

Stenographic Transcript  
Before the

COMMITTEE ON  
ARMED SERVICES

## **UNITED STATES SENATE**

HEARING TO CONSIDER THE NOMINATIONS OF DAVID J.  
TRACHTENBERG TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF  
DEFENSE FOR POLICY; OWEN O. WEST TO BE ASSISTANT SECRETARY  
OF DEFENSE FOR SPECIAL OPERATIONS AND LOW-INTENSITY  
CONFLICT; RYAN D. MCCARTHY TO BE UNDER SECRETARY OF THE  
ARMY; AND CHARLES D. STIMSON TO BE GENERAL COUNSEL OF THE  
DEPARTMENT OF THE NAVY

Tuesday, June 20, 2017

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1 HEARING TO CONSIDER THE NOMINATIONS OF  
2 DAVID J. TRACHTENBERG TO BE PRINCIPAL DEPUTY  
3 UNDER SECRETARY OF DEFENSE FOR POLICY;  
4 OWEN O. WEST TO BE ASSISTANT SECRETARY OF DEFENSE  
5 FOR SPECIAL OPERATIONS AND LOW-INTENSITY CONFLICT;  
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7 UNDER SECRETARY OF THE ARMY; AND  
8 CHARLES D. STIMSON TO BE  
9 GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY

10

11 Wednesday, July 12, 2017

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U.S. Senate

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Committee on Armed Services

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Washington, D.C.

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17 The committee met, pursuant to notice, at 9:36 a.m. in  
18 Room SD-G50, Dirksen Senate Office Building, Hon. John  
19 McCain, chairman of the committee, presiding.

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Committee Members Present: Senators McCain

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[presiding], Inhofe, Wicker, Fischer, Cotton, Rounds, Ernst,

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Sullivan, Reed, Nelson, McCaskill, Shaheen, Gillibrand,

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Blumenthal, Donnelly, King, Warren, and Peters.

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1           OPENING STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR  
2 FROM ARIZONA

3           Chairman McCain: Good morning.

4           The Senate Armed Services Committee meets today to  
5 consider the nominations of Mr. David Trachtenberg to be  
6 Principal Deputy Under Secretary of Defense for Policy; Mr.  
7 Owen West to be Assistant Secretary of Defense for Special  
8 Operations and Low-Intensity Conflict; Mr. Ryan McCarthy to  
9 be Under Secretary of the Army; and Mr. Charles Stimson to  
10 be General Counsel of the Department of the Navy.

11          We thank you all for joining us this morning. We also  
12 welcome your family and friends here with us today. As is  
13 our tradition, at the beginning of your testimony, we invite  
14 you to introduce those who are joining you.

15          It is the standard for this committee to ask certain  
16 questions in order to exercise its legislative and oversight  
17 responsibilities. It is important that this committee and  
18 other appropriate committees of the Congress be able to  
19 receive testimony, briefings, and other communications of  
20 information. I would ask that each of you provide responses  
21 to the following questions.

22          Have you adhered to applicable laws and regulations  
23 governing conflicts of interest?

24          Mr. Trachtenberg: Yes, sir.

25          Mr. West: Yes, sir.

1 Mr. Stimson: Yes, sir.

2 Chairman McCain: Mr. McCarthy?

3 Mr. McCarthy: Yes, Senator.

4 Chairman McCain: We do not want to ask the Secretary.

5 I am afraid of the answer.

6 [Laughter.]

7 Chairman McCain: Will you ensure that your staff  
8 complies with deadlines established for requested  
9 communications, including questions for the record in  
10 hearings?

11 Mr. Trachtenberg: Yes, Senator.

12 Mr. West: Yes, Senator.

13 Mr. McCarthy: Yes, Senator.

14 Mr. Stimson: Yes, Senator.

15 Chairman McCain: Will you cooperate in providing  
16 witnesses and briefers in response to congressional  
17 requests?

18 Mr. Trachtenberg: Yes, sir.

19 Mr. West: Yes, sir.

20 Mr. McCarthy: Yes, sir.

21 Mr. Stimson: Yes, sir.

22 Chairman McCain: Will those witnesses be protected  
23 from reprisal for their testimony or briefings?

24 Mr. Trachtenberg: Yes, sir.

25 Mr. West: Yes, sir.

1 Mr. McCarthy: Yes, sir.

2 Mr. Stimson: Yes, sir.

3 Chairman McCain: Do you agree, if confirmed, to appear  
4 and testify upon request before this committee?

5 Mr. Trachtenberg: Yes, sir.

6 Mr. West: Yes, sir.

7 Mr. McCarthy: Yes, sir.

8 Mr. Stimson: Yes, sir.

9 Chairman McCain: Do you agree to provide documents,  
10 including copies of electronic forms of communication, in a  
11 timely manner when requested by a duly constituted committee  
12 or to consult with the committee regarding the basis for any  
13 good faith delay or denial in providing such documents?

14 Mr. Trachtenberg: Yes, sir.

15 Mr. West: Yes, sir.

16 Mr. McCarthy: Yes, sir.

17 Mr. Stimson: Yes, sir.

18 Chairman McCain: Have you assumed any duties or  
19 undertaken any actions which would appear to presume the  
20 outcome of the confirmation process?

21 Mr. Trachtenberg: No, sir.

22 Mr. West: No, sir.

23 Mr. McCarthy: No, sir.

24 Mr. Stimson: No, sir.

25 Chairman McCain: Thank you.

1           I note the presence of our distinguished Secretary of  
2 the Interior, who has a less than honorable record in the  
3 military, and I know he is very busy making sure that our  
4 national monuments are now made ready for multiple use for  
5 ranching, cattle raising, and other endeavors, which are  
6 what made the West great. So I know you are busy, Mr.  
7 Secretary. So maybe we could begin with a few words from  
8 you and thank you for joining us this morning. Thank you  
9 for your service to the country. Thank you for your  
10 continued service on issues that are vital to those of us  
11 who reside west of the Mississippi River. Mr. Secretary?

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1 STATEMENT OF HON. RYAN ZINKE, SECRETARY, U.S.

2 DEPARTMENT OF THE INTERIOR

3 Secretary Zinke: Well, thank you, sir. With that  
4 introduction, go Navy, beat Army.

5 [Laughter.]

6 Secretary Zinke: Mr. Chairman, Ranking Member Reed,  
7 members of the committee, it is my high honor to be with you  
8 today to introduce my friend and an American patriot. Quite  
9 frankly, I have known Cully Stimson for over 20 years. We  
10 served together at CINCUSNAVEUR in London when we were young  
11 lieutenants, and I can tell you up front he has excelled.

12 He is the epitome of professionalism. He has superb  
13 judgment, and above all, he is committed to excellence.

14 I worked with him more recently with Congressman  
15 Stefanik on a bill to ensure victims of sexual assault in  
16 the military received the legal services they deserve. And  
17 it was my privilege to bring that bill forward.

18 A brief background of Captain Stimson's story is a  
19 lifetime of commitment to not only his community but his  
20 country. And I will highlight a few.

21 He started out as captain of his men's soccer team at  
22 Kenton College. He is an athlete. He graduated from George  
23 Mason University School of Law. He served 5 years on active  
24 duty in the United States Navy JAG Corps. He was called  
25 back to active duty in 2001 to support joint operations task

1 force as the JAG for Naval Special Warfare Group 2. He  
2 served as Deputy Assistant Secretary of Defense for Detainee  
3 Affairs under George W. Bush. He advised Secretaries, both  
4 Donald Rumsfeld and Robert Gates, in regards to Pentagon  
5 detention operations and procedures. He has been at the  
6 Heritage Foundation as a senior legal fellow and manager of  
7 their national security law program since 2007. He served  
8 our Nation in 2 decades in the Navy, recently as Deputy  
9 Chief Judge of the Navy/Marine Corps Trial Judiciary and  
10 Adjunct Law Professor at the Naval Justice School in reserve  
11 capacity. He is Chairman of the Board of the U.S. Soccer  
12 Foundation. He has founded the Bryan J. Horn Memorial  
13 Scholarship Fund in honor of fallen fraternity members.

14 Again, it is my privilege to recommend Captain Cully  
15 Stimson in this capacity. I can find no better person to  
16 represent the Navy's interests as General Counsel. I know  
17 him to be honorable, hardworking, dedicated, and I would  
18 trust him with my life as I have.

19 With that, Mr. Chairman, members of the committee, have  
20 a great day, and again, "go Navy."

21 Chairman McCain: Thank you, Mr. Secretary. Saddle up.  
22 We thank you for taking the time from your busy schedule,  
23 Mr. Secretary, to be here on behalf of Mr. Stimson. It  
24 means a lot to this committee. Thank you. I know you have  
25 other responsibilities.



1           Before we continue, I note the presence of Senator  
2 Blumenthal who also has an opening comment. Senator  
3 Blumenthal?

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1           STATEMENT OF HON. RICHARD BLUMENTHAL, U.S. SENATOR  
2 FROM CONNECTICUT

3           Senator Blumenthal: Yes. Thank you very much, Mr.  
4 Chairman. I have the very high honor and pleasure of  
5 introducing and supporting Owen West, a fellow member of the  
6 Greenwich, Connecticut community who has been nominated to  
7 be Assistant Secretary of Defense for Special Operations and  
8 Low-Intensity Conflict.

9           Mr. West's dedication to public service is part of his  
10 DNA. In fact, his father -- I believe he is here today --  
11 Bing West, is a Vietnam veteran and served as Assistant  
12 Secretary of State for International Security Affairs. And  
13 Mr. West is himself a third generation marine.

14           He is accompanied today I believe by his wife Susanne  
15 and by his two sons, Gavin and Ryan, who attend the  
16 Brunswick School where my two sons also went some years ago.

17           He has been a partner at Goldman Sachs where he has led  
18 the natural gas and U.S. power businesses for close to 20  
19 years. And he has led that worldwide energy risk business  
20 with distinction and integrity.

21           But I think what really qualifies him for this position  
22 is his service and dedication to our military. In the  
23 1990s, he served 6 years in the Marine Corps as an infantry  
24 platoon commander and reconnaissance platoon leader. In  
25 2003, he joined the Marines in Iraq as a fire support

1 officer for Force Recon Company, and in 2006 to 2007, he  
2 deployed to Iraq as a senior advisor to the Iraqi infantry  
3 battalion I mentioned moments ago.

4 His character can be seen also in his numerous  
5 charitable contributions to military families. He and his  
6 wife have founded scholarships benefiting the children of  
7 fallen troops. He has sponsored two Iraqi interpreters'  
8 visas, and they now reside in the United States. In fact,  
9 when I last saw Mr. West shortly before the July Fourth  
10 holiday, he was planning to get together again with those  
11 two interpreters with whom he maintains personal contact,  
12 supporting them while they are here. And I know that is a  
13 cause close to many of our hearts on this committee.

14 Having spent some time with Mr. West and knowing him, I  
15 am very convinced that he has all of the qualifications in  
16 great abundance to serve with distinction in this position,  
17 and that includes his commitment to successful integration  
18 of women in combat. And he has spoken with candor -- I am  
19 sure he will before this committee as well -- about all of  
20 the policies and objectives and priorities that he will  
21 bring to this very, very critical position. In fact, this  
22 position is of paramount importance particularly at this  
23 moment in our Nation's history. He will directly advise the  
24 Secretary of Defense on special operations and low-intensity  
25 issues such as counternarcotics and disaster relief. But he

1 is principally responsible for training, organizing, and  
2 equipping special forces working with the Commander of the  
3 United States Special Operations Command. For any of us who  
4 have had sons involved in this line of work, we know how  
5 important his job will be, and I am proud to support him for  
6 this position.

7 Thank you very much, Mr. Chairman.

8 Chairman McCain: Well, thank you, Senator Blumenthal.  
9 And given your experiences and your family, your testimony  
10 is I think even more important. So thank you.

