engineers projects are the responsibility of officials in the Executive and Legislative Branches. For its part, the Corps should listen to all interested parties and stakeholders and fully integrate economic and environmental values. The Water Resources Development Act of 1986 established the Inland Waterways User Board and charged this board to report to the President and Congress on priorities for investment in the inland system.

*In November 2000, the Army Inspector General found that three Army Corps of Engineers officials had manipulated data in a cost-benefit analysis in order to justify a \$1 billion project.*

**F.4. What is your understanding of the steps that the Army Corps of Engineers has taken since 2000 to ensure that projects are appropriately analyzed and justified?**

**Answer:** My understanding is that the Corps has made substantial changes to assure that projects are appropriately analyzed and justified. The Corps has strengthened its own procedures for internal peer review and adopted procedures for external peer review under guidance issued by the Office of Management and Budget. The Directorate of Civil Works now houses an Office of Water Project Review that is separate from project development functions. It is my understanding that a significant program of planning improvement is being undertaken that includes training, model certification, and centers of planning expertise.

**F.5. If confirmed, what steps would you take to ensure that technical analyses conducted by and for the Army Corps of Engineers are independent and sound?**

**Answer:** If confirmed, I would evaluate the current process and be guided by the principle that Corps technical analyses be absolutely sound and the project evaluation process be transparent. The Chief of Engineers must be trusted with the technical discretion essential to meeting our nation's water resources needs. External reviews can

contribute to reducing controversy and risk, but these reviews must be integrated into the project development process not added at the end of the process. Integration of external review will improve projects and will assist the Corps in meeting urgent needs in a timely manner.

## **G. National Levee Safety Program**

*The Army Corps of Engineers has been criticized for its failure to do more to protect New Orleans from catastrophic hurricane damage. The alleged failures of the Army Corps include: (1) the construction of a shipping channel that acted as a “superhighway” funneling the storm surge from Katrina directly into New Orleans; (2) the failure to properly account for the soil structure under the New Orleans levees; (3) the failure to adequately maintain the levees; and (4) the failure to construct levees sufficient to protect the city in the event of a direct hit by a strong hurricane.*

### **G.1. What is your view of these criticisms?**

**Answer:** While I, like the rest of the Nation, am generally familiar with the tragedies and widespread damages associated with Hurricane Katrina, I am not personally familiar with the specific issues raised above. I understand that the Corps of Engineers has initiated and been involved with several ongoing analyses and studies of the potential causes and effects of the hurricanes and the status of the hurricane storm damage reduction projects in the New Orleans area. I understand and appreciate the importance of this issue and, if confirmed, will immediately learn more about the past, present and future work and issues associated with the ongoing efforts in the New Orleans area. Speaking generally, I support, and would welcome thoughtful and independent analysis of Corps activities such as those undertaken after Hurricanes Katrina and Rita. A full and complete understanding of what happened in both the technical and decision-making arenas is an essential component of assuring it does not happen again.

### **G.2. Do you see the need for any changes to the structure, processes, or priorities of the Army Corps of Engineers as a result of the events in New Orleans?**

**Answer:** I have not developed a position on the structure, processes or priorities of the Corps as a result of the events in New Orleans. However, if confirmed, one of my first priorities will be to thoroughly examine the issues in New Orleans and to determine if potential changes to the Corps of Engineers structure or processes would be beneficial. It is essential, in my view that such an examination be made in cooperation with the Congress, others within the Administration, and a broad array of stakeholders.

**G.3. What is your understanding of the steps that the Army Corps of Engineers is taking in the reconstruction of the New Orleans levees to protect the city from a recurrence of the tragic events of August 2005?**

**Answer:** I know that the Corps of Engineers is involved in many ongoing reconstruction efforts in the New Orleans area, including improvements to the hurricane storm damage reduction projects. I know that the Corps is working towards designing and building an integrated system that will provide protection from a 100-year storm event. If confirmed, I will make it a priority to learn about all ongoing efforts in this area.

