

NOMINATIONS OF DOUGLAS B. WILSON TO BE ASSISTANT SECRETARY OF DEFENSE OF PUBLIC AFFAIRS; MALCOLM ROSS O'NEILL TO BE ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY; MARY SALLY MATIELLA TO BE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND CONTROLLER; PAUL LUIS OOSTBURG SANZ TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY; JACKALYNE PFANNENSTIEL TO BE ASSISTANT SECRETARY OF THE NAVY FOR INSTALLATIONS AND ENVIRONMENT; AND DONALD L. COOK TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION

THURSDAY, DECEMBER 17, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:38 a.m. in room SD-G50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Burris, Thune, and Burr.

Also present: Senator Shaheen.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Madelyn R. Creedon, counsel; Jessica L. Kingston, research assistant; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; Roy F. Phillips, professional staff member; Arun A. Seraphin, professional staff member; Russell L. Shaffer, counsel; and William K. Sutey, professional staff member.

Minority staff members present: Daniel A. Lerner, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Kevin A. Cronin and Paul J. Hubbard.

Committee members' assistants present: Carolyn A. Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Great Lundeberg and Yariv Pierce, assistants to Senator Bill Nelson; Patrick Hayes, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Lindsay Kavanaugh, assistant to Senator Begich; Roosevelt Barfield, assistant to Senator Burns; Jason Van Beek, assistant to Senator Thune; Brian W. Walsh, assistant to Senator LeMieux; and Chris Joyner, assistant to Senator Burr.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody.

The committee meets today to consider the nominations of Douglas Wilson to be Assistant Secretary of Defense for Public Affairs; Malcolm Ross O'Neill to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology; Mary Sally Matiella to be Assistant Secretary of the Army for Financial Management and Comptroller; Paul Luis Oostburg Sanz to be General Counsel of the Department of the Navy; Jackalyne Pfannensteil to be Assistant Secretary of the Navy for Installations and Environment; and Donald Cook to be Deputy Administrator for Defense Programs of the National Nuclear Security Administration.

We welcome all of our nominees and their families to today's hearing. We appreciate the sacrifices that our nominees are willing to make to serve their country, but their families also deserve our gratitude for the support that they provide, which is essential to the success of these officials.

All of today's nominees are well qualified for the positions to which they've been nominated.

Mr. Wilson has capped a distinguished career in public service by serving as Deputy Assistant Secretary of Defense for Public Affairs from 1997 to 2001. He is currently the Executive Vice President of the Howard Gilman Foundation, President of the Leaders Project, and Chairman of the Board of Directors of the Public Diplomacy Collaborative at Harvard University. Mr. Wilson's family moved from Michigan to Arizona more than 50 years ago, but enough time has passed so we can forgive that. [Laughter.]

Mr. O'Neill has served in the U.S. Army, rising to the command of the Army Laboratory Command, and has served as director of the Ballistic Missile Defense Organization. He went on to work as Vice President and Chief Technical Officer of Lockheed Martin from 2000 to 2006. And he is currently the Chairman of the Board on Army Science and Technology of the National Academies.

Ms. Matiella has worked for 29 years in accounting and budget positions with the Army Air Force Defense Finance and Accounting Service in the Office of the Secretary of Defense. She has also served as Chief Financial Officer for the Forest Service, and Assistant Chief Financial Officer for accounting at the Department of Housing and Urban Development.

Ms. Pfannensteil served as chairman of the State of California Energy Commission from 2004 until 2009. She also chaired the Governor's Climate Action Team Subgroup on Energy and Land Use, and worked on the creation of California's low carbon fuel standards.

Dr. Cook worked at Sandia National Laboratories for 28 years, rising to serve as program director for Sandia's Infrastructure Program and Security Technologies Program before leaving to become the managing director of the Atomic Weapons Establishment in the United Kingdom from 2006 to 2009. And Dr. Cook is a graduate, I proudly say, of the University of Michigan.

Finally, Mr. Oostburg served as chief minority counsel for the House Committee on International Relations from 2001 to 2006, when he took his current position as general counsel of the House Armed Services Committee. We've come to know Mr. Oostburg from our conferences with the House over the last 3 years. We appreciate his work on a series of very difficult issues, including the Military Commissions Act of 2009 and the Terrorism Exception to the Foreign Sovereign Immunities Act.

We will miss your presence in our conferences, but at least we still have Congressman Skelton. That will make up for it. We look forward to working with you in your new capacity.

Now, if confirmed, our nominees will all play critical roles in helping to manage the Department of Defense and the Department of Energy, at a time when we are fighting two wars and when we face a wide array of difficult acquisition, management, and financial challenges.

We look forward to the testimony of our nominees and to their speedy confirmation.

Now, before I call on our dear friend Congressman Skelton for his introduction, I'm going to ask our nominees standard questions. And you can each answer, if you would, at the same time, simultaneously.

The first question. Have you adhered to applicable laws and regulations governing conflicts of interest?

[All six witnesses answered in the affirmative.]

Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

[All six witnesses answered in the negative.]

Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record in hearings?

[All six witnesses answered in the affirmative.]

Will you cooperate in providing witnesses and briefers in response to congressional requests?

[All six witnesses answered in the affirmative.]

Will those witnesses be protected from reprisal for their testimony or briefings?

[All six witnesses answered in the affirmative.]

Do you agree, if confirmed, to appear and testify, upon request, before this committee?