11 Senator Blumenthal: Thank you.

12 Chairman McCain: So, Mr. Trachtenberg, you bring to  
13 your nomination to be Principal Deputy Under Secretary of  
14 Defense for Policy many years of experience working on  
15 defense policy both in the Office of the Secretary of  
16 Defense and at the House Armed Services Committee, which we  
17 will not hold against you. With increasingly complex  
18 threats on the rise around the world, from metastasizing  
19 terrorist organizations and cyber attacks to resurgent state  
20 powers and the specter of conventional conflict, this office  
21 has perhaps never been more important. Ultimately, any  
22 strategy to address these global threats is itself  
23 threatened by the caps on defense spending under the Budget  
24 Control Act. This Congress must do its part to end this  
25 senseless policy and get back to the business of budgeting

1 to meet our national security needs.

2           Given the wide-ranging responsibilities of the Office  
3 of the Under Secretary of Defense for Policy, I would be  
4 remiss if I did not acknowledge that the administration  
5 still -- still -- has not developed a new strategy for  
6 success in Afghanistan. Here we are in mid-July, when the  
7 administration promised to deliver that strategy to  
8 Congress, and we are still waiting. I look forward to  
9 hearing about how you would help the Department rise to this  
10 and other challenges, if confirmed.

11           And by the way, Mr. Trachtenberg, we will be developing  
12 a strategy to put on the defense authorization bill --  
13 Senator Reed and I and members of this committee. It is  
14 absolutely disgraceful that this administration has not  
15 developed a strategy, and they should be embarrassed in my  
16 view.

17           Mr. West, if confirmed, you will be tasked with  
18 overseeing our Nation's special operations forces. With  
19 these brave men and women engaged in over 80 countries  
20 around the world, this is no small job. Like the regional  
21 combatant commands, SOCOM provided Congress with a long list  
22 of unfunded priorities for fiscal year 2018. This  
23 committee's NDAA authorized an additional \$85 million above  
24 the administration's budget request for SOCOM to begin  
25 addressing the readiness and modernization challenges facing

1 our special operations forces.

2 Even as we work to address concerns in funding and  
3 readiness, it is important to remember that our special  
4 operations forces are not a panacea to our Nation's security  
5 challenges, nor is their employment a substitute for  
6 strategy. If confirmed, we will look to you to ensure that  
7 the roles and missions of our special operations forces are  
8 appropriately aligned to meet not only counterterrorism  
9 challenges but also growing threats from near-peer  
10 competitors like Russia and China.

11 Mr. McCarthy, our Army is facing a crisis. With  
12 current operational demands, we can no longer accept that  
13 only about one-third of Army brigade combat teams are ready  
14 for deployment. The Army is in need of serious  
15 modernization, leaving our soldiers increasingly unprepared  
16 to do the jobs we ask of them. Meanwhile, our adversaries  
17 are developing future warfare capabilities in all domains  
18 aimed at eroding our military advantage. These challenges  
19 are also exacerbated by the Budget Control Act, which  
20 continues to constrain our spending and curtail serious  
21 conversations about how to rebuild our forces. It is  
22 important that the civilian leadership of our Army serve as  
23 a partner to this committee in providing our soldiers with  
24 the capabilities and resources they need. We look forward  
25 to hearing from you as to how you will address this

1 important mission, if confirmed.

2 Mr. West, a group of us were over in Kabul,  
3 Afghanistan, as I have been for the last 14 years, as I  
4 recall. We met, as we do, with a town hall meeting with  
5 several hundred soldiers, men and women who are serving in  
6 the military. Senator Lindsay Graham, who occasionally says  
7 something intelligent, asked how many of you are here or  
8 have been here before. Almost everybody in the room raised  
9 their hand. How many of you have been here twice before?  
10 Almost everybody in the room raised their hand. How many of  
11 you have been here more than twice before? About a third of  
12 the people in the room raised their hand.

13 I am telling you, Mr. West, we cannot put that kind of  
14 strain on the men and women who are serving in our United  
15 States Army. When you have so many of the units that are  
16 not ready to deploy, it gives an incredibly added strain on  
17 the personnel. I hope that your first priority will be to  
18 look at whether we are putting too much of a burden on a  
19 small group of individuals who were asking to do literally  
20 everything.

21 Mr. McCarthy, the Army is facing a crisis, as I  
22 mentioned. With current operational demands, we can no  
23 longer accept that only about one-third of the Army brigade  
24 combat teams are ready for deployment, and the Army is in  
25 need of serious modernization, leaving our soldiers

1 increasingly unprepared to do the job we ask of them.

2 Mr. Stimson, given your service in the JAG Corps, you  
3 are no doubt familiar with the complex challenges the Navy  
4 faces in the legal realm. It is important that the Navy  
5 General Counsel oversee recent reforms to the military  
6 justice system, to include combating sexual assault,  
7 retaliation, and online harassment. I am sure you will hear  
8 from members of this committee on those specific issues.

9 The members of this committee are aware of the  
10 circumstances a decade ago under which you resigned from  
11 your last post at the Department of Defense. We have also  
12 received letters of support for your nomination from many  
13 national security legal professionals who are well known and  
14 well regarded by members of this committee, and I would ask  
15 them to be included in the record.

16 [The information follows:]

17 [COMMITTEE INSERT]

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1 Chairman McCain: We look forward to hearing from you,  
2 Mr. Stimson, about your previous experience at the  
3 Department of Defense, the lessons you learned from your  
4 resignation, and why you believe members of this committee  
5 should vote to confirm your nomination for the position of  
6 Navy General Counsel.

7 Again, let me thank all of our witnesses for their  
8 willingness to serve our Nation at this challenging time. I  
9 look forward to their testimonies.

10 Senator Reed?

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

3           Senator Reed: Thank you very much, Mr. Chairman. I  
4 would like to join you in welcoming our nominees and also  
5 thank them for their willingness to serve in positions with  
6 great responsibility in the Department of Defense.

7           I would also like to thank your family members, many of  
8 whom are here today. They will play, as you know, a  
9 significant role as you face the challenges of your proposed  
10 positions.

11           Mr. Trachtenberg, if confirmed as the Principal Deputy  
12 Under Secretary of Defense for Policy, you will play a key  
13 role in support Department of Defense efforts to confront  
14 what has been termed the "four plus one" primary threats  
15 facing our Nation today, namely Russia, China, North Korea,  
16 Iran, and the enduring non-state challenge of violent  
17 extremism.

18           While we continue to make steady military progress  
19 against ISIS, including last week's recapture of Mosul by  
20 Iraqi Security Forces with U.S. and coalition assistance,  
21 the administration has yet to articulate a broader whole-of-  
22 government strategy for addressing the issues that gave rise  
23 to ISIS in the first place. Unfortunately, we similarly  
24 suffer from an absence of clear strategic guidance related  
25 to other national security and diplomatic challenges,

1 including the civil war in Syria, expansion of Taliban  
2 territorial control in Afghanistan, Russian active measures  
3 and other malign activities, Chinese bullying of its  
4 neighbors in the Asia-Pacific region, and aggressive weapons  
5 development activities by Iran and North Korea. Mr.  
6 Trachtenberg, if confirmed, you will be deeply involved in  
7 the formulation of strategies and plans to address these  
8 threats, and the committee looks forward to hearing your  
9 views on these issues.

10 The Assistant Secretary of Defense for Special  
11 Operations and Low-Intensity Conflict, or ASD SOLIC, is  
12 tasked with being the service secretary-like civilian in the  
13 Department with responsibility for the oversight of and  
14 advocacy for special operations forces. Last year's  
15 National Defense Authorization Act included important  
16 reforms designed to strengthen this mandate. Implementing  
17 these reforms while balancing other policy responsibilities  
18 for counterterrorism, information operations,  
19 counternarcotics, building partner capacity, and  
20 humanitarian operations will be no easy task. Mr. West, we  
21 are all interested in how you plan to approach the  
22 challenges of this position, if confirmed.

23 Mr. McCarthy, you have been nominated to be Under  
24 Secretary of the Army. It is a position of great  
25 responsibility, and I appreciate your willingness to return

1 to public service. The Army faces many challenges today,  
2 including improving full-spectrum readiness, investing in  
3 effective and efficient modernization programs, while at the  
4 same time continually deploying soldiers around the world.  
5 Mr. McCarthy, your experience both within the Army,  
6 including in combat, in the senior echelons of the Pentagon,  
7 and in private industry, give you a unique perspective on  
8 how to solve these challenges. I look forward to hearing  
9 your views on these complex issues.

10 Mr. Stimson, if confirmed as the Navy General Counsel,  
11 you will face significant legal challenges as the chief  
12 legal officer of the Department of the Navy advising the  
13 Secretary, Under Secretary, and Assistant Secretaries of the  
14 Navy and their staffs. The Navy General Counsel works  
15 closely with the Navy Judge Advocate and the Staff Judge  
16 Advocate to the Commandant of the Marine Corps. The General  
17 Counsel's office is primarily responsible for providing  
18 advice with respect to corporate issues facing the Navy,  
19 including acquisition law, business and commercial law, real  
20 and personal property law, civilian personnel and labor law,  
21 fiscal law, environmental law, intellectual property law,  
22 intelligence and national security law, cyberspace, ethics,  
23 standard of conduct and Freedom of Information Act and  
24 Privacy Act. It is quite a responsibility. And I am  
25 interested in hearing how you will balance these issues.

1           Once again, let me thank all of you for your commitment  
2 to the Nation and your service before. And we look forward  
3 to your questioning.

4           Thank you, Mr. Chairman.

5           Chairman McCain: Welcome to the witnesses. Mr.  
6 Trachtenberg, we will begin with you.

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1           STATEMENT OF DAVID J. TRACHTENBERG, TO BE PRINCIPAL  
2 DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY

3           Mr. Trachtenberg: Thank you, Mr. Chairman, Ranking  
4 Member Reed, and members of the committee for your  
5 consideration of my nomination to be Principal Deputy Under  
6 Secretary of Defense for Policy. I am humbled to appear  
7 before you today.

8           I also greatly appreciate the kind words of Senator  
9 Blunt in his introductory statement submitted for the record  
10 on my behalf.

11          I wish to thank President Trump and Secretary Mattis  
12 for their confidence in me and their support for my  
13 nomination.

14          And of course, I owe an immense debt of gratitude to my  
15 family, who unfortunately are not here today: my wife  
16 Stephanie and my children, Kara and Ryan; and my parents,  
17 Doris and Sam; and sister Anita, who were unable to travel  
18 from Arizona. Their love and support has been  
19 unconditional, and they have been my greatest inspiration.

20          It is an honor and a privilege to be considered for  
21 this important position. If confirmed, I look forward to  
22 working with the rest of the Department of Defense team to  
23 support Secretary Mattis in implementing the President's  
24 plan to rebuild our military and to ensure the safety and  
25 security of the American people.

1           As a former staffer with the House Armed Services  
2 Committee, I appreciate the role Congress plays in shaping  
3 national security policy. I believe my prior experience as  
4 a Hill staffer and as Principal Deputy Assistant Secretary  
5 of Defense for International Security Policy, along with my  
6 work on policy issues in the private sector, have prepared  
7 me for the challenges of the position for which I have been  
8 nominated.

9           In my previous Pentagon job, I worked on issues that  
10 now span the spectrum of challenges OSD policy confronts  
11 today, including Russia, NATO, nuclear and missile defense  
12 policy, and nonproliferation. My time on Capitol Hill also  
13 focused me on counterterrorism, stability operations, and  
14 export controls. In the private sector, I supported the  
15 Department's efforts to develop non-lethal capabilities that  
16 have been used to great effect by our special operations  
17 forces. And as an academic, I taught graduate classes in  
18 deterrence strategy and arms control, issues that I will  
19 have responsibility for, if confirmed.