*The Army Corps of Engineers recently completed a nationwide river levee inspection process and identified numerous unacceptably maintained levees. Media reports quoted Corps of Engineers officials as acknowledging that past inspections were not documented adequately and that a lack of resources has made it difficult for periodic inspections to be performed. The operation and maintenance of levee systems is a shared responsibility of state and local sponsors, however, there is enormous dependence on the Corps of Engineers for inspection, identification of problems, risk assessment, and where required, rehabilitation.*

**G.4. What is your opinion of what the Corps of Engineers and federal, state, and local authorities need to accomplish in order to ensure that existing deficiencies in the national system of levees are addressed?**

**Answer:** The management of the nation's levees is a shared responsibility among local, state and federal government. I believe that the Corps should maintain a leadership role in this management responsibility and ensure that all parties are fulfilling their responsibilities. This includes thorough, joint inspections by the Corps and the levee owners, followed by immediate maintenance action by the levee owners. The Corps possesses administrative options to require proper operation and maintenance and I believe the Corps should exercise those options when necessary in order to ensure that the projects will perform as expected. Public safety must be the priority.

**G.5. What steps would you take, if confirmed, to ensure that those levees representing the highest risk of failure and loss of life and property are rehabilitated?**

**Answer:** Protecting the public from catastrophic flooding is a key part of the Corps' mission. The Corps is currently in the process of developing an assessment methodology to identify levees which represent the highest risk of failure and loss of life and property. I believe the Corps should, after identification, work with levee owners and other key stakeholders to determine a rehabilitation plan using the available processes and programs. The Corps must work closely with the Federal Emergency Management Agency, states, local governments and other stakeholders to ensure an understanding of risks and to develop comprehensive solutions that best address the need to improve system performance and reduce future flood damages.

## **H. Hurricane Katrina Relief and Reconstruction Contracting**

*The Army Corps of Engineers played a major role in contracting for reconstruction and relief in the wake of the major hurricanes of 2005.*

### **H.1. What is your understanding of the major successes of the Army Corps of Engineers in relief and reconstruction contracting?**

**Answer:** The Corps of Engineers has a long tradition of providing disaster response assistance. Most recently, the Corps was a major player in the Federal response to Hurricanes Katrina and Rita in 2005. In addition to deploying over 8,000 Corps employees to provide disaster support, it leveraged the expertise, capacity and capabilities of the private sector to provide relief assistance.

It is my understanding that a major contracting success is that of the Corps' program which utilizes "Pre-Awarded" contracts. This initiative provides the Corps with the ability to rapidly and effectively respond in order to execute major relief missions. After Hurricane Katrina, the Corps employed this initiative to rapidly provide emergency services. These contracts allowed the Corps to provide the initial assistance, while follow on contracts could be competitively awarded to provide additional capabilities and capacity.

### **H.2. What is your understanding of the major failures?**

**Answer:** I am not aware of any specific major failures; however, if confirmed, I will look into the overall response to this, and other emergencies, and look for ways to improve the Corps' processes.

### **H.3. What changes, if any, do you believe that the Army Corps of Engineers should make to improve its processes for reconstruction and relief contracting?**

**Answer:** From my experience with the Corps of Engineers, it is an organization that is constantly looking for ways to improve. I believe it is important that the Corps work closely with the Department of Homeland Security, and other Federal and non-Federal partners, to improve the collective abilities to deliver required commodities and services in a timely, efficient and cost effective manner. The work that the Corps performed during Hurricane Katrina has been and will continue to be extensively audited and, if confirmed, I would look forward to continue to work with these agencies to implement corrective actions and improvements to the Corps' processes.

*Recent press articles have described a process in which work was passed down from the Army Corps of Engineers to a prime contractor, then to a subcontractor, then to another subcontractor – with each company charging the government for profit and overhead – before finally reaching the company that would actually do the work. In one such case, the Army Corps of Engineers reportedly paid a prime contractor \$1.75 per square foot to nail plastic tarps onto damaged roofs in Louisiana. The prime contractor paid another company 75 cents*

*per square foot to do the work; that subcontractor paid a third company 35 cents per square foot to do the work; and that subcontractor paid yet another company 10 cents per square foot to do the work. In a second such case, the Army Corps of Engineers reportedly paid prime contractors \$28 to \$30 per cubic yard to remove debris. The companies that actually performed the work were paid only \$6 to \$10 per cubic yard.*

**H.4. What is your understanding of the payments made under these contracts?**

**Answer:** While I am not personally familiar with these particular contracts, it is my understanding that the Corps of Engineers entered into competitive contracts in order to complete its mission. Under such contracts, the Corps would have no contractual relationship with subcontractors that any prime contractor might engage. From my experience, the Corps is an agency that expects all subcontractors to be compensated for the work they perform and at the rate that their contract requires. If confirmed, I will examine this issue in detail.