[All six witnesses answered in the affirmative.]

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

[All six witnesses answered in the affirmative.]

Chairman Skelton, we're delight, again, to see you here. I want you to know that this is the first time this committee—perhaps any committee—has met in this reconstituted room. And I just hope that you will not report to the House the magnificent digs that we in the Senate now have—[Laughter.]

—because we know that there would be a claim, at our next conference, for some kind of funding for some new House committee room. So, if you could just keep this fairly to yourself, we would very much appreciate it.

We're always delighted to see you, Ike.

Chairman Skelton.

**STATEMENT OF HON. IKE SKELTON, U.S. REPRESENTATIVE
FROM THE STATE OF MISSOURI**

Mr. SKELTON. Thank you very much, Chairman Levin.

It's—this is a bittersweet moment for me. The barbershop song, "Wedding Bells are Breaking up that Old Gang of Mine." I could rewrite that and say, "The Pentagon is breaking up that old gang of mine," because this will be the third person of the outstanding staff that we have in the House Armed Services Committee that will be going to work somewhere else, like the Pentagon.

Chairman LEVIN. Is there some strategic purpose here, to take over the Pentagon or is—

Mr. SKELTON. I didn't think we'd—you'd find out. [Laughter.]

Well, Paul Oostburg is an outstanding lawyer. And this comes from my being a country lawyer, and having grown up around lawyers, and knowing them my entire life. He is as good as they come. Undergraduate at Georgetown, Harvard Law School, a master's degree at Princeton, extremely well educated. I think he spent some excellent time as clerk of—for a Federal judge in Puerto Rico. His ability to grasp complex issues, give sound advice on a myriad number of issues—he helped rewrite the—as you know, the Commissions Act that we, I think, cleaned up in the Defense bill this year; he also helped with detainee policy, counternarcotics, issues relating to the Southern Command, and many, many other issues that—where we needed sound legal advice.

I cannot brag on him enough. He is truly an outstanding human being, an outstanding lawyer, and he will make the Navy proud. But, we'll miss him. But, when you have someone that is so talented, that has the finest work ethic available, you can't help but pat him on the back and wish them well, and that's what I do.

I wholeheartedly recommend him as general counsel to the United States Navy. The Navy will be all the better for it.

Thank you.

[The prepared statement of Mr. Skelton follows:]

[COMMITTEE INSERT]

Chairman LEVIN. Thank you so much, Chairman Skelton.

We know how much that introduction means to Mr. Oostburg, and it means a great deal to us, that you come over here again, to take your time. And we know that you have a schedule to meet, and so you, of course, are free to leave at any time you so choose.

Mr. SKELTON. Thank you very much.

Chairman LEVIN. Thank you again, Ike.

Our next introduction will be by a great friend of the Senate and all of the members of the Senate.

Senator Shaheen.

**STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM
THE STATE OF NEW HAMPSHIRE**

Senator SHAHEEN. Thank you very much, Chairman Levin.

I'm delighted to be here this morning, and appreciate your holding this hearing.

I want to congratulate each of the nominees before the committee today, and thank you all for choosing to assume these very important leadership positions at Defense and Energy. I look forward to voting on your nominations on the floor of the Senate. Hopefully, we'll get that done before too long, as soon as we get healthcare done.

Chairman LEVIN. Well, we hope before that, actually. [Laughter.]

Senator SHAHEEN. Yes. Good, yes, we do.

It's—I've had the opportunity, like Senator Levin, to hold a number of hearings in Foreign Relations for nominees, and I always feel like it's a wedding, because everybody's so pleased, and friends and family are here, and it's a wonderful time. So, congratulations, to each of you.

I'm, really, especially proud to be here today to express my strong support for Doug Wilson, President Obama's nominee to be the new Assistant Secretary of Defense for Public Affairs at the Department of Defense. Doug has a distinguished 30-year career in public and private sectors. He has served throughout the U.S. Government as a diplomat, legislative advisor, foreign policy expert, and communications strategist, and he will bring invaluable skills, deep knowledge, extraordinary poise, and a strong character to a very important and challenging position at the Defense Department.

I've had the pleasure of knowing Doug for over 25 years. We first met in 1983, when both of us were working for former Senator Gary Hart, trying to get him elected President. Doug had served as Senator Hart's chief foreign policy advisor, and became his deputy campaign manager during that 1984 presidential campaign.

Doug is a graduate of Stanford University and the Fletcher School of Law and Diplomacy, and began his career in the U.S. Foreign Service, serving in posts throughout Europe. He went on to become the Director of Congressional and Intergovernmental Affairs at the U.S. Information Agency, and later, the senior advisor there. He served in the Department of Defense, under President Bill Clinton and Secretary William Cohen, as Deputy Assistant Secretary of Defense for Public Affairs, an experience which obviously will serve him very well in this new position.

During his time at the Pentagon, Doug coordinated strategic communications and public relations for the Department on critical defense issues, including defense reform, base closures, and NATO expansion. His impressive tenure at DOD twice earned him the Department of Defense Medal for Distinguished Public Service, the Pentagon's most prestigious civilian honor.

Doug returns to public service from the nongovernmental community, where he serves as the executive vice president of the

Howard Gilman Foundation. In that capacity, he has managed the charitable organization's domestic and international policy programs. He also cofounded, with former Defense Secretary Cohen, the Leaders Project, which identifies and brings together successor generation leaders from around the world to discuss key international and security issues.