20           Today we face no shortage of challenges. Russia has  
21 invaded a neighbor whose territorial integrity it pledged to  
22 respect, violated its arms treaty commitments, and  
23 threatened NATO allies with nuclear attack. China is  
24 expanding its military capabilities and becoming  
25 increasingly assertive. North Korea seeks to hold our

1 homeland at risk. And Iran continues to destabilize the  
2 Middle East. Terrorism, the proliferation of weapons of  
3 mass destruction, and cyber warfare also characterize  
4 today's environment.

5       If confirmed, I will work with the Joint Staff and the  
6 rest of the DOD team to help Secretary Mattis develop the  
7 policies, strategies, and planning guidance that will allow  
8 the Department to successfully meet these challenges by  
9 deterring our adversaries, assuring our allies, and  
10 strengthening our strategic partnerships.

11       Many challenges require a whole-of-government approach,  
12 where the prudent application of both hard and soft power  
13 will be necessary and where the Department of Defense will  
14 often play a supporting role. Diplomacy and military power  
15 go hand in hand, with the latter helping to enable the  
16 former. If confirmed, I expect to work closely with my  
17 interagency counterparts to help synchronize our DOD efforts  
18 with U.S. foreign policy objectives.

19       When I previously served in the Department just after  
20 the tragic events of September 11, I came to appreciate the  
21 professionalism of the action officers and civil servants  
22 whose commitment to the Nation's security was exemplary.  
23 This was a difficult time for the thousands of Pentagon  
24 employees who came to work in a building where 125 of their  
25 colleagues had been lost and which still smelled of jet



1 fuel. The resilience they exhibited throughout this  
2 stressful period is why I would be honored to serve again  
3 and why I am here before you today.

4 I would also like to express my appreciation to the men  
5 and women who have served and who continue to serve our  
6 Nation in uniform today. Their sacrifices and those of  
7 their families are enormous, and I cannot thank them enough.

8 Finally, I pledge to you, should I be confirmed, I will  
9 be open to hearing your thoughts and to working with you for  
10 the benefit of the Department, our men and women in uniform,  
11 and the American people.

12 Thank you again, and I look forward to your questions.

13 [The prepared statement of Mr. Trachtenberg follows:]

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1 Chairman McCain: Thank you.  
2 Mr. West?  
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1           STATEMENT OF OWEN O. WEST TO BE ASSISTANT SECRETARY OF  
2 DEFENSE FOR SPECIAL OPERATIONS AND LOW-INTENSITY CONFLICT

3           Mr. West: Mr. Chairman, Ranking Member Reed, and  
4 distinguished Senators of this committee, thank you for  
5 considering my nomination which I owe to the President and  
6 to Secretary Mattis.

7           Senator Blumenthal, thank you for your kind  
8 introduction. As a constituent, you are a ubiquitous  
9 presence in our State and you set a very high bar when it  
10 comes to energy output.

11          Chairman McCain: That is enough.

12          [Laughter.]

13          Mr. West: The Secretary also expects a lot of his team  
14 and so do the American people. There is no more trusted  
15 institution in the United States than the military. If I am  
16 confirmed, I am fully committed to a wartime effort.

17          No one gets to a tryout before this committee without  
18 being inspired by hundreds. At the top of my list is my  
19 wife Susanne. Everyone in this room knows that when you are  
20 talking about government service, it is often your spouse  
21 who sacrifices most. So thanks, Babe. I love you. Thank  
22 you for stepping up again.

23          Gavin and Ryan, I feel you behind me. We are very  
24 proud of you. You have got heart, drive, and so far a lack  
25 of social media skills.

1 [Laughter.]

2 Mr. West: Next I would like to introduce Alex Conner.  
3 Alex served as my interpreter for my advisor team in Iraq,  
4 losing his brother as a result of his service. He is here  
5 today because of the special immigrant visa program that  
6 this committee has consistently sponsored. No immigrant is  
7 more carefully vetted than the interpreter who patrols  
8 alongside our troops.

9 Neither my siblings, Patrick, Alexander, nor Kaki, nor  
10 my mom Kate could make it here today, but through the magic  
11 of YouTube, I would like to thank them for holding me to a  
12 high standard. And, Mom, thank you for putting me on an  
13 entirely different path when I was struggling in middle  
14 school.

15 Finally, my dad Bing had his confirmation hearing  
16 before this committee in 1981. He has imparted many  
17 inspirational lessons. The two I think that are applicable  
18 today are government service is the ultimate end state, and  
19 a military officer's lifetime responsibility is to take care  
20 of our fighting men and women.

21 Many of our volunteers have been at war for almost 16  
22 years. The highest tempo has been borne by the Special  
23 Operations Command, founded 30 years ago by this committee  
24 over the objections of the DOD. Today its return on  
25 investment is indisputable. Because congressional founders

1 looked past the Cold War, America's special operations  
2 forces were able to seize the initiative in Afghanistan just  
3 a month after 9/11. Soon they were ordered into Iraq,  
4 honing skills that would safeguard Americans and our allies  
5 as terrorism spread across the Middle East into  
6 intercontinental outbreak. Our transnational force has  
7 built up a huge competitive advantage. General Thomas'  
8 first priority is winning the current fight. SOCOM is doing  
9 just that.

10 Our traditional forces are also the world's best,  
11 demonstrating conventional supremacy. So our adversaries  
12 have reacted. From cyber mayhem to territorial expansion  
13 via militia, our enemies have moved into the gaps.

14 SOCOM's second priority is transformation. As was the  
15 case 30 years ago, this Congress has signaled change. If  
16 confirmed, I will join this effort while following Secretary  
17 Mattis' requirement that policy changes increase the  
18 lethality of the force.

19 Success requires a close relationship with this  
20 committee. The ASD SOLIC office and its founders have a  
21 mutual obligation to help SOCOM build the competitive  
22 advantage it has earned in counter-extremism across the  
23 spectrum of conflict where special operations thrive, from  
24 suspicious peace to limited war.

25 Finally, if confirmed, I will continue the current

1 focus on SOCOM's greatest asset, its people. The personal  
2 sacrifice of serving our Nation was manifested yesterday in  
3 the tragic loss of all aboard the Marine KC-130. Many were  
4 MARSOC members. SOCOM has been in the forefront for a long  
5 time.

6 In November of 2001, ASD SOLIC's principal deputy, Mark  
7 Mitchell, was awarded the Distinguished Service Cross for  
8 actions in Afghanistan while on horseback. 16 years later,  
9 his daughter Caroline will attend West Point, a fifth  
10 generation soldier. A year from now, post-9/11 babies will  
11 begin to enlist. 80 percent of them will have immediate  
12 family members who served. Members of this committee have  
13 sons, daughters, and spouses who served. Some members have  
14 served in these wars themselves. Modern military service is  
15 not wide, but it is deep. If confirmed, I will help widen  
16 the net to meet an expanding threat head on, and we will  
17 prevail.

18 Thank you for your consideration today.

19 [The prepared statement of Mr. West follows:]

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1 Chairman McCain: Mr. McCarthy?  
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1           STATEMENT OF RYAN D. McCARTHY, TO BE UNDER SECRETARY  
2   OF THE ARMY

3           Mr. McCarthy: Mr. Chairman, Ranking Member Reed, and  
4   members of the committee, thank you for the opportunity to  
5   testify before you today.

6           I would like to thank President Trump for nominating me  
7   and Secretary Mattis for his confidence in recommending me  
8   to the President for the opportunity to serve again in the  
9   Department.

10          I would like to recognize my family who join me today,  
11   my parents, David and Kathleen, my sister Shannon who have  
12   provided me love and support throughout my entire life. The  
13   solid foundation of values they instilled in me are the  
14   reason I am here today.

15          But the two most important people in my life are my  
16   wife Jennifer and our 5-year-old daughter Aleksandra, who is  
17   with her maternal aunt and uncle back in Texas. Jennifer  
18   and Aleksa provide me the strength and motivation to do what  
19   I do and be the best husband, father, and man that I can be.

20          6 years ago when I left the Department of Defense, the  
21   world was a complex and dangerous place. The Army had over  
22   178,000 soldiers deployed in Afghanistan and Iraq engaged in  
23   counterinsurgency operations, with additional soldiers  
24   advising partners across the African continent, conducting  
25   counterterrorism and counter-drug operations in Southeast



1 Asia and Latin America, serving forward deployed in both  
2 Korea and Europe, and defending our homeland.

3 Today, the danger and complexity in the world has only  
4 increased while the size of America's total Army has  
5 decreased. Yet, the Army contributes half of the global  
6 force management requirements, and over 60 percent of  
7 unforecasted or emergent combatant commander demands. The  
8 Army's contributions, past and present, support the  
9 statement of General Dunford, Chairman of the Joint Chiefs,  
10 that the Army is the linchpin of the U.S. military since  
11 9/11. If confirmed, I will prioritize the readiness of the  
12 total Army, the modernization of capabilities, and care of  
13 the force.

14 Acting Secretary Speer and General Milley have made  
15 Army near-term readiness their number one priority. I too  
16 believe the Army must be manned, trained, equipped, and led  
17 to be ready to fight tonight. Through leadership and  
18 resourcing, the Army has made progress in improving its  
19 readiness posture across the total force, and if confirmed,  
20 I will work with the Army senior leaders, the Department of  
21 Defense, and Congress to make the decisions necessary to  
22 sustain this positive trajectory.

23 But being ready to fight tonight is not enough. The  
24 Army must modernize today to be ready to fight tomorrow's  
25 wars against increasingly capable adversaries and near-peer

1 competitors. The Army must make the hard choices and needed  
2 investments to rapidly develop capabilities that our  
3 soldiers will need to shape, fight, and win decisively  
4 across all domains on complex future battlefields. The Army  
5 must leverage commercial technology, fully implement  
6 acquisition reforms, and change business processes to inform  
7 strategic decisions that will organize, train, and equip the  
8 force of tomorrow. If confirmed, I look forward to  
9 partnering with this committee, Congress, Army leadership,  
10 and the Office of the Secretary of Defense to address this  
11 imperative.

12 At its core, the Army is a people organization. Over  
13 the last 16 years, much has been asked of soldiers and their  
14 families who have collectively fought the longest war in our  
15 Nation's history while continuing to meet additional  
16 challenges worldwide. If confirmed, I will work tirelessly  
17 to develop solutions to address the well-being of the men  
18 and women in uniform across the total force, their families,  
19 and the civilian workforce.

20 In closing, I have served the Army in uniform in peace  
21 and combat, worked in the private sector in financial  
22 services and the aerospace industry, and served in both the  
23 executive and legislative branches of government. Among all  
24 these experiences, my most important responsibilities have  
25 involved leading soldiers and promoting policies and

1 programs to enhance the ability of our men and women in  
2 uniform to survive and prevail on the battlefield. Further,  
3 I have seen that direct leader involvement in complex  
4 problems is essential to simplifying processes and providing  
5 clarity to objectives. If confirmed, I look forward to  
6 applying those experiences in working with the Secretary,  
7 the Chief, the Congress, and our soldiers and their families  
8 in continued service to the Army.

9 Thank you for considering my nomination, and I look  
10 forward to your questions.

11 [The prepared statement of Mr. McCarthy follows:]

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1 Chairman McCain: Thank you.  
2 Mr. Stimson?  
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1           STATEMENT OF CHARLES D. STIMSON TO BE GENERAL COUNSEL  
2   OF THE DEPARTMENT OF THE NAVY

3           Mr. Stimson: Chairman McCain, Ranking Member Reed, and  
4   members of the committee, thank you for the privilege of  
5   testifying here today.