**H.5. What steps do you plan to take, if confirmed, to ensure that the Army Corps of Engineers does not pay excessive “pass-through” charges of this kind on future contracts?**

**Answer:** I believe that the Corps should take steps to minimize the tiering in the future. This could possibly be accomplished by awarding more, smaller contracts to achieve the mission.

*The federal agencies, including the Army Corps of Engineers, have been criticized for awarding sole-source contracts on the basis of “urgent and compelling circumstances” in the wake of Hurricane Katrina, even though some of these contracts were awarded long after the Hurricane took place or extended long beyond what could be justified on the basis of that disaster.*

**H.6. Would you agree that the “urgent and compelling” exception to competition requirements should be used to award a contract only on the basis of an event, or series of events, that is reasonably proximate in time to the contract award?**

**Answer:** Yes, in general I believe that the “urgent and compelling” exception should be used only in the immediate wake of the disaster. I understand that the law requires competition except in very limited circumstances and believe that competition is vitally important. However, any determination regarding the specific use of an “urgent and compelling” exception to competition should be looked at on a case by case basis. If I am confirmed, I will ensure that the Corps judiciously uses the “urgent and compelling” exception in compliance with the applicable statutes and regulations.

**H.7. Would you agree that the term of a contract awarded on the basis of the urgent and compelling exception to competition requirements should not ordinarily exceed the period of time the agency reasonably believes to be necessary to award a follow-on contract?**

**Answer:** Yes, I agree that in general, the term of a contract awarded under the “urgent and compelling” exception to competition should not ordinarily exceed the time reasonably required to award a follow-on contract. I understand that the law requires competition in all but a few limited circumstances and I believe that competition is the very foundation of Government contracting. However, the determination to use the “urgent and compelling” exception and the duration of the resulting contract must be reviewed on a case by case basis, taking into account the specific facts of the situation. If I am confirmed, I will ensure that the Corps complies with the applicable statute and regulations when using the “urgent and compelling” exception to competition.

## **I. Competition in the Contract Management of Military Programs**

*The U.S. Army Corps of Engineers has historically been designated as the primary contracting agent for military construction (MILCON) projects carried out by the Department of the Air Force. However in recent years, due to the perception of excessive overhead costs associated with the Corps of Engineers, the Air Force has sought to establish an organic contracting agency through the Air Force Center for Environmental Excellence in San Antonio, Texas. Currently, the Air Force is limited by DOD policy to be able to contract a maximum of 5% of its MILCON projects organically, but in light of their success in achieving construction savings, has requested approval for a higher percentage.*

### **I.1. What is your view of the request by the Air Force to be allowed to carry out a larger percentage of MILCON contracts?**

**Answer:** The Corps of Engineers has successfully accomplished the Air Force military design and construction mission since the Air Force was established. I do not have an opinion on this specific issue at this time. If I am confirmed, I will review the matter and will work with the Department of Defense, the Administration and Congress to develop a position on this matter.

### **I.2. In your opinion, what would the impact be to the Army Corps of Engineers by allowing the Air Force to serve as their own contracting agent without limitations?**

**Answer:** Congress passed a law in the early 1950s that designated the Army and the Navy as the DoD construction agents and specific certain assessments that needed to be completed prior to allowing another agent to execute the DoD construction mission. If I am confirmed, I will review the matter and will work with the Department of Defense, the Administration and Congress to develop a position on this matter.

## **J. Efficient Management Practices in the Army Corps of Engineers**

*In a report to Congress dated February 1, 2007 and entitled “US Army Corps of Engineers Response to Senate Report 109-254, Management of Military Programs in the*

*United States Corps of Engineers, January 2007", the Commander of the U.S. Corps of Engineers stated that "through MILCON Transformation, USACE will gain economic efficiencies through design standardization of Army facility types, centralization of design activities in USACE Centers of Standardization, and focused business line contracting with regional acquisition strategies." The report also forecasted that savings from these efficiencies would be experienced by customers in later years after full implementation of transformation initiatives, possibly affecting rates charged by the Corps for supervision, inspection, and overhead.*

**J.1. Do you support the goals of the Corps' current plan for MILCON Transformation?**

**Answer:** Yes. With the dramatic increase of construction that must be accomplished in support of Army Transformation and the most recent Base Realignment and Closure (BRAC 2005), I believe that the changes in the Corps of Engineers' MILCON process are on target to assist the Army to provide quality facilities less expensively and faster than the legacy processes. The current construction environment dictated the need to move from very prescriptive requirement to more performance based requirements in order to allow contractors to utilize industry best practices and meet the Army's needs within the limited funds allotted.