I'm also proud to recognize Doug's tenure as the chairman of the board of directors at Harvard's Public Diplomacy Collaborative. As the former director of Harvard's Institute of Politics, I like to mention that whenever possible.

Mr. Chairman, today the Department of Defense faces some of the most difficult and complex challenges in our history. We're at war in two countries, our men and women in uniform and their families face multiple deployments and increasing physical and mental strain. As we know, our financial resources are constrained. But yet, our country continues to underpin security and stability around the globe. And we need the very best people we are able to get, to assume these critical challenges.

So, I am so pleased to be here to give my unqualified endorsement for Doug Wilson as a nominee to this new position. I hope he will move very quickly through the committee and through the Senate.

Thank you, Mr. President—Mr. Chairman.

[The prepared statement of Senator Shaheen follows:]

[COMMITTEE INSERT]

Chairman LEVIN. Thank you so much, Senator Shaheen. We greatly appreciate your being with us, and I know how much Mr. Wilson does, as well. Thank you.

Okay, we're now going to ask our witnesses to make their opening statements. Please feel free to introduce any family members or other friends that you might have with you today. We know how important it is that you have the support of family and friends, as I mentioned before.

So, we'll start with you, Mr. Wilson.

STATEMENT OF DOUGLAS B. WILSON, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Mr. WILSON. Thank you very much, Mr. Chairman.

I very much appreciate the opportunity to come before you and this committee today to discuss the position of Assistant Secretary of Defense for Public Affairs, for which President Obama has nominated me for your consideration.

I'm grateful to the President for this nomination. I'm grateful, as well, to Secretary Gates and to Deputy Defense Secretary Lynn for their confidence in me in support of this nomination.

Senator Jeanne Shaheen has been a friend for well over 25 years. She is one of the most decent and able people I have ever met in public life, and I'm greatly honored that she would take time from a very busy schedule to have appeared here today on my behalf.

Mr. Chairman, I know that you and many of your colleagues will remember the late Doc Cook who was the former head of Washington Headquarters Services, known as "the Mayor of the Pentagon." Doc used to always say to us that when you see a frog on top of a fencepost, you know that he had help getting there. And

my family and friends have helped this frog, throughout my life. I'm very lucky to have several here today, including my partner of 15 years. Neither my sister from California nor my parents, who have lived for over 60 years in Tucson, AZ, where I grew up and where our family home remains, were able to be here today, but I know they share my pride in being nominated for this position.

Mr. Chairman, I am the son of a U.S. veteran. My father, Charles Wilson, as we discussed, is himself the son of a Jewish delicatessen owner from Detroit. It was Dexter Street, by the way.

Chairman LEVIN. It was on Dexter.

Mr. WILSON. Yes, sir.

Chairman LEVIN. What was the name?

Mr. WILSON. It was Wilson's Deli, on Dexter.

Chairman LEVIN. Oh, it was Wilson's. All right.

Mr. WILSON. Yes, sir.

Chairman LEVIN. Thank you.

Mr. WILSON. Thank you, sir.

He is one of the last surviving members of the military team that participated in the battle of Iwo Jima in World War II. And last year, he shared his Iwo Jima diary with me. And in that diary his language is sparse and direct, and it deals with the details on which he needed to focus to provide and care for the Navy Seabee platoon he commanded. It was a very strong and very personal reminder of the duties and obligations to our men and women in uniform that all who are privileged enough to serve in a leadership position at the Pentagon must carry with them at all times.

The position of Assistant Secretary of Defense for Public Affairs has been filled by some truly outstanding individuals, including Pete Williams and the late Ken Bacon. If confirmed, I will strive to live up to the standards of professionalism, credibility, fairness, accuracy, and trust that they set in supporting our men and women in uniform and in dealing with those who report on their activities.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Wilson follows:]

Chairman LEVIN. Thank you so much, Mr. Wilson.

General O'Neill, I guess you're next.

STATEMENT OF MALCOLM ROSS O'NEILL, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY

Dr. O'NEILL. Yes, sir.

Mr. Chairman and members of the Senate Armed Services Committee, thank you for the opportunity to appear before you today as a nominee for the position of Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

I'd like to take a moment to introduce my wonderful wife, Judy, who is sitting behind me; my beautiful daughter, Bonnie Long, who is sitting next to Judy; her husband, Brad; and my precious grandchildren, Charles Wesley, Mary Kate, and John Gregory Long. My son, John Hai, his wife, Becky, and his two small children are in San Diego, where I hope they are watching us on video.

Today, I seek your consent to my serving as an Assistant Secretary of the Army. I understand that you will evaluate my quali-

fications and potential to fulfill the requirements of the job. I am ready to contribute experience, dedication, ethical discipline, and hopefully a few new ideas to serve in this position.

I'm certainly humbled by the challenge to our Nation and its leadership posed by the multifaceted needs for such a position. I'm aware that the job is a difficult one, and that many issues can be identified in each functional area.

These are very hard times economically, so it's even more important today to manage our acquisition systems very carefully. The Army must obtain maximum value for its investment. Experience is vital, since lessons learned often lead to success. I've been in the acquisition, logistics, and technology business for 43 years, and I served 34 years on Active Duty as an Army officer, both in peacetime and combat.