6           I also want to thank my friend and shipmate, Secretary  
7   Ryan Zinke, for his overly kind introduction.

8           I am honored to be the President's nominee to be the  
9   General Counsel to the Department of the Navy, and I am  
10   grateful to Secretary Mattis and former Deputy Secretary of  
11   Defense and Navy Secretary Gordon England and Navy Secretary  
12   Don Winter for their confidence in recommending me for this  
13   position.

14          And words cannot express my thanks to my dear wife  
15   Laura, who is here with me today, for her love and support  
16   and for my four children who are a constant reminder of why  
17   we serve. One of them, my sweet daughter Cate, is here  
18   today with us. If confirmed, I will do my very best to live  
19   up to the trust and confidence and they and others have  
20   placed in me.

21          Service is a matter of both duty and legacy for me. My  
22   father served as a signalman in the Navy in World War II.  
23   His father was a pilot in the Navy in the 1920s. Several of  
24   my uncles served in World War II as well. Now none of them  
25   are with us anymore, but I know that each of them would take

1 pride in the continued service of this generation. I share  
2 in their love of country and have endeavored throughout my  
3 Navy career to honor their legacy.

4 This week, I had the opportunity to meet with Senator  
5 Reed and his staff in his office, and I am grateful for that  
6 meeting and I thank you for the courtesy of that meeting.

7 Before my nomination, I had the privilege of testifying  
8 before this committee as a Deputy Assistant Secretary of  
9 Defense and as an expert on national security policy and  
10 law. I have immense respect for this committee and its  
11 constitutional responsibilities, and I look forward to  
12 working closely with its members and staff, if I am  
13 confirmed.

14 The national security challenges to our Nation span the  
15 globe. From non-state actors to rogue states, the threats  
16 to our country and our allies are ever-present, ever-  
17 changing, and more complex than ever. That holds true for  
18 the legal challenges facing the Department of the Navy as it  
19 navigates the world of today. Confronting these challenges  
20 has been my life's work. Everything that I have done in my  
21 professional life as a prosecutor, a national security  
22 analyst, a strategist, a businessman, and a military judge  
23 has been preparation for this role.

24 My respect of the Navy's legal leadership is boundless.  
25 The Department is exceptionally well served by the attorneys

1 in the Office of the General Counsel, the Judge Advocate  
2 General of the Navy, and the Staff Judge Advocate to the  
3 Commandant of the Marine Corps. And the Department is  
4 served best, Mr. Chairman, when relations among these three  
5 legal divisions are close, collegial and built on trust. In  
6 my 25 years as a Navy judge advocate, including my three  
7 tours on active duty, I have worked alongside these  
8 extraordinary attorneys in all components of the Department.

9 Mr. Chairman, if confirmed, I pledge to continue the  
10 close collegial relationship among these offices. That will  
11 not be difficult for me because in the 1990s, I served on  
12 active duty with Vice Admiral Jim Crawford and Rear Admiral  
13 John Hannink in London, England and San Diego, respectively,  
14 and we have remained friends ever since. And I have also  
15 known General John Ewers for some time and have immense  
16 respect for his legal talents.

17 If confirmed, I will humbly dedicate myself to  
18 providing the most rigorous, prudent legal advice to the  
19 Secretary, consistent with my oath and fidelity to the  
20 United States Constitution and will always keep in mind the  
21 privilege and honor it is to serve the Department and our  
22 country.

23 Again, Mr. Chairman, I want to thank you for the  
24 privilege of appearing before this committee, and I look  
25 forward to your questions.

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[The prepared statement of Mr. Stimson follows:]



1 Chairman McCain: Thank you, Mr. Stimson.

2 Mr. Trachtenberg, last week Secretary Tillerson  
3 commented that Russian and American objectives in Syria are,  
4 quote, exactly the same. Do you agree?

5 Mr. Trachtenberg: No, sir, I do not.

6 Chairman McCain: Do you believe that a Syria led by  
7 Assad or a member of the Assad family is an acceptable  
8 outcome in Syria?

9 Mr. Trachtenberg: I believe that is an unacceptable  
10 outcome.

11 Chairman McCain: Mr. West, as I mentioned, we met with  
12 a lot of the people, as we always do in Afghanistan, and  
13 they are, obviously, in my view over the last 14 years or so  
14 over-deployed and frankly a little bit tired. What do you  
15 believe that we should be doing with special forces?

16 It seems to me that every time there is a problem --  
17 and I picked up a news clip this morning -- 50 special  
18 forces to Libya. Special forces seems to be becoming  
19 firemen. There is a problem. Send the special forces.  
20 What is your view of the use of special forces, and are they  
21 being overused?

22 Mr. West: Senator, first of all, I am not surprised to  
23 hear you say this because of two reasons. The first is the  
24 performance of our special operations force, and the second  
25 is the burgeoning spectrum of threats as they emerge.

1 I would say that coming from the business community, it  
2 is also not surprising to hear that this all-volunteer force  
3 -- and indeed, in special operations forces, you have got  
4 volunteers who have volunteered five or six times.

5 Sometimes, as you mentioned, they have gone on multiple  
6 deployments. They have a tough time saying no culturally.

7 This is a very important question because in the end  
8 our human resources well trained, as the special operator  
9 is, is the key component. But the formula in my mind is  
10 fairly simple. It is the number of troops times an exponent  
11 of dwell time minus the mission set, as you mentioned. But  
12 we cannot grow special forces very quickly. General Thomas  
13 has already dealt with dwell time. So that leaves us  
14 mission set.

15 Chairman McCain: Mr. McCarthy, one of the sources of  
16 great frustration for the members of this committee is the  
17 Army's acquisition track record. It is unbelievable. Up to  
18 \$40 billion in some estimates. Crusader howitzer, \$2.2  
19 billion; armed reconnaissance helicopter, \$5.9 billion;  
20 Crusader howitzer, \$2.2 billion; armed reconnaissance  
21 helicopter, \$500 million. The list goes on and on. Joint  
22 tactical radio system, \$11 billion. Every one of those that  
23 I mentioned never became reality -- never. We are talking  
24 about \$40 billion of the taxpayers' money.

25 Now, we have enacted several reforms and there is more

1 in this defense authorization bill. But I am embarrassed.  
2 I am embarrassed to go before my constituents and say we  
3 need more money when we just blew over \$7.5 billion for a  
4 thing called warfighter information network tactical, or  
5 WIN-T, which the Army still is trying to hang onto.

6 What is your answer?

7 Mr. McCarthy: Sir, with respect to WIN-T or --

8 Chairman McCain: Any.

9 Mr. McCarthy: Clearly, the Army has struggled over the  
10 last 2 decades. It is in large measure on the challenges of  
11 requirements definition, interpretation, and then freezing  
12 requirements. I saw firsthand with the future combat  
13 systems in 2009 that changing midstream, going from light  
14 and fast to a heavier concept. So that confusion and  
15 fluctuation loses the objective of what we want to achieve  
16 with a weapons system and then having a road map on top of  
17 it, discipline in the process. It is really a leader-driven  
18 challenge, sir.

19 Chairman McCain: Well, all I can tell you is it is a  
20 source of enormous frustration. When we look at those that  
21 are, quote, successful like the F-35, it is so frustrating  
22 that I can tell you we are now getting into the business on  
23 this committee of micro-managing programs over in the  
24 Pentagon because we are not getting satisfactory answers.  
25 That is not our job. Our job is oversight, not to manage.

1           Mr. Stimson, all of us, especially me, have never made  
2 a comment that I regretted in my political career. So I am  
3 sure you understand that.

4           [Laughter.]

5           Chairman McCain: Obviously, you made a dumb statement.  
6 Do you want to clear up that statement for the record?

7           Mr. Stimson: Thank you, Senator. Yes, I made a bone-  
8 headed statement. Quite frankly, it was an emotional  
9 response generated by the loss of my 295 colleagues who  
10 worked at Marsh McLennan and were killed on 9/11 in the  
11 World Trade Center, and they do not reflect my professional  
12 views. And I have said that repeatedly. And that is why I  
13 apologized. I apologized in writing. That is why I raised  
14 by my parents to, if I make a mistake, admit it and move on.  
15 And I think in the last 10 years I have learned from that.  
16 And if I am confirmed and I make another mistake, I will  
17 admit it and try to move on from that too.

18           Chairman McCain: Well, I think you paid a price. I  
19 think that you acknowledged a mistake, something that is a  
20 rare occasion on this side of the dais. And so I think you  
21 have cleared it up for the record. I know you are not happy  
22 with it. I know you paid a price, and I think we also need  
23 to have you move on. And I will leave it up to the other  
24 members of the committee to exercise their own judgment.

25           Senator Reed?

1 Senator Reed: Well, thank you very much, Mr. Chairman.

2 Once again, thank you, gentlemen, for your dedication  
3 and your service.

4 Mr. Trachtenberg, one of the really difficult issues  
5 you will face is North Korea. And I know you are not on  
6 duty yet, but one of the concerns we have, or least I have,  
7 is that there is not an effective, coherent diplomatic  
8 initiative ongoing that would reduce at least the  
9 possibility of more strenuous methods supplied to North  
10 Korea. What is your sense of that?

11 Mr. Trachtenberg: Senator Reed, I believe we need to  
12 ratchet up the pressure on North Korea. I agree with  
13 Secretary Mattis that military conflict on the peninsula  
14 would be devastating, but I also believe there are options  
15 still that we have in our toolkit that we need to pursue and  
16 we need to pursue them aggressively, economic, political,  
17 diplomatic options as well.

18 Senator Reed: So I concur. And I think we are just  
19 not -- in a sense we are wasting time, which we do not have,  
20 and I would hope that you would bring that message forward.

21 Mr. Trachtenberg: Yes, sir.

22 Senator Reed: Mr. West, this is an overused term,  
23 "renaissance man," but looking at your life, I am convinced  
24 you are, a marine, a business leader, extraordinary athlete,  
25 family man. I could go on and on and on. And one of the

1 things you have been is a prolific writer. And there is one  
2 issue that I would like to raise because we talked about it.  
3 That is in one of your essays you suggested that the  
4 incorporation of females into all units, including ground  
5 combat units, could be problematic. Can you clarify that?  
6 Because my knowledge of the policy is that all of these  
7 military specialties are open to women and there is an  
8 effort to put that policy into effect.

9 Mr. West: Yes, Senator, I would be happy to.

10 The blog post to which you refer was in reaction to a  
11 very specific event and that was the previous Secretary of  
12 the Navy giving the Marine Corps 2 weeks to overhaul a  
13 policy that had been 65 years old in boot camp. I found  
14 that to be, as a private citizen, political and reactionary.

15 The problem was that I was reactionary in my response  
16 and I regret it. The article drifted and there are  
17 sentences in there that are clearly wrong that I do not even  
18 agree with.

19 I will say that if confirmed, though, I come with no  
20 agenda and no politics. I support all the DOD policies, and  
21 the fact is that all jobs are open, gender-indifferent.  
22 That is my position.

23 Senator Reed: Well, thank you.

24 And as the chairman indicated, we do not make mistakes  
25 on this side of the dais. So I understand the difference.

1           Mr. McCarthy, the chairman has really pointed out one  
2 of the areas that you will be responsible for, which is very  
3 frustrating. That is acquisition. And I do not have to  
4 repeat the programs that were funded but just did not come  
5 to fruition.

6           Is there anything further you want to add in terms of--  
7 particularly with your business experience, that you can  
8 bring to help the Chief and the Secretary get the job done?