**J.2. If confirmed, would you recommend any changes or improvements?**

**Answer:** As MILCON Transformation is implemented, I expect the Corps to collect lessons learned on MILCON Transformation projects as they are completed and to make course corrections in the MILCON Transformation process or wholesale changes if needed. I believe that the strength of any successful process is continual assessment and improvement.

**J.3. When do you expect the Corps' customers would begin to see the real benefits of MILCON transformation in terms of decreased costs for supervision, inspection, and overhead and improved delivery times for construction products?**

**Answer:** I understand that as a result of the greater use of standard designs and "adapt-build" acquisition, the Army is expecting a reduction in required design funds, over the Future Years Defense Program (FYDP) FY 2008-2013. Design fund savings is expected to be \$255 million which will be used to acquire high priority projects. With the utilization of alternative construction methods such as modular or pre-engineered structures and use of more industry best practices, delivery times are expected to be shorter. Decreased costs in supervision, inspection and overhead should occur once both the Corps and the contractors become more accustomed to the use of the new processes.

## **K. Use of Indefinite Delivery Indefinite Quantity Contracts (IDIQ) for Construction**

*The Army Corps of Engineers plans to use IDIQ contracts for a wide range of construction projects to support requirements of Army modularity, the 2005 round of Base Realignments and Closures, and to implement the Integrated Global Presence and Basing Strategy.*

**K.1. In your opinion, what are the pros and cons to the use of IDIQ contracts for military construction in the United States?**

**Answer:** I believe that the use of regional IDIQ contracts for military construction will help the Army execute its program by allowing the Corps of Engineers to use standardized adapt-build designs. In my opinion, some advantages of utilizing IDIQ contracts may be:

- Providing for a significantly shortened procurement timeline for award of individual projects.
- Allowing the Corps to award standardized facility projects to contractors that have previous experience in building with similar materials and methods.
- Allowing the Corps to meet significantly shortened project execution schedules.
- Allowing the Corps to develop a "Continuous Build" program on standardized building types and to capture the potential cost and schedule savings that may accrue as a result.

The potential disadvantages to the use of regional IDIQ contracts may occur if the MILCON program changes significantly or the number of similar projects is reduced or funding disruptions occur in given regions. Any of these changes may affect the "Continuous Build" program and the benefits associated with it.

**K.2. In your view, what would be the impact to the Corps of Engineers if the use of IDIQ contracts were curtailed or limited by Congress?**

**Answer:** The most significant impact would likely be the Corps' inability to meet the Army's execution schedules for re-stationing and BRAC commitments. The curtailment or limiting of these types of contracts would lengthen project procurement timelines and cause project schedule delays that would ripple through the Army's execution plans for re-stationing and BRAC.

## **L. Bundling of Contracts by the Corps of Engineers**

*The Army Corps of Engineers is faced with the significant challenge of carrying out construction requirements over the next five years imposed by the combination of force structure changes due to Army modularity, the 2005 round of Base Realignments and Closures, the implementation of the Integrated Global Presence and Basing Strategy, and most recently, the Army's initiative to grow the force. In response, the Corps plans to allow*

*construction contractors to propose alternate types of construction, including pre-manufactured and modular buildings, to bundle projects for multiple buildings into one delivery order, and to rely on design-build acquisitions, which requires one contractor to provide both design and construction services. The net effect of these proposals will be to reduce the pool of qualified contractors able to bid on such large and complicated projects.*

**L.1. In your view, what benefits, if any would be gained by these initiatives?**

**Answer:** I believe that there will be reduced costs based on the experience gained from performing similar projects on a repetitive basis. It stands to reason that the more projects that a single contractor completes, the less costly each project becomes. For example, a contractor may need only one management team to oversee the construction of several buildings. Combining multiple projects should also lead to efficiency savings due to shortened learning curve and implementation of lessons learned, as well as material savings as contractors buy in bigger quantities.