My first acquisition job was on the source selection team for what was called SAM-D, which is now called the Patriot Missile System. My most recent technology job was chairing the Board on Army Science and Technology for the National Academies and the National Research Council.

In 1991, I was selected as the first director of the Army Acquisition Corps, and I became convinced that the key to program management success was people. I still believe that today. I also believe that technology can be the difference-maker on the battlefield. For this reason, the interaction between the technologists and the warfighter must be almost continuous. Army leadership must aggressively pursue future system options and stimulate an information exchange between warfighters, industry, academia, and Army technologists.

I also believe that logistics demands intensive management and close cooperation between operational forces and the sustaining base.

Our soldiers, their families, other Americans, our friends worldwide, and our National leaders expect the Army's best effort. If confirmed, I'll use my training and experience in each functional area to help keep the Army strong, up to date, efficient, and effective. I believe that I possess the background, experience, and commitment necessary to perform the functions of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

Senator, I look forward to your comments and questions.

[The prepared statement of Dr. O'Neill follows:]

Chairman LEVIN. Thank you so much, Dr. O'Neill.

Ms. Matiella.

STATEMENT OF MARY SALLY MATIELLA, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND COMPTROLLER

Ms. MATIELLA. Mr. Chairman, distinguished members of the committee, it is an honor and a privilege to appear before you today as President Obama's nominee for Assistant Secretary of the Army for Financial Management and Comptroller. I am truly humbled and deeply honored by the President's nomination and by Secretary McHugh's support of my nomination. Thank you so much for the opportunity to be here.

Allow me to thank my family. Their love, support, and encouragement made it possible for me to be here today. My son, Frank, is here, in support of my being here. He works here in Washington, DC, as a proud graduate of the College of William and Mary, and he resides in Rosslyn. Unfortunately, my husband, Frank, of 34 years, and a career Air Force officer, my daughter, Marie Alexandra, and my son-in-law, Justin, were not able to be here today. I do want to say that Alexandra and Justin both graduated from Michigan Tech, up in Houghton, MI. So, I know northern Michigan pretty well. It's beautiful.

Chairman LEVIN. It's already had 100 inches of snow up there. [Laughter.]

Ms. MATIELLA. Yes. I'll stay with it, it's beautiful.

I also want to thank my extended family: my deceased father, Arturo; my mother, Angelina; my sisters, Joanna and Josie; my brothers, Abraham, Art, and Gilbert. This extended family has truly supported me, my whole life.

The Office of the Secretary—of the Assistant Secretary of the Army for Financial Management and Comptroller is tackling many difficult challenges. There is an urgent need to develop balanced budgets that are supported by accurate, timely, and reliable data. If confirmed, I will not only draw upon my experiences, but will draw upon the experiences and suggestions of this committee and all of the staff of the Army to tackle these challenges.

I have 29 years' experience in Federal financial management, both in the Department of Defense and in other Federal departments. In these 29 years, I've held a variety of positions: budget analyst for the Air Force; systems accountant for USARSO Army, director of accounting for DFAS, accountant for the Office of the Under Secretary of Defense Comptroller, chief financial officer for the USDA Forest Service, and assistant chief financial officer for the Department of Housing and Urban Development.

In this variety of experiences, I've obtained many lessons learned, and I've also seen a lot of best practices. And it is the application of these best practices, this knowledge, that I hope to bring to the office of the Assistant Secretary of the Army for Financial Management and Comptroller. These best practices is what's going to help me bring, hopefully, improvements to the Office of Financial Management and Comptroller.

In closing, I am honored to have been nominated for Assistant Secretary of the Army for Financial Management Comptroller. If confirmed, I promise to direct all my experiences and abilities to tackling the Army's many financial management challenges.

I look forward to addressing your concerns and questions.

Thank you.

[The prepared statement of Ms. Matiella follows:]

Chairman LEVIN. Thank you Ms. Matiella.

Mr. Oostburg.

**STATEMENT OF PAUL LUIS OOSTBURG SANZ, NOMINEE TO BE
GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY**

Mr. OOSTBURG. Thank you Mr. Chairman, and good morning, members of the committee.

At first, let me just thank your introductory remarks.

I have to truly say that, if confirmed, I will miss engaging with your committee through your very able staff.

And so, it's something that I'd truly miss.

It is an honor and privilege to appear before you this morning. Let me first extend my appreciation to President Obama, Secretary Mabus, and Under Secretary Work for the trust and confidence they have placed in me with the nomination to serve as the 22nd general counsel of the Department of the Navy.

I also want to express my gratitude to the Honorable Ike Skelton, my current boss and chairman of the House Armed Services Committee, as well as to Aaron Connaughton, the current staff director of the committee. Both Chairman Skelton and Aaron have been tremendous supporters and mentors who have allowed me the great privilege to serve the people and the men and women in military as my current post as general counsel to the House Armed Services Committee.

Chairman Skelton, as many of you know, is a remarkable lawyer himself, and a great statesman—and from his introductory remarks of me, he is also very generous—which has made the experience of working for him, and with the extraordinarily talented professional staff of the committee, all the more rewarding. I cannot thank him and my colleagues on the committee enough.

Mr. Chairman, I am joined this morning by my family. Let me begin with my mother, Carmen Oostburg, who has encouraged me to excel throughout my life, and who, as a military wife, knows well the importance of the cause that I'm about and hope to serve. I also am joined by my sister, Carmen, my in-laws, who drove up from North Carolina to be here, Moselle and Pete Knigh—Pete, incidentally, also served in the Air Force—my sparkling daughter, Kira, and, of course, my bride of 7 years, Tania, who is always my true north and safe harbor.