9           Mr. McCarthy: Yes, sir. Really the work that has been  
10 done by this committee putting authorities back down to the  
11 services, getting closer to the warfighter, that I have  
12 noticed sitting in the defense industry side, it will be  
13 extremely helpful for the interpretation of requirements and  
14 getting an understanding of how to build a road map on top  
15 of a weapons system to maintain that relevance over decades.  
16 So that, first and foremost, is something that I can see on  
17 both sides would be very appreciative of that. The work  
18 would really be the alignment of requirements, budget and  
19 acquisition. The challenges that companies have is that  
20 managing expectations and being able to understand when to  
21 make the buys for parts and to invest in technologies over  
22 time. So I think that my experience is I have an  
23 understanding of these equities. It really comes down to  
24 leader involvement and communication.

25           Senator Reed: Thank you.

1           And, Mr. Stimson, I appreciate your comments with  
2   respect to your response of Senator McCain and also your  
3   written responses. I think going forward, your role is not  
4   only just as a lawyer but as a leader, and you are going to  
5   have to ensure that everyone in the ranks of the Navy,  
6   particularly your colleagues in the General Counsel's  
7   office, have that same sort of dedication to ethics and  
8   appreciation that defense lawyers, even despite their  
9   clients, have roles that are important to us all and, in  
10   fact, one of the things ironically that men and women in  
11   uniform fight for, the right for unpopular people to have a  
12   fair hearing in court. So I appreciate your response in  
13   that regard.

14           One other aspect too and that is -- just very quickly  
15   because my time is expiring -- not only does the Army have  
16   problems with procurement. And I think I have the  
17   opportunity to say "beat Navy" at least once because it has  
18   been said repeatedly the other way. But the Navy has some  
19   procurement problems too.

20           Do you see yourself in the role of trying to help the  
21   procurement process through the General Counsel's office?

22           Mr. Stimson: Senator, if confirmed, I would certainly  
23   work with the professionals in the acquisition world and the  
24   experts in the Department of the Navy General Counsel's  
25   office who work on acquisition issues to move the ball



1 forward.

2 Senator Reed: Thank you.

3 Thank you, Mr. Chairman.

4 Chairman McCain: Mr. Stimson, do you know anybody who  
5 has been fired?

6 Mr. Stimson: I do.

7 Chairman McCain: In the acquisition process.

8 Mr. Stimson: I do not.

9 Chairman McCain: Thank you.

10 Senator Rounds?

11 Senator Rounds: Thank you, Mr. Chairman.

12 Mr. Trachtenberg, let me just begin by this. Your  
13 resume is truly commendable. It shows a huge amount of  
14 experience from consulting to a prior position with the  
15 Pentagon and even as a professional staff member of the  
16 House Armed Services Committee. So I think you will  
17 appreciate the reason for my question today.

18 In the advance questions which you answered regarding  
19 ISIS and violent extremism, you stated that we need to have  
20 a comprehensive strategy. As you know, strategy requires  
21 knowing the ends, the ways, and the means of what we are  
22 doing. I have not seen anyone that has yet to fully  
23 articulate this in front of our committee.

24 My question for both you and also for Mr. West is, what  
25 is the end? And what does victory look like for us in this

1 challenge in front of us? Is it keeping the fight and the  
2 pressure on overseas? Is it trading security at home for  
3 perpetual conflict abroad? What does victory look like?

4 Mr. Trachtenberg: Yes, Senator. I believe victory  
5 comes when we have defeated the terrorists, when we have  
6 defeated ISIS, and when we have created conditions for a  
7 stable situation. And you are correct. That will require a  
8 whole-of-government approach in terms of stability and  
9 building partnership capacity.

10 Senator Rounds: Mr. West?

11 Mr. West: My expertise, Senator, is in working with  
12 partners. I think this is going to be a problem for a very  
13 long time. It is very difficult to define victory in this  
14 arena. But if you look at the steps that we have made over  
15 the last 5 years, it is clear to me that we have woken up to  
16 the idea that partners can often be more effective and they  
17 can often share our national interests. If confirmed, I am  
18 very eager to participate in this debate and dig in  
19 especially on those grounds.

20 Senator Rounds: In your opinion, in this fight what  
21 are we doing right and what are we doing wrong?

22 Mr. West: Sir, as an outsider, I think what we are  
23 doing right is we built the best transnational counterterror  
24 force, and certainly when I look at the world as a  
25 businessman, I look at competitive landscape, and I think we

1 are well, well ahead of others in this arena.

2           What are we doing wrong? Again, as an outsider, I am  
3 hesitant to use that word, but I will say that I think the  
4 basic goal should be take a look at the threat 2, 5 years  
5 from now, assign some probabilities to it, and see if we can  
6 build the same competitive advantage there because it is  
7 clear to me that our adversaries have watched our  
8 performance both conventionally and in counterterrorism.

9           Senator Rounds: Mr. Trachtenberg, in your responses on  
10 the topic of cyber operations, you stated the right  
11 alignment of roles, responsibilities, authorities, and  
12 accountability is critical to effective operations in  
13 cyberspace. I agree with you.

14           Today one of the greatest unclassified examples of a  
15 problem transcending roles, responsibilities, and  
16 authorities concerns the relationship between the U.S.  
17 Transportation Command and the Civil Reserve Air Fleet, or  
18 CRAF. During General McDew's recent testimony, I was  
19 disturbed to learn that for extreme contingencies, we depend  
20 on the private sector for up to 90 percent of our deployment  
21 airlift requirements but have no means to extend cyber  
22 protection to these private sector entities.

23           This is an example of why -- let me give you an  
24 example. Delta Airlines is one of the largest commercial  
25 carriers in the United States and a key member of CRAF.

1 Last August, a power control module malfunctioned, causing a  
2 surge that cut off power to the airline's main computer  
3 network. The system is designed to switch back to a backup  
4 computer system, but some of these systems did not come  
5 online. Over the next 24 hours, 500 flights were canceled,  
6 2,000 flights were delayed. The same on Southwest Airlines.  
7 They had to cancel 2,300 flights in a 12-hour period due to  
8 a cyber-related issue.

9 Imagine a coordinated cyber attack on the CRAF. It is  
10 going to be impossible to fight a war, let alone win one if  
11 we cannot even deploy. As far as I understand, these  
12 airlines fall outside of the Department of Homeland  
13 Security's critical infrastructure list. The DOD has its  
14 own critical infrastructure program, but since these  
15 airlines are not a part of the DOD, they are not on that  
16 list either.

17 My question, if confirmed, you will be one of the key  
18 policymakers within the DOD. What are you going to do about  
19 this, and what do you need from us?

20 Mr. Trachtenberg: Senator, if confirmed, I will make  
21 this a top priority because I believe the cyber challenge is  
22 one of the most difficult challenges we face. And you are  
23 exactly correct. We rely on the private sector extensively,  
24 and a chain is only as strong as its weakest link. So, if  
25 confirmed, I will make it a priority to look into all of the

1 DOD cyber enterprise to see what we can do to strengthen  
2 that, to strengthen the weak links in the chain in order to  
3 ensure our security overall.

4 I would note that in this particular case, I believe we  
5 need to look not just at a whole-of-government approach but  
6 a whole-of-society approach because of the private sector  
7 involvement as well.

8 Senator Rounds: Thank you. My time has expired.

9 Thank you, Mr. Chairman.

10 Chairman McCain: Senator Warren?

11 Senator Warren: Thank you, Mr. Chairman.

12 And thank you all for being here today.

13 I spent the Fourth of July with the chairman and  
14 Senators Graham and Whitehouse and Perdue in Afghanistan.  
15 And we heard over and over and over again that the military  
16 alone cannot win this fight for us in Afghanistan, that  
17 diplomacy is critical to our efforts in areas such as  
18 improving Afghan governance and pushing Pakistan about  
19 dealing more efficiently and effectively with safe havens on  
20 their side of the border.

21 So I want to ask. Mr. Trachtenberg, how important is  
22 the State Department to our efforts in Afghanistan?

23 Mr. Trachtenberg: I believe it is critically  
24 important, Senator.

25 Senator Warren: Do you think a 29 percent reduction in

1 State funding will help with our efforts in South Asia and  
2 around the world?

3 Mr. Trachtenberg: Senator, I have not looked at the  
4 specifics of the cuts proposed in the State Department  
5 budget, but I do agree with Secretary Mattis when he said if  
6 we cut the diplomats, I will need more ammunition.

7 Senator Warren: All right. You know, I appreciate  
8 your point on that.

9 The junior and mid-level diplomats that we have in  
10 Afghanistan are doing an amazing job, but we do not have an  
11 ambassador. We do not have an Assistant Secretary for South  
12 and Central Asia, and the administration recently scrapped  
13 the Special Representative for Afghanistan and Pakistan. We  
14 need permanent appointees in these senior positions who can  
15 engage with their Pakistan and Afghan counterparts. And I  
16 just think we need to underline that at every opportunity.

17 I also want to ask another question, and that is, at  
18 the G20 meeting in Germany last week, President Trump met  
19 with President Putin and they agreed to a partial ceasefire  
20 in Syria and to increasing cooperation moving forward. Now,  
21 following that, Secretary Tillerson called this agreement,  
22 quote, the first indication of the U.S. and Russia being  
23 able to work together in Syria. And he also reportedly  
24 endorsed the Russian approach, as he put it, in Syria. He  
25 said maybe they have got the right approach and we have got

1 the wrong approach.

2 Mr. Trachtenberg, do you agree with that assessment?  
3 Can you say a little about what you see as the Russian  
4 objectives there and their rules of engagement in Syria?

5 Mr. Trachtenberg: Senator, I do not understand the  
6 context in which the Secretary made that statement, but  
7 taking it on face value, I would have to disagree with that.  
8 I think Russia's objectives in Syria are clearly  
9 antithetical to our objectives. I believe Russia has  
10 propped up the Syrian regime. It has been the greatest  
11 enabler of the Bashar al-Assad's atrocities there against  
12 his own people. Russia has worked with Iran to destabilize  
13 the region. Russia has also threatened to shoot down  
14 American planes at one point flying over Syria in support of  
15 the Defeat ISIS mission and has enhanced its influence and  
16 presence there. I see that as quite troubling.

17 Senator Warren: I appreciate your candid assessment.

18 Can you also say a word about the rules of engagement  
19 that Russia uses and what that means for civilian casualties  
20 in Syria?

21 Mr. Trachtenberg: What I can tell you, Senator, is  
22 that I believe the United States takes the rules of  
23 engagement seriously in terms of avoiding noncombatant  
24 casualties to the maximum extent possible. I have not seen  
25 the same level of restraint exercised by Russia.

1           Senator Warren: All right. Thank you.

2           The conflict in Syria is a human tragedy, and I want to  
3 see it end as quickly as possible. I think everyone in here  
4 wants to see it end as quickly as possible. But we need to  
5 keep in mind that Russia does not share our goals for Syria,  
6 and Russian meddling and support for Assad in Syria has  
7 already prolonged this crisis far beyond where it would have  
8 gone.

9           So thank you very much. I appreciate it, Mr.  
10 Trachtenberg.

11          Thank you, Mr. Chairman.

12          Chairman McCain: Senator Ernst?

13          Senator Ernst: Thank you, Mr. Chair.

14          Thank you to all of our nominees for being here today.  
15 And I would like to extend a special thank you as well to  
16 the family members and friends that are here supporting your  
17 friends and loved ones as you work towards this very  
18 significant step in your career. These positions are all  
19 very, very important to our United States military. Thank  
20 you for your testimony today.

21          I am going to start by asking some questions that I ask  
22 of all of our nominees, and these are simple yes or no  
23 questions. If you would just all please answer together.

24          Number one, do you commit to cutting wasteful spending?

25          Mr. Trachtenberg: Yes.



1 Mr. West: Yes.

2 Mr. McCarthy: Yes.

3 Mr. Stimson: Yes.

4 Senator Ernst: Do you commit to working with me to  
5 combat and prevent military sexual assault and retaliation?

6 Mr. Trachtenberg: Yes.

7 Mr. West: Yes.

8 Mr. McCarthy: Yes.

9 Mr. Stimson: Yes.

10 Senator Ernst: Will you provide me with advance  
11 notice, should changes to the gender integration policies be  
12 considered?