**L.2. What are the risks to increasing the size and range of services required by these contracts?**

**Answer:** It is a possibility that increasing the size of the contracts and decreasing the pool of contractors could result in reduced competition and an increase of costs. Large contracts may cause the contractors to become overburdened. However, I believe that the risk may be minimized through a thorough best value source selection process. From my experience, the Corps has a very good track record when it comes to construction source selection.

**L.3. In your opinion, how can the Corps of Engineers ensure a healthy bid climate that allows for a full range of small and mid-range businesses to compete for construction contracts?**

**Answer:** I believe that the Corps must ensure that businesses of all types may compete for construction contracts. Some ways in which to achieve this goal would be to emphasize small and disadvantaged business subcontracting goals, and to hold national and regional industry days and technical forums. Additionally, requirements should be developed so that small and mid sized businesses are able to compete and opportunities provided to disadvantaged contractors.

**L.4. In your opinion, what are the benefits and costs resulting from the Corps of Engineers' decision to accept a less permanent type of construction?**

**Answer:** While developing the national acquisition strategy, it is my understanding that the Corps has partnered with industry and identified changes that may allow it to operate more efficiently. The MILCON program uses technical performance criteria that rewards innovative construction methods throughout the United States. Among these innovative construction methods are offsite prefabricated modular assemblies, tilt-up construction,

panelized assemblies, the use of combinations of different material types and others. The expected benefits are an improvement in completion schedules and reduced costs.

## **M. Environmental Concerns**

*If confirmed, you will take charge of the largest construction program in the country. Virtually every major civil works project of the Army Corps of Engineers raises environmental concerns.*

### **M.1. What is your view of the appropriate balance between the missions and projects of the Army Corps of Engineers and the National Environmental Protection Act and other environmental statutes?**

**Answer:** I believe that the Corps can and must carry out its missions in an environmentally responsible manner. In fact, one of the Corps' three main civil works mission areas is Aquatic Ecosystem Restoration. The Corps has a long record of coordinating its missions and planning its projects in compliance with the provisions of NEPA and other environmental statutes, which has led to better and more environmentally sensitive projects. If confirmed I am committed to ensuring that they are planned and constructed in such a manner as to avoid or minimize environmental impacts.

*The Army Corps of Engineers is responsible for environmental restoration projects at Department of Defense Formerly Used Defense Sites (FUDS) and at Department of Energy Formerly Utilized Sites Remedial Action Program (FUSRAP) sites.*

### **M.2. What do you view as the greatest challenges facing the Army Corps of Engineers with respect to the execution of its environmental restoration mission?**

**Answer:** It is my understanding that continuing to execute the vital cleanup mission while always protecting the health and safety of workers and the public is perhaps the biggest challenge for the Formerly Used Defense Sites Program and the Formerly Utilized Sites Remedial Action Program. Restoration standards and stakeholder expectations are continuing to increase. The Corps must continue to apply good science and management practices that will help to increase remediation efficiency and to continue to meet the commitments made to stakeholders.

### **M.3. Do you believe that goals established for environmental cleanup (including cleanup of unexploded ordnance) under these programs are realistic and achievable?**

**Answer:** The Corps does and should have aggressive goals for these programs and meeting those goals will be a challenge. Most all of this work is conducted on private property and involves numerous stakeholders, many espousing conflicting agendas. If

confirmed, I will continue to press for ways to perform the mission in the most efficient and effective manner possible.

*In the past, the Army Corps of Engineers has not always been required to meet States water quality standards in constructing and operating its water resources projects.*

**M.4. Do you believe that the Army Corps of Engineers should be required to meet State water quality standards in constructing and operating Army Corps of Engineers projects?**

**Answer:** Yes. I believe that the Corps should be a leader in the environmental arena and, in most circumstances, should meet State water quality requirements.