I will be remiss if I do not also mention my brother, Egbert, who is a lieutenant in the Navy, and his family, Eva, Sebastian, Julie, and Sabrina, and Jackson. They live in San Diego and could not make the trek today.

Also not here, but remembered every day, is my late father Egbert, who joined the Air Force, soon after my siblings and I were born in Puerto Rico, and retired as a surgeon, after many years of service.

Mr. Chairman, more than anything, I especially appreciate the opportunity to serve that this nomination affords. My several years working as general counsel on HASC, and before that, on HIRC, have given an intimate, up-close look at the sacrifices that our sailors, marines, other servicemembers, and their families, make on our behalf every day. We all are indebted to them, and I count myself among the fortunate to have a chance to repay that debt, in a small way, with my service in a civilian capacity. I can think of no higher honor. It is because of their sacrifice that I pledge, if confirmed, not only to maintain the sterling reputation of the nearly 700 attorneys of the Office of the General Counsel for the Department of the Navy, but also, in cooperation with our uniformed colleagues in the Offices of the Navy Judge Advocate General and the Marine Corps Staff Judge Advocate, and under the leadership of the Secretary of the Navy, to lead the office in maximizing the abil-

ity of the Department of the Navy to defend the Nation within the law.

Again, thank you, and I look forward to your questions.

[The prepared statement of Mr. Oostburg follows:]

Chairman LEVIN. Thank you.

Is the official pronunciation of your last name “Oostburg” or—

Mr. OOSTBURG. “Ohstburg,; that’s correct.

Chairman LEVIN.—“Ohstburg”? I’m sorry I have been calling you “Oostburg” for too many months now.

Ms. Pfannensteil?

Did I pronounce your last name correctly?

Ms. PFANNENSTEIL. You did, absolutely.

Chairman LEVIN. Thank you.

STATEMENT OF JACKALYNE PFANNENSTIEL, NOMINEE TO BE ASSISTANT SECRETARY OF THE NAVY FOR INSTALLATIONS AND ENVIRONMENT

Ms. PFANNENSTEIL. Thank you, Mr. Chairman and distinguished members of the Armed Services Committee. It’s an honor to appear before you today.

I’m deeply grateful to President Obama for nominating me to this important position, and to Secretary Mabus and Under Secretary Work, for their support.

Before I begin, I’d like to introduce my friend Matt Deutsch and his friend Whitney Wallace. They’re both graduates of Wake Forest Law School and attorneys in North Carolina. I’m grateful that they could drive up to be with me today. My other son, Stephen, is a sophomore at George Washington University. He had just returned to California, after his final exams, and was not able to get back here in time. With me also are my sister, Kathy Pratt, from Maine, and my companion, Dan Richard.

I’m sorry my parents could not make the trip from Connecticut. They would have taken considerable interest and pride in this proceeding.

Both of my grandfathers, as well as my father’s mother, served in the Navy. During World War II, my father was on the crew of the USS *Finback* when that submarine rescued the future President, George H.W. Bush, after his plane was shot down over the Pacific.

I recognize momentous challenges facing the Assistant Secretary of the Navy for Installations and Environment. It is no small task to maintain our facilities in a state of readiness, to preserve the quality of life for our sailors and marines and their families, and to meet and exceed our environmental obligations. Moreover, Secretary Mabus has raised the bar for the Department of the Navy by committing that we will be leaders among the services, the Federal Government, and the Nation, in achieving aggressive goals for energy efficiency. His initiatives are tied directly to our national security interests, but achieving them we will have other benefits, including better use of limited resources and healthier communities. I would be honored to assist him in achieving these goals.

If confirmed, I will carry out the policy directives of the President, Congress, the Secretary of Defense, and the Secretary of the Navy. My priorities would be to assure that the naval and marine

facilities have the necessary support to accomplish their mission, to assist the Secretary of the Navy in achieving his aggressive energy goals, and to work closely with Members of Congress, State and local officials, and the public to mitigate the impact of our installations on the local communities.

I look forward to working with this committee.

Thank you.

[The prepared statement of Ms. Pfannenstiel follows:]

Chairman LEVIN. Thank you very much, Ms. Pfannenstiel.

Dr. Cook.

STATEMENT OF DONALD L. COOK, NOMINEE TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION

Dr. COOK. Mr. Chairman and members of the committee, I'm honored to be the President's nominee for the position of deputy administrator for defense programs and the Department of Energy's National Nuclear Security Administration.

I appreciate the confidence placed in me by Secretary Chu and NNSA Administrator D'Agostino.

If confirmed, I'll work with the Congress to ensure safe and efficient operations of the nuclear weapon complex while also preparing NNSA's defense programs for the future in order to meet the demanding challenges of the 21st century.

Now, I'd like to introduce two family members who are with me today, and also thank my wife, Peggy, who could not be here, for her support and willingness to allow me to pursue this position. Peggy is in Seattle with our older daughter, Julia Cook Dombrowski, and her newly born granddaughter. With me are our younger daughter, Cynthia Cook, a member of the U.S. Foreign Service and currently public affairs officer with the U.S. Consulate in Dhahran, Saudi Arabia, here, and our son-in-law, Cynthia's husband, Brad Carlson, also with the Foreign Service, as a special agent in the Diplomatic Security Service, on assignment in Washington, D.C.