13 Mr. Trachtenberg: Yes.

14 Mr. West: Yes.

15 Mr. McCarthy: Yes.

16 Mr. Stimson: Yes.

17 Senator Ernst: Do you commit to upholding an unbiased  
18 and transparent approach throughout the acquisition process?

19 Mr. Trachtenberg: Yes.

20 Mr. West: Yes.

21 Mr. McCarthy: Yes.

22 Mr. Stimson: Yes.

23 Senator Ernst: Thank you all very much for that.

24 Mr. Stimson, I just want to take this quick moment to  
25 personally thank you for your hard work with my office to

1 combat military sexual assault. That is an issue that is  
2 not only important to me but the members of the committee as  
3 well. Your efforts with JAG litigation reform and overall  
4 expertise on the military justice process are truly  
5 appreciated. I look forward to continuing to work on this  
6 pending your confirmation. So thank you very much.

7 Mr. Stimson: Thank you, Senator.

8 Senator Ernst: Mr. West, I appreciate how  
9 straightforward you were in our meeting yesterday. Greatly  
10 appreciated. And I look forward to the skills that you will  
11 bring into this position, if confirmed.

12 One thing that I do want you to focus on in your new  
13 position is the overuse of our special operators, and it is  
14 a question that you have already answered quite well. As  
15 you know, these brave men and women will never say no. They  
16 will never say no. It is our job to ensure that we are not  
17 over-deploying them. So I thank you for committing to look  
18 at that deployment schedule, as well as the number of troops  
19 that we have engaging in that and their mission set. So  
20 thank you.

21 Another thing that we spoke about yesterday  
22 specifically was the threat of terrorists using drones. And  
23 as you know, ISIS' use of these commercial drones was listed  
24 as one of the top threats in the battle for Mosul. So what  
25 future worries do you have about the enemy's use of drones,

1 and what can we do here in the Senate to assist you with  
2 those counter-drone efforts?

3 Mr. West: Senator, I am a futures trader, and if  
4 confirmed, I think what I bring to the job would be the  
5 ability to look out at technological and socioeconomic  
6 trends 3 to 5 years. As you said, one of SOCOM's 2016 top  
7 threats was the use of drones, but they were in very local  
8 fashion attacking FOBS. What we talked about yesterday was  
9 a convergence of technology with solar panels and battery  
10 power, which will mean that in about 5 years, drones will be  
11 able to be launched from Africa which can reach our shores  
12 because they will have permanent power by the sun. That is  
13 something that, if confirmed, I would like to speak to you  
14 and other members of the Emerging Threats Committee because  
15 there is a myriad. The nice thing is that the organization,  
16 when I talk about SOCOM, seems to me to be so agile and so  
17 entrepreneurial, I think we will meet these threats.

18 Senator Ernst: Thank you very much for that. And I  
19 appreciated that conversation, and it is something that we  
20 need to focus on in Emerging Threats. Thank you, Mr. West.

21 And, Mr. McCarthy, first and foremost, I need to thank  
22 you for your service to Ranger Regiment, obviously one of my  
23 favorite units. So thank you very much for the great  
24 service that you provided to them, especially your time  
25 during the invasion of Afghanistan. Very much appreciated.

1           Russia continues to upgrade its service rifle, and we  
2 continue to carry the M-4 and the M-16's. And the Army just  
3 figured out how to procure new pistols. How simple. We  
4 need to replace the M-9 pistol. It was first issued in  
5 1982, and I cannot believe it took us that long to purchase  
6 a handgun. So I appreciate you acknowledging that the issue  
7 with small arms modernization in your advance policy  
8 questions.

9           But I am concerned that you think the current timeline  
10 for procuring additional or newer versions of our rifle is  
11 appropriate when the private sector and our competitors, our  
12 adversaries have better rifles than our service members.

13           How can we work to speed up the acquisition process? I  
14 know we have spoken broadly about it, but specifically when  
15 it comes to our service members' rifles, how can we speed  
16 that up?

17           Mr. McCarthy: Look to the commercial sector to see if  
18 there are off-the-shelf technologies that are applicable.  
19 If I recall correctly, when the MRAP program was initiated,  
20 it came from a joint operational need from the Marine Corps  
21 on the al Anbar Province, and they had seen allied partners  
22 using a South African vehicle. So they took ideas from the  
23 commercial private sector and then redefined those  
24 requirements and were able to initiate a program in 9  
25 months. It was leader involvement but ultimately

1 warfighters learning, bringing those lessons back home from  
2 the war zone, and getting it to the right leadership, and  
3 then really clear communication with the defense industry  
4 and being very persistent in driving through the process.

5 Senator Ernst: I appreciate that answer very much, and  
6 I am sure that we will stay in communication as we work  
7 through this issue. My time has expired.

8 Thank you, Mr. Chair.

9 Chairman McCain: Mr. McCarthy, let me remind you that  
10 in the case of the MRAP, the Secretary of Defense had to  
11 convene a meeting once a week to move that process forward.  
12 The Secretary of Defense cannot convene a meeting on every  
13 weapons system that the Department of Defense considers.  
14 There is something really wrong with the system, and I hope  
15 you will look at it.

16 Again, it is almost laughable. No one has ever been  
17 fired for all of these failures of billions and billions of  
18 dollars. I am not saying the answer is firing people. I am  
19 saying the answer is holding people accountable, and we are  
20 not doing that. And that is what we have tried to do in the  
21 last couple years in the defense bill.

22 Senator King?

23 Senator King: Thank you, Mr. Chairman.

24 I want to build on those comments, Mr. McCarthy. I  
25 have been trying to summarize what you have been saying on

1 this issue of procurement. Number one, it seems to me the  
2 fact that the Army has had this series of failures without  
3 too many successes over the last 10 or actually almost 20  
4 years indicates there is something systemic in their  
5 procurement system that needs to be thought about.

6 But just listening to you, it seems to me that there  
7 are some ground rules, and we have heard this in numerous  
8 hearings here about procurement. One is freeze  
9 requirements. Get the requirements down and then go. Do  
10 not keep changing them.

11 Number two is do not do R&D while you are building the  
12 object. Get the R&D done, and trying to do R&D while you  
13 are also in construction is a recipe for overruns and often  
14 disaster.

15 Three -- and I love what you said -- off-the-shelf. I  
16 visited the Boeing factory in Seattle a couple of weeks ago  
17 where they are building the new P-8 for the Navy, the patrol  
18 aircraft. But they are using a 737 airframe. It is not a  
19 special airplane. What is inside of it is special. But I  
20 could not help but think that in a former life, maybe they  
21 would have built a special airplane 2 feet wider and 6  
22 inches longer. Instead, it is an off-the-shelf airplane  
23 that has been modified. I think that is very important.

24 And number four, it seems to me in this age of  
25 technology, build modular so that it can be upgraded easily

1 without changing the whole facility.

2           So you have an incredibly important position, and I  
3 think this procurement area is so important. And I like  
4 what you have said. If you can find a question in there,  
5 you are welcome to it.

6           Mr. McCarthy: Senator, I would add that the continuity  
7 of leadership, program executive officers, program managers  
8 to staying in place in positions long enough and that when  
9 they depart from their roles, that it does not have too much  
10 disruption within the program. So the continuity of  
11 understanding the program and then that appropriate handoff  
12 to their successors.

13           Senator King: I will add that to the list. Thank you.  
14 That is very helpful.

15           Mr. Trachtenberg, with all due respect to your  
16 colleagues, I think you have one of the most important jobs  
17 in the United States Government. And one of the failures of  
18 foreign and military policy over the last 10, 20, perhaps  
19 even longer has been a failure of strategy, an ad hoc  
20 approach to conflict, cyber, Afghanistan, Syria, ISIS, no  
21 comprehensive strategy. Talk to me about how you intend to  
22 develop such a strategy or overview. One of my favorite  
23 sayings is if you do not have a destination, you never get  
24 there. And too often our policy has been plagued by no  
25 clear definition of the destination, let alone how to get

1 there.

2 Mr. Trachtenberg: I agree with you completely,  
3 Senator. We must have a strategy to guide our actions,  
4 otherwise our actions have no context. We need to know what  
5 we should be doing and how to do it before we actually do  
6 something.

7 Senator King: And why we want to do it.

8 Mr. Trachtenberg: Absolutely.

9 Senator King: What our goal is.

10 Mr. Trachtenberg: I agree.

11 My understanding is that there is a national security  
12 strategy being worked today. There is a national defense  
13 strategy that I believe is being worked in coordination with  
14 the national security strategy. I can commit to you,  
15 Senator, if confirmed, I will play an active part in trying  
16 to develop those strategies holistically in a comprehensive  
17 way that will make sense and help guide the Department's  
18 activities in a way that will help defend the Nation and  
19 preserve our security.

20 Senator King: And do not forget cyber.

21 Mr. Trachtenberg: Absolutely.

22 Senator King: One of the topics we keep coming back to  
23 here. And that is another area where we do not have a  
24 definition of what is an act of war in the cyber realm, what  
25 triggers what response. And that is a failure not only of



1 our being able to act but also our adversaries not knowing  
2 where the lines are.

3 Mr. Trachtenberg: I agree with you on that completely.  
4 Cyber, as I noted, is one of the most challenging aspects  
5 that the Department has to deal with. You are correct.  
6 There is a lack of definition. There is a lack of  
7 understanding as to what is required for cyber deterrence.  
8 We need to bolster our resilience in our defense not only of  
9 our DOD networks, information networks, systems, but also  
10 others --

11 Senator King: And right now, I would argue there is no  
12 deterrence whatsoever. We are purely defensive, which  
13 ultimately is a failed strategy.

14 Mr. Trachtenberg: And I agree on the importance of  
15 that absolutely, Senator.

16 Senator King: Finally, Mr. Stimson, I also want to  
17 commend you for stepping up on the issue of representation.  
18 I very much value your candor, and I think that is as  
19 important a qualification as all the things in your resume.  
20 And I appreciate your comments and your thoughts on that  
21 subject.

22 Again, Mr. Trachtenberg, you are one of the most candid  
23 witnesses we have had. Your answers have been brief and to  
24 the point, and I appreciate that.

25 All of you, thank you for your service, and I look

1 forward to supporting your nominations.

2 Thank you, Mr. Chairman.

3 Chairman McCain: Senator Sullivan?

4 Senator Sullivan: Thank you, Mr. Chairman.

5 And, gentlemen, congratulations on your nomination. I  
6 appreciate your desire to serve again for all of you. I  
7 appreciate the families here supporting everybody. It is a  
8 team effort. They are all going to be serving with you as  
9 well. And for those I have not met with, I look forward to  
10 meeting with you before vote.

11 Mr. Trachtenberg, I wanted to follow up on Senator  
12 Reed's focus on North Korea. I actually think that the  
13 administration is putting together a strategy, all  
14 instruments of our Nation's power on this critical issue.  
15 We have had testimony here, unclassified testimony, now  
16 saying, look, it is a no longer a matter of if, but when Kim  
17 Jong-un is going to have an intercontinental ballistic  
18 missile, a nuclear missile, that can threaten the United  
19 States. And I think it is very important that the Congress  
20 be part of that strategy but also be supportive of what the  
21 President and his team are trying to do.

22 You may have seen they invited all 100 Senators over  
23 for a very detailed briefing, which I thought was quite  
24 helpful, from literally everybody from the President on  
25 down, with regard to that strategy. So I am someone who is

1 very supportive of it, and I hope my colleagues are.

2 But we might get to the point military operations on  
3 the Korean Peninsula are required. And in my view, that  
4 would clearly trigger Congress' Article I power with regard  
5 to the authority to launch that kind of military operation.  
6 Do you agree with me on that?