*Section 404 of the Clean Water Act requires landowners or developers to obtain U.S. Army Corps of Engineers permits to carry out activities involving disposal of dredged or fill material into navigable waters of the United States, including wetlands. For almost two decades, the stated goal of the Federal government has been “no net loss of wetlands”.*

**M.5. Do you support the goal of “no net loss of wetlands”?**

**Answer:** Yes. Wetlands are important to human health, the environment and our economy.

**M.6. Do you believe that we are currently meeting that goal?**

**Answer:** From what I understand, I do believe that the Corps is meeting the goal of “no net loss.” This is an area I will explore if confirmed.

**M.7. What specific steps do you believe that the Army Corps of Engineers should take to move us closer to the goal of “no net loss of wetlands”?**

**Answer:** I believe there are two principal measures that could be implemented to assure that the Corps is meeting the goal of no net loss. First, I believe the Corps must continue to improve its program to verify that required mitigation is being furnished to replace lost wetlands. Second, the Corps should develop a database to improve the tracking of wetland impacts and mitigation. The combination of increased review of mitigation with this new database will increase the Corps’ capability to confirm that it is meeting the goal of “no net loss of wetlands.”

## **N. Recruiting and Retention of Army Engineers**

*In recent years, competition among employers for the services of highly qualified engineers has greatly increased.*

**N.1. What is your understanding of the Army's success in recruiting and retaining for careers sufficient numbers of highly qualified officers and civilian employees for service in the Army Corps of Engineers?**

**Answer:** From what I understand, the Corps is generally successful in filling positions and usually has multiple highly qualified candidates for each position announced. The only area where the Corps has experienced some recurring challenges is in filling requirements for Iraq and Afghanistan and the large mission in the New Orleans area. Many of the Corps' employees, both civilians and military officers have either professional engineering degrees or project management skills experience. As I have previously indicated, recruiting and retaining talented employees is key and is an area of great interest to me.

**N.2. What do you view as the Corps of Engineers greatest challenge in meeting its manpower and training and education requirements?**

**Answer:** It is my understanding that the Corps does not have a problem meeting manpower requirements. The biggest challenge in training and education is funding and being able to divert the employees from their vital missions to obtain necessary training and development. As the vast majority of Corps employees are project funded, paying salaries during training periods has been and continues to be a challenge.

**N.3. What steps would you take if confirmed to ensure that the Army improves its attractiveness to highly qualified individuals for service in both the active and reserve components and in the civilian workforce?**

**Answer:** Recently, legislation was enacted providing additional benefits for Corps employees willing to deploy in support of national security missions. For example, a provision has been enacted in the last several Defense Authorization Acts that raises the pay cap for overtime pay to civilians deployed in support of missions that fall under the CENTCOM Commander's purview. Similar legislation has been proposed for those employees deployed within the United States who are supporting the ongoing reconstruction and restoration efforts in New Orleans.

**O. National Security Personnel System**

*The Army Chief of Engineers has responsibility for a federal civilian workforce of more than 35,000, portions of which are in the process of transition to the National Security Personnel System (NSPS). NSPS implementation efforts to date have underscored the essential requirement for senior leadership understanding and oversight in various NSPS features including employee perception of fairness, rewards of performance based on merit, transparency in the development of pay bands and pay pools, and adequate training for supervisors and employees at all levels in the organization.*

**O.1. What is your understanding of the Corps of Engineers progress to date in implementing NSPS, and, if confirmed, how would you ensure that the Army Corps of Engineers transition to NSPS is successful?**

**Answer:** It is my understanding that the Corps is in the process of converting to NSPS. If confirmed, I will work to ensure that this system will be successfully implemented within the Corps of Engineers.

**P. Human Capital Planning for the Civilian Workforce**

*The Department of Defense is developing a comprehensive human capital strategic plan for its federal civilian workforce which is intended to identify critical skills and competencies needed in the future civilian employee workforce, as well as a plan of action for developing and reshaping the federal civilian workforce.*

**P.1. If confirmed, how would you approach the task of identifying gaps in needed skills in the Army Corps of Engineers workforce and ensuring that adequate resources, training, and professional development efforts are undertaken to achieve the Corps' workforce goals?**

**Answer:** I understand that the Office of Management and Budget has given the Corps of Engineers the highest rating for progress and status made in implementing the human capital initiatives under the President's Management Agenda. If confirmed, I will strive to ensure that the Corps continues to develop the workforce and achieve appropriate goals.

**Q. 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 Chief of Engineers?**

**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**

**Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?**

**Answer: Yes**