My entire career has been dedicated to either the U.S. or the U.K. nuclear deterrent programs. Up until my most recent assignment, this covered areas of small science, big science, engineering development, major construction projects, infrastructure projects, and security investments required to meet an increased threat.

From 2006 to 2009, as I served as the managing director and the chief executive officer of the Atomic Weapons Establishment in the United Kingdom. That assignment gave me a good understanding of manufacturing processes for special material components, qualification of weapon components and subsystems, assembly, transport, support and service, including surveillance, and, finally, decommissioning, dismantlement, disassembly, and disposal.

Communication and productive interaction with the Ministry of Defense, the local community, the nuclear regulatory authorities, and the workforce of both employees and contractors, was important to success.

I believe that my experience in both the U.S. and U.K., made possible through the special relationship of the 1958 Mutual Defense Agreement, qualifies me to perform the duties and functions

of the deputy administrator for Defense Programs, and I hope that you'll agree.

In my view, the major challenges confronting the deputy administrator for defense programs are the changes required in the nuclear weapons stockpile and the nuclear weapons complex as both continue to age. At the very least, these changes include, first, progressing to a smaller stockpile; second, applying recognized, but as yet undeployed, means of improving the safety, the security, and the effectiveness of warheads, without changing the military requirements, and without recourse to underground nuclear testing; and then, third, to do both the first and second with a workforce that is now nearly completely different from the workforce that put the complex and the stockpile in place.

Safety and security must be an intrinsic part of the job, not add-ons. It's my view that giving the directors of the labs and plants accountability for the "whats"—that means the outputs, including good safety and security—as an inherent part of the job, but without instructing them on the "hows," the process of doing it, would improve not only the productive work outputs, but also safety and security. This viewpoint is based on personal experience in both the United States and in the United Kingdom.

The Nuclear Deterrent Program is inherently a complex, high-technology program. The quality of understanding of the underlying science of weapon performance in an aging stockpile, including weapon safety and weapon security, is extremely important. Capital investments made by the Congress in the Stockpile Stewardship Program over the last decade have enabled important improvements in understanding.

But, the most advanced experimental and computational facilities or advanced manufacturing facilities are not worth much without the right people to run them and use them. If confirmed, working to retain and develop critical nuclear weapons expertise in both the NNSA Federal employee workforce and the contractual workforce will be a high priority of mine.

I am impressed with program elements such as NNSA's Stockpile Stewardship Academic Alliances and Future Leaders Program, and I want to continue them. I support efforts, such as mentoring young weapon designers, most of whom have never participated in a nuclear test, with real work. I believe that some of the best people are drawn to the hardest problems. Articulating those problems clearly, so that they can be undertaken and solved, will be one of my objectives.

In addition, if confirmed, I would pursue effective contract mechanisms that support cultivation of critical skills at all contractor sites.

I'm mindful of the relation between Defense Programs and Congress. Defense Programs is fortunate to have received good support for the nuclear weapons program. I have pledged to meet regularly with Members of Congress and key staff to support an open dialogue.

With your approval, it would be my great privilege to serve the Nation and to lead the dedicated men and women of Defense Programs in the challenges that lie ahead.

I thank you for your consideration.

[The prepared statement of Dr. Cook follows:]

Chairman LEVIN. Thank you, Dr. Cook.

Senator Burr is our acting ranking member here this morning, and I'm wondering, because Senator McCain is tied up on the floor, whether or not, you might wish to give an opening statement.

Senator BURR. Mr. Chairman, I do not wish to give an opening statement, but I would ask unanimous consent to enter into the record Senator McCain's opening statement.

Chairman LEVIN. We thank you very much for that. And that statement, of course, will be made part of the record.

[The prepared statement of Senator McCain follows:]

[COMMITTEE INSERT]

Chairman LEVIN. Let's have a 8-minute first round.

Let me start with you, Mr. Wilson. In 2003 and 2004, the Assistant Secretary of Defense of Public Affairs established a group of retired military officers to act as surrogates, supporting the Department's views while appearing on TV and radio programs—and military analysts. And the officers received access—favorable access from the Pentagon, and all those who raised questions or concerns did not receive that kind of access.

The issue is still under investigation by the Department of Defense IG, but in response to the committee's advance policy questions, you said that, quote, "It is inappropriate and contrary to Department policies to selectively benefit any individuals or groups, including retired military personnel, by providing them special treatment or increased access to Department officials." I'm wondering, if confirmed, Mr. Wilson, will you review applicable Department directives and issue any additional guidance that may be needed to ensure that the Department does not provide different access or favorable access or benefits on a selective basis to individuals who support the administration's views?

Mr. WILSON. Yes, I will, if confirmed, Senator. Access should be provided on an equal and balanced basis, and if confirmed, I do plan to review those policies.

Chairman LEVIN. In August of 2009, Stars and Stripes reported that the Office of Assistant Secretary of Defense for Public Affairs had used a private contractor to profile journalists seeking to report on ongoing combat operations, categorizing them as either "positive" or "negative" or "neutral." Now, Secretary Gates put an end to that profiling within the last few months, when that practice became public. In your response to the committee's advance policy questions, you said that "I don't believe in any system that rates reporters based on a perception that their reporting is positive or negative. In my view," you said, "we should not be a party—we should never be a party to efforts to place so-called 'friendly reporters' into embeds while blocking so-called 'unfriendly reporters.'"

My question is, if confirmed, will you review applicable Department directives, issue, again, any guidance that may be necessary to ensure that public funds are not used to profile reporters and to differentiate among reporters, based on whether or not their reporting is, quote, "friendly?"

Mr. WILSON. Yes, Senator, if confirmed I will do that.

Chairman LEVIN. Is it your view that the—in the selection of radio and television talk shows that are broadcast by the Armed

Forces Radio and Television, that there should be an effort for—assure fairness and balance?

Mr. WILSON. Yes, I do believe that, Senator.

Chairman LEVIN. As a matter of fact, because this is a public—the AFRTS is a publicly-owned entity that broadcasts to our men and women in uniform in circumstances that often preclude competition, does not the Armed Forces Radio and Television have a—indeed, a greater responsibility for fairness than other—and balance—than other media outlets might have?

Mr. WILSON. Senator, I believe the Armed Forces Radio and Television Network has a responsibility to present fair, balanced, and accurate programs and information. And, if confirmed, I intend to make sure that those standards are met.

Chairman LEVIN. General O'Neill—thank you—General O'Neill, a couple years ago, the Gansler Commission reported on significant deficiencies in the Army acquisition workforce. We've learned that the shortages in the Army workforce extend to virtually every aspect of acquisition, including program managers, system engineers, software engineers, developmental testers, and cost estimators. We've enacted a Defense Acquisition Workforce Development Fund, and Secretary Gates has announced an aggressive hiring plan to address this problem. If confirmed, will you make it a top priority to rebuild the Army acquisition workforce and to ensure that the Army has a workforce that's appropriately staffed, qualified, trained, and organized to accomplish its mission?

Dr. O'NEILL. Yes, sir.

Chairman LEVIN. General, modern—excuse me, major Army modernization efforts have not had a great deal of success over the last few decades, in many instances. Strategies, plans, investment priorities have changed, from digitization to Force 21, to Army After Next, to Interim Force, to Objective Force, to FCS and modularity, and with each change in uniformed or civilian leadership. So, now it remains to be seen whether the restructuring of Army modernization efforts last year, with the cancellation of the ground vehicle portion of the FCS program, is going to provide an opportunity to apply the lessons of the last decade and to gain and develop a more sound and more stable modernization strategy.

What steps do you believe we need to take for the Army to avoid the mistakes of the recent past and to develop a stable modernization program that lives up to its technological and affordability promises?

Dr. O'NEILL. Senator, the FCS program was a very large program. It had a single integrating contractor, called a “lead system integrator.” The task was very difficult. The amounts of resources that were required were very large. I think that the management challenge was a bit too much.

What Secretary Gates has done is, he has directed the Army to take the concept of the Future Combat System, turn it into a number of chewable, as it were, pieces, and have an overall integration effort to pull those pieces together.

The combat vehicle is being reconsidered. As it presently exists, it has been canceled. The non-line-of-sight cannon has been canceled, as of this month.

If confirmed, one of my first goals will be to take a detailed look at the remnants—the residuals of the Future Combat System, and see how we can organize those to be success-oriented.

Chairman LEVIN. Is there going to have to be a much greater emphasis now, going back to research and development of the new system?

Dr. O'NEILL. Yes, sir. Exactly. The ideas, I think, that led to some of the cost overruns and schedule slippages were that decisions were made in anticipation of successful testing of the maturation of technologies that weren't as simple as we thought. And I think that's one of the guidelines for a future acquisition management; and that is, to ensure that the research has matured to an adequate level before you make the kinds of decisions, moving into engineering development, building systems. I think the idea of competitive prototyping is key in that regard.

Chairman LEVIN. Thank you.

Senator Burr.

Senator BURR. Thank you, Mr. Chairman.

Mr. Chairman, I'd like to highlight the good judgment of the administration to have nominated individuals with North Carolina ties. [Laughter.]

Senator BURR. And in full disclosure to the committee, I think it's important that I say I show great favor towards anybody who graduated from Wake Forest, because it shows good judgment by not just the students, but the parents. So, I congratulate those two law school students. [Laughter.]

Senator BURR. Mr. Oostburg Sanz, are you aware of the widespread contamination of the Camp Lejeune water system that existed in the 1950s through the 1980s?

Mr. OOSTBURG. Yes, Senator.

Senator BURR. You may also be aware that in 1989 the EPA designated Camp LeJeune as a National Priority Listed site, and under Title 42, U.S. Code, the Agency for Toxic Substances and Disease Registry—ATSDR—at Centers for Disease Control, and I quote, "shall," end quote, conduct public health assessments, and, if they deem it necessary, conduct human health effects studies of National Priority Listed sites.

The Congressional Research Service has stated that in their reading of Title 42, the Navy, as the primary responsible party for Camp LeJeune's site, is statutorily required to fund such studies.

Would you agree that the Navy has a statutory responsibility, here, to act as promptly as they can?

Mr. OOSTBURG. Yes, Senator.

Senator BURR. And would you think it's reasonable to seek information that will inform the public if there's a higher rate of death among those who served at Camp LeJeune, and if those rates were higher from that death?

Mr. OOSTBURG. Yes, Senator.

Senator BURR. Ms. Pfannensteil, again, I congratulate you on the successful graduation of students. That's only surpassed by the success of getting a job, these days, for those of us that have recent college graduates.

You've got quite a background in utilities, as a commissioner in California, and a long tenure with a company. Let me just ask you.

In California, were PG&E to be identified as a party responsible for a site where environmental contamination occurred, would the State of California allowed PG&E to direct the State's investigation of the site, and permit it to determine the amount of funding it provided for the investigation?

Ms. PFANNENSTEIL. That seems unlikely, Senator.

Senator BURR. Well, a little bit of background. Currently the Department of the Navy, the primary party responsible for Camp LeJeune, for the Marine Corps, is asserting that it can determine which federally funded and statutorily mandated scientific studies will be conducted to investigate water contamination that occurred at the base between 1957 and 1987. Title 42, U.S. Code vests the authority to determine the need and scope of research conducted on the National Priority Lists solely with ATSDR at the CDC. And ATSDR is authorized to conduct its research independent from the primary responsible party. That makes common sense, whether you're in California or whether you're in the Federal Government.

And essentially, what the Department of the Navy's doing with respect to withholding funds for key government studies which will investigate the environmental contamination at Camp LeJeune, the Navy's refusing to fund a mortality study, recommended by the U.S. Government scientists, and we don't know if the death rate for marines and sailors who lived at Camp LeJeune is greater than that of marines from other bases.

In light of the documented levels of contaminants present in the tapwater at Camp LeJeune, do you think it makes sense to conduct a study that would help us determine those death rates?

Ms. PFANNENSTEIL. Senator, my understanding is that the studies are ongoing, that the Navy has funded, and continues to fund, the studies that you referenced.

My further understanding is that there are other studies that are being proposed. And, while I have not been privy to the results of the studies, it is my understanding that the—as the studies are completed, other studies will be funded, as indicated by the Navy.

Senator BURR. You are correct that there are ongoing studies, and the two most crucial to determine what I just covered are the mortality study and the health study, which have yet to be funded by the Department of the Navy for ATSDR. It's absolutely crucial that that funding commitment happen before we get to the end of January, or all of a sudden we restart the clock and there's another 6 months. Do I have a commitment from both of you that you'll do everything within your power to see that the Navy fulfills its statutory obligation?

Mr. Oostburg Sanz?

Mr. OOSTBURG. Absolutely. If confirmed, my primary responsibility, as chief legal officer of the Department of the Navy, is to make sure it's in full compliance with all applicable laws that apply to the Department of the Navy. And certainly, to the extent that there's an obligation on the Department of the Navy to conduct a study which has—it—yet not conducted, I would work with my colleagues in the Department to make sure that occurred.

Senator BURR. Thank you.

Ms. Pfannensteil?

Ms. PFANNENSTEIL. Certainly, Senator. If I'm confirmed into this position, I will commit to investigate and see what studies need to be done and what the status is.

Senator BURR. To just further follow up—not the function of the Navy to determine which studies; solely the statutory responsibility of an agency within the CDC, under Title 42, U.S. Code.

If I could turn to Mr. O'Neill, for just a second, with regard to the Army's Family Medium Tactical Vehicles.

Chairman LEVIN. Senator Burr, excuse me for 1 minute.

Senator BURR. Yes.

Chairman LEVIN. I'm going to have to leave for a couple minutes. When you're done, would Senator Burris—and could you just turn it over to Senator Burris? I will be back, however, in a few minutes.

Senator BURR. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

Senator BURR. I appreciate that.

With regard to the Family Medium Tactical Vehicle contract award decision, on December 14th the General Accounting Office ruled that the Army's capability evaluation in the bid process was flawed. This is a major issue, because capability was 40 percent of the FMTV rebuy evaluation. I'm sure that the Navy, in doing its due diligence and reexamining the capability factor within the bid, will look at differing levels of—different levels of in-place and qualified capabilities, such as proper tooling, eco-facilities, and a qualified cab design, all of which impact production and raise cost-related risk.

Would you agree with that?

Dr. O'NEILL. Yes, Senator, I agree.

Senator BURR. Since the Weapons Systems Acquisition Reform of 2009 was unanimously passed by Congress in May—happened to be the same time that the FMTV rebuy competition was taking place—it would now be prudent to review the FMTV rebuy within the guidelines of this new required process, to ensure the American taxpayers and our soldiers get the best product at the best value.

Would you agree with that, as well?

Dr. O'NEILL. Mr. Senator, I agree, in principle, but I must say that I have not yet been briefed in detail on the Oshkosh—the situation with regard to FMTV. I have read, in the newspaper—and it makes all the sense in the world, with the Reform Act introducing concepts like CAPE—Cost Assessment Program Evaluation—very reasonable things to do. I certainly am inclined to be very positive about that approach in relooking at FMTV.

But, as I said, I have not—I am not privy to the decisions being made by the Army at this time in response to the GAO sustaining of the protest.

Senator BURR. Thank you for that, and I will assure you that we've learned, in Washington, if it's printed in the paper, it must be fact. [Laughter.]

So, you can take that to the bank.

FMTV is a multibillion-dollar program that meets the definition of a major defense acquisition program. Since the GAO has determined that the Army did not evaluate 40 percent of Oshkosh properly—or correctly—this would be a great opportunity for you to

take a pause and to reevaluate the entire process, in light of the above-mentioned legislation