7 Mr. Trachtenberg: I agree with you, Senator.

8 Senator Sullivan: If confirmed, will you commit to  
9 come to Congress to get our support for any kind of military  
10 operations being launched by the United States on the Korean  
11 Peninsula?

12 Mr. Trachtenberg: Senator, if confirmed, I would  
13 definitely seek your views and the Congress' approval.

14 Senator Sullivan: Can I get that commitment from the  
15 other witnesses as well? It is a very important issue that  
16 does not get talked enough about in my view.

17 Mr. West: Yes, Senator.

18 Mr. McCarthy: Yes, sir.

19 Mr. Stimson: Yes.

20 Senator Sullivan: Another Korea-related issue, Mr.  
21 Trachtenberg. On missile defense, do you believe we need to  
22 do more with regard to missile humanitarian right now given  
23 that Kim Jong-un is rapidly developing the capability to  
24 strike any city in the United States?

25 Mr. Trachtenberg: Absolutely, Senator, I do.

1           Senator Sullivan: Will you commit to working with this  
2 committee as we move forward? We just marked up the NDAA  
3 that has a very significant ramp-up in our missile defense  
4 capabilities. Will you commit to working with this  
5 committee on keeping us informed but also working closely  
6 with us on the importance of increased enhance missile  
7 defense for the United States?

8           Mr. Trachtenberg: Absolutely, Senator. If confirmed,  
9 I would welcome that.

10          Senator Sullivan: Thank you.

11          Mr. West, I appreciate your background. Harvard has  
12 not produced a lot of marines in the last few decades, which  
13 is unfortunate, but it is good to see your willingness to  
14 serve again. I think you are very well qualified for the  
15 job.

16          You know, there is this discussion about our special  
17 forces being overused and used for a lot of different  
18 missions. One mission that actually does not get talked  
19 about a lot with regard to special forces is the counter-WMD  
20 mission, which is absolutely a critical mission. ISIS might  
21 be annihilated. Al Qaeda might be annihilated, but the  
22 counter-WMD mission is going to be around forever, and it is  
23 a really critical mission.

24          Can you give me your views on that, and are you aware  
25 that just a few months ago, SOCOM took over the lead with

1 regard to that mission from STRATCOM? And I would like your  
2 views on how you see the importance of that mission and what  
3 you will do to make sure it gets the attention it deserves.  
4 And I would like to get your commitment not only to focus on  
5 this mission but to provide me and this committee a regular  
6 update on that critically important mission that, to be  
7 honest, we do not even talk about that much.

8 Mr. West: Senator, so at the outset, if I am  
9 confirmed, you have my total commitment because I share your  
10 view. Probably the salient threat to the United States is a  
11 nuclear device in the hands of terrorists.

12 Senator Sullivan: And it is the salient mission that  
13 our special forces have to be ready to undertake to prevent  
14 that.

15 Mr. West: Senator, it is true the special operations  
16 forces have always had a role in counter-WMD in render safe,  
17 et cetera.

18 Senator Sullivan: Do you know that SOCOM now is the  
19 lead on that mission as recently transferred from STRATCOM  
20 to SOCOM a couple months ago?

21 Mr. West: Yes, sir. And I had two reactions to it.  
22 The first was is there going to be a gap during the mission  
23 handover, and the second is, wow, this is a big, big mission  
24 to put on a force that is stretched very thin.

25 Senator Sullivan: Correct.

1           Mr. West: Since I have been starting to get read in, I  
2 believe there have been stopgaps emplaced. If I am  
3 confirmed, I will be totally dedicated to figuring out the  
4 staffing or what we used to call in the Marine Corps, the  
5 troops to task, but also the expertise, which they will need  
6 to build up. And that will be a tremendous strain in my  
7 opinion as an outsider on that organization.

8           Senator Sullivan: Well, I look forward to working with  
9 you on that issue because I think it is important and I know  
10 it is important to the committee.

11           I will have additional questions for the record for all  
12 of you.

13           Thank you, Mr. Chairman.

14           Chairman McCain: Senator Gillibrand?

15           Senator Gillibrand: Thank you, Mr. Chairman.

16           Mr. West, you and your father co-authored an opinion  
17 piece for military website, War on the Rocks, in March of  
18 2016 entitled "Increase, Don't Decrease Marine Lethality."  
19 In your essay, you argue against opening all combat roles to  
20 women in the Marine Corps. Specifically you state that,  
21 quote, dynamics change fundamentally when men and women  
22 interact in extremis. The notion that we are asexual  
23 creatures is risible; intimate scandals have upset the team  
24 balance in most co-ed units across all ranks. Once you  
25 introduce sex, affection favoritism protectiveness,

1 jealously, anxiety, and all other co-ed dynamics to an  
2 infantry platoon, you degrade the focus of infantry combat:  
3 killing.

4 I would point out that not only have women served  
5 honorably alongside men in the same units throughout the  
6 global war on terror, but many have sacrificed their lives  
7 in service to our country.

8 You told Senator Reed that you regret parts of this  
9 blog post and that there were some inaccurate parts  
10 included. Do you believe that dynamics change fundamentally  
11 in extremis and that we are setting ourselves up for a  
12 hurricane of failure?

13 Mr. West: Senator, I have written about 500,000 words  
14 over 25 years because I have wanted to stay engaged in the  
15 public debate. I regret actually a lot of sentences in that  
16 article. I can tell you firsthand in extremis I have worked  
17 with women on Mount Everest -- my climbing partner is the  
18 first American woman to ever summit from both the north and  
19 south sides -- and in ultra endurances where females have  
20 well out-performed the men.

21 Senator Gillibrand: So do you retract those  
22 statements?

23 Mr. West: I retract -- I have not kept up with the  
24 whole body of what you have said, but I retract the idea  
25 that the dynamics would change so much as to be ruinous.

1           Senator Gillibrand: So do you believe women can,  
2 indeed, serve in combat in the Marines?

3           Mr. West: Senator, I have for a long time believed  
4 women should be in combat.

5           Senator Gillibrand: You will be the equivalent of a  
6 service secretary to Special Operations Command, which is  
7 slowly integrating combat positions. Will you work with the  
8 services to recruit women for these positions and set them  
9 up for success? And how do you intend to do that?

10          Mr. West: Yes, Senator, I will, if confirmed.

11          I have led high performing teams before that are very  
12 diverse. I have installed a diversity program on Wall  
13 Street to get vets jobs. If confirmed, I would look a  
14 little bit deeper. I think sometimes this issue is limited  
15 to selection when really it has to start with recruiting.  
16 And as you indicate, it is important for the leadership to  
17 not only follow the word of the policy, which I certainly  
18 will, but the spirit of the policy. And everyone will see  
19 that. It will reverberate. I am certainly looking forward  
20 to doing my part, if confirmed.

21          Senator Gillibrand: Thank you.

22          Mr. McCarthy, do you share General Milley's belief that  
23 continued integration of women into all occupational roles  
24 is critical to recruiting and retaining an Army large enough  
25 to meet its missions?



1 Mr. West: Yes, Senator.

2 Senator Gillibrand: And, Mr. Stimson, you signed onto  
3 a Heritage Foundation briefing that recommended rolling back  
4 combat integration and transgender policy. Is that your  
5 position?

6 Mr. Stimson: It is not. I did not even see that part  
7 of the paper before it was published, Senator.

8 Senator Gillibrand: So what is your position?

9 Mr. Stimson: I think that all combat positions are  
10 open for women, and that is perfectly good.

11 Senator Gillibrand: What is your position on  
12 transgender?

13 Mr. Stimson: Well, I understand that Secretary Mattis  
14 has issued a pause of 6 months to study the effects on  
15 readiness and lethality, and I do not think it would be  
16 appropriate for me to presuppose the outcome of that study.  
17 And so if confirmed and asked for my opinion, I would look  
18 at the facts and findings of that and engage in a discussion  
19 within the Department.

20 Senator Gillibrand: The military has already had time  
21 to review this issue, and there have not been any reports of  
22 detraction from readiness by allowing transgender personnel  
23 to serve openly. What do you think will be gained from this  
24 extra 6 months other than time to find reasons to repeal the  
25 current policy?

1           Mr. Stimson: I do not know. I have not read the  
2 previous studies. I am convinced that when Secretary Mattis  
3 says he wants to study something, he is going to order it to  
4 be studied and it will be studied. And I hope it is  
5 thorough. And if confirmed and asked to look at those  
6 findings and recommendations, I can assure you I will.

7           Senator Gillibrand: Do you have personal views on this  
8 issue?

9           Mr. Stimson: I really do not.

10          Senator Gillibrand: Mr. Stimson, you have written  
11 about the military's justice system and been a proponent of  
12 professionalizing the practice of criminal law in the JAG  
13 Corps, which I applaud.

14          However, you repeatedly argued against allowing trained  
15 professional prosecutors to decide when to prosecute a  
16 service member for serious crimes, favoring allowing the  
17 commander to make that decision. You cite good order and  
18 discipline is the reason and one of the dire consequences to  
19 the military's ability to protect our Nation.

20          Yet, time and time again, we hear of situations where  
21 good order and discipline is not being upheld despite  
22 commanders utilizing their sacrosanct ability to keep good  
23 order and discipline. Marines United is a perfect example.

24          What data do you have to support the proposition that  
25 good order and discipline would be abolished if military

1 prosecutors have the discretion to make criminal charging  
2 decisions?

3 Mr. Stimson: Senator, the military justice system is  
4 unique and different from the civilian criminal justice  
5 system where you and I both worked as prosecutors. And I  
6 have seen both sides of it. The mission in the military is  
7 different. It is to allow commanders to enforce good order  
8 and discipline and hold them accountable if they do not so  
9 that they can hold to account everyone working under them.  
10 And so prosecutors -- and I have been a military prosecutor--  
11 - do work vigorously in the criminal justice system. They  
12 have a degree of independence, but not the degree of  
13 independence that you and I had when we were civilian  
14 prosecutors. Our mission was different, to uphold the penal  
15 laws of the State where we prosecuted.

16 And so I am against divesting commanders of the ability  
17 to hold their people accountable, whether through mild  
18 administrative measures, which they have in their toolkit,  
19 to administrative processing, which they have in their  
20 toolkit, but the ultimate hammer they have, Senator, is to  
21 refer a person to court martial, a criminal proceeding. And  
22 all they need is probable cause. So if we took commanders  
23 out of the equation and gave it to a so-called independent  
24 prosecutor, then the independent prosecutor under their  
25 State bar ethics rules would be required --

1           Senator Gillibrand: You meant military prosecutor.

2           Mr. Stimson: Thank you for correcting me. If we gave  
3 it to a military prosecutor, then that person would have to  
4 have -- only be allowed to file charges if there is a  
5 reasonable likelihood of success on the merits. And so I  
6 believe, based on my experience both in and out of the  
7 military as a prosecutor, that those military independent  
8 prosecutors would actually refer fewer cases to court  
9 martial, not more. And I think we want the commanders to  
10 own the problem, own accountability, and then own the  
11 enforcement of that.

12          Senator Gillibrand: Thank you, Mr. Chairman.

13          Chairman McCain: I just wanted to say, Mr. Stimson,  
14 your answer concerning women in combat is not satisfactory.  
15 I just asked you a list of questions, if you would provide  
16 your personal opinion, your professional opinion on issues  
17 and questions before this committee. Now, do you want to  
18 change your answer rather than waiting for a study? There  
19 have been hundreds of studies that have been conducted.  
20 Now, do you want to change your answer? Because we want to  
21 know your personal view on this important issue.

22          Mr. Stimson: I would be happy to, Senator. I thought  
23 I was answering a question with respect to transgender, but  
24 in my advance policy questions and certainly before this  
25 committee, I fully support women serving in combat. And I

1 thought I had made that clear, but if I did not, I misspoke.

2 Chairman McCain: Thank you.

3 Senator Blumenthal?

4 Senator Blumenthal: Thanks, Mr. Chairman.

5 Mr. Trachtenberg, I was impressed by your very forceful  
6 responses to Senator Warren about the danger posed by the  
7 Russians in Syria and around the world. I take it you would  
8 agree with me that Russia is a dangerous adversary to this  
9 country.

10 Mr. Trachtenberg: I would, Senator.

11 Senator Blumenthal: And the attack by Russia on our  
12 democratic institutions has been accepted by the  
13 intelligence community. Do you agree that Russia  
14 purposefully attacked our democracy during the 2016  
15 election?

16 Mr. Trachtenberg: Senator, I have no reason to doubt  
17 the conclusions of the intelligence community.

18 Senator Blumenthal: Would you agree with me that that  
19 attack constituted an act of war or should be regarded as an  
20 act of war?

21 Mr. Trachtenberg: I would be somewhat reluctant to use  
22 the term "act of war" only because I do not know if that  
23 implies some legal connotations that I am currently unaware  
24 of. It was certainly a hostile act. And I would say that  
25 an attack like that in the cyber realm does not, in my view,

1 need to be defined as an act of war in order to merit an  
2 aggressive response.

3 Senator Blumenthal: And there should be an aggressive  
4 response because the Russians have to be made to pay a  
5 price, otherwise they will repeat that kind of criminal  
6 action. Would you agree?

7 Mr. Trachtenberg: Yes, sir. I believe there needs to  
8 be a cost.

9 Senator Blumenthal: Mr. West, you have spoken very  
10 eloquently on the effect of multiple deployments on our  
11 special forces and men and women generally who serve in  
12 uniform, and the chairman remarked on it as well. Actually  
13 the chairman has been a leader and I have been pleased to  
14 join him in efforts to prevent veterans suicide. There are  
15 still 20 veterans every day in this country who take their  
16 own lives largely because of the mental health issues that  
17 they encounter, particularly post traumatic stress. I know  
18 that you are very well informed on this topic.

19 Could you give us some idea as to what your thinking is  
20 about what more the military or the VA should be doing in  
21 this area? Because it relates directly to the capability of  
22 our special forces to engage in those multiple deployments,  
23 which they are doing and probably will have to do for the  
24 foreseeable future.

25 Mr. West: I would be happy to, Senator, because it is

1 a crucial issue. As an outsider, I have been very impressed  
2 with Special Operations Command because starting with  
3 Admiral Olson and throughout the series of commanders  
4 subsequently, they have established the preservation of  
5 family initiative which has many different components, but I  
6 think the basic lesson is, number, they have put men and  
7 women over machines but prioritized them with modern science  
8 both for their physical and mental health. And they have  
9 been entrepreneurial in their approach and very local in  
10 terms of dealing with individuals instead of a giant group.  
11 I do not know the statistics right now in terms of how they  
12 are doing versus the overall force or the VA. But if  
13 confirmed, I will dig into that and work with you, Senator,  
14 as we try to limit what is probably inevitable if you look  
15 at the population as a whole.

16 Senator Blumenthal: Thank you.

17 Mr. Stimson, I know that you are familiar with the very  
18 unfortunate incident of online harassment that, in fact, we  
19 had testimony on before this committee from the Commandant  
20 and others. Will you support the Commandant in doing  
21 whatever is necessary to pursue and prosecute this kind of  
22 criminal action?

23 Mr. Stimson: Absolutely, Senator. If confirmed, I  
24 will roll up my sleeves and do my very best to help out.

25 Senator Blumenthal: Thank you.

1           Let me come back in my final question to you, Mr.  
2 Trachtenberg. In terms of the Russians paying a price,  
3 would you agree that the sanctions bill that passed the  
4 United States Senate by an overwhelming bipartisan vote, 98  
5 to 2, is an important tool that we should use and that the  
6 House should approve and the President should sign to make  
7 sure that the Russians do pay a price?

8           Mr. Trachtenberg: I agree that it is an important  
9 tool, Senator.

10          Senator Blumenthal: Thank you.

11          Thank you, Mr. Chairman.

12          Chairman McCain: Senator Cotton?

13          Senator Cotton: Thank you, Mr. Chairman.

14          And congratulations, gentlemen all, on your nominations  
15 to serve our country once again.

16          Mr. Trachtenberg, I want to speak about the Joint  
17 Comprehensive Plan of Action with Iran. You will be joining  
18 the administration as it undertakes a comprehensive and  
19 thorough review of its Iran policy. The JCPOA is one part  
20 of that. As you know, it lifted a variety of sanctions  
21 against Iran.

22          I noted from your advance policy questions that you say  
23 you did not support the JCPOA, but you want to keep your  
24 powder dry until that review is complete and you are  
25 confirmed, which is an understandable position.



1 I would like to discuss, though, one specific aspect of  
2 the agreement. Boeing has signed an agreement after the  
3 JCPOA to provide scores of aircraft to Iran. As you  
4 probably know, the Islamic Revolutionary Guard Corps uses  
5 those civilian airplanes to resupply and aid Bashar al-Assad  
6 in Syria in a war that has killed over 500,000 people and to  
7 do God knows what else. Do you think it is appropriate for  
8 an America company to be providing that kind of de facto  
9 military support to a rogue nation like Iran?

10 Mr. Trachtenberg: Senator, I have great concerns about  
11 that. I do not know the specifics. I am aware of the  
12 Boeing deal that you mentioned. I am not aware of the  
13 specifics, but I am very much concerned that even civilian  
14 aircraft technology can be used for military applications  
15 and I find that extremely troubling.

16 Senator Cotton: Could you elaborate a little bit on  
17 how Iran might use those aircraft for military purposes and  
18 why that causes you concern?

19 Mr. Trachtenberg: Well, it causes me concern because  
20 of engine technology, avionics, and the kinds of things that  
21 I believe are essentially transferable between civilian and  
22 military aircraft.

23 Senator Cotton: Sometimes this deal is presented as  
24 either/or. We either have to sell these aircraft to Iran  
25 ourselves, or Airbus is going to sell those aircraft. It is

1 my understanding that Airbus uses enough products from the  
2 American aviation industry that if we did not grant  
3 licenses, then neither Boeing nor Airbus would be able to  
4 sell Iran those aircraft. Is that your understanding as  
5 well?

6 Mr. Trachtenberg: That is my understanding, Senator.  
7 I am concerned by it.

8 Senator Cotton: So under that situation, there would  
9 be no place for Iran to procure such aircraft to conduct  
10 resupply with the IRGC troops fighting in Syria.

11 Mr. Trachtenberg: Yes, sir.

12 Senator Cotton: That would be a shame. Would it not?  
13 I joke. Thank you.

14 Mr. McCarthy, you have got a lot of challenges coming  
15 up in the Army. If you could summarize them in two simple  
16 ways, you could say that the Army is too small and most of  
17 what the Army has has gotten too old. Can you elaborate a  
18 little bit on how you will balance those two challenges,  
19 should you be confirmed?

20 Mr. McCarthy: Sir, first and foremost, maintaining the  
21 consistency with current readiness across this future years  
22 defense plan would be the first and primary priority for me,  
23 if confirmed. So really, it is looking at where would the  
24 funding be. The Budget Control Act still has tremendous  
25 challenges on the Department's funding profile. So I am

1 encouraged by the dialogue of this committee in addressing  
2 the law. So first and foremost is the near-term readiness.

3 But I have to look within the funding line of making  
4 hard choices to start putting investments against the 10  
5 capabilities identified by General Milley, half of which  
6 have tremendous R&D challenges. It needs more funding to  
7 expedite the fielding and maturing the technologies.

8 Senator Cotton: Increasing our end strength and  
9 modernizing the Army would be a challenge under any  
10 circumstances, particularly challenging given the confines  
11 of the Budget Control Act. Do you think can achieve those  
12 goals if the Budget Control Act remains the law?

13 Mr. McCarthy: Sir, it would be very challenging.

14 Senator Cotton: So I will say again, as I say at  
15 almost every hearing, the Budget Control Act must be  
16 repealed. The 112th Congress was not the Constitutional  
17 Convention. The Budget Control Act is not the Constitution.  
18 It was designed to restrain spending. It did that for a  
19 very brief time. It no longer does so. We all know how  
20 this movie is going to end. We are going to have a CR in  
21 September. We are going to have a 2-year budget agreement  
22 that does not control spending. In November, we are going  
23 to have an omnibus. In December, we will have another  
24 omnibus in December of 2018. We will repeat the entire  
25 cycle in 2019 and 2020, therefore we are getting no

1 budgetary savings, yet at the same time hamstringing our  
2 military.

3 Furthermore, everyone from Senator Fischer on my left  
4 to the end and everyone from Senator Donnelly to his left on  
5 the end did not vote for that law. We should not allow a  
6 Congress 6 years old to be dictating these choices to us in  
7 a radically changed world when the needs of our military are  
8 so dire.

9 Thank you, gentlemen, again, for your willingness to  
10 serve.

11 Chairman McCain: Thank you, Senator Cotton. I regret  
12 to agree with you as to the scenario as it is presently  
13 unfolding unless we do something different. It is about  
14 time we started doing something different. There is a  
15 growing number of us who are very disturbed about the  
16 scenario that you just described.

17 Gentlemen, I am going to move your nominations out of  
18 committee as quickly as possible so that we could get it up  
19 at least on the calendar. Then if the Democrat leader  
20 continues to block your nominations, we are going to have a  
21 bit of a confrontation on the floor of the Senate. We  
22 cannot defend this Nation without people in positions that  
23 you are nominated for, and holding them up for days or even  
24 weeks is just unacceptable when you look at what is  
25 happening in the world.

1 I am not happy with some of the things that you were  
2 associated with and some of your statements, but I also  
3 think that overall you need to get to work. We have a lot  
4 of things that need to be addressed. I am a great admirer  
5 of General Mattis, and I am a great admirer of many of the  
6 others in the administration. But they cannot do it by  
7 themselves.

8 So we will be moving your nominations out of the  
9 committee today and getting it to the floor, and hopefully  
10 next week we could at least try to force a vote on your  
11 nominations so that you can get to work.

12 Could I finally say that apparently there is more  
13 disarray in the administration. That means that this  
14 committee and other committees in the Congress are going to  
15 have greater work to be done, and we are ready to assume  
16 those responsibilities. We all have relationships with  
17 those in the administration, both sides of the aisle, but  
18 right now, the situation as it exists in the world today is  
19 not one that bodes well.

20 I just came back from a trip to Afghanistan and  
21 Pakistan, and my friends, we are not winning. We are not  
22 winning there. And when you are not winning, you are  
23 losing.

24 And so I hope that we can get you confirmed by this  
25 committee immediately and your nominations to the floor to

1 get you to work.

2 But have no doubt, Mr. Stimson. I do not want to ever  
3 hear again an answer that you are awaiting the results of a  
4 study. I want to hear again your view and your opinion  
5 because you are qualified for your job, and that does not  
6 mean that you have to wait for any study to give your views  
7 on issues that will fall under your area of responsibility.  
8 I am telling you now, gentlemen, do not come before this  
9 committee unless you are willing to comply with the answers  
10 you gave to the questions that I just provided you with.  
11 Otherwise, we are going to have very serious problems.

12 Senator Reed?

13 Senator Reed: Mr. Chairman, I just look forward to  
14 moving as expeditiously as possible on these nominations.

15 Chairman McCain: It is a rare combination of the Naval  
16 Academy and West Point.

17 Senator Reed: I think I can say "go Army" one more  
18 time.

19 [Laughter.]

20 Chairman McCain: This hearing is adjourned.

21 [Whereupon, at 11:16 a.m., the hearing was adjourned.]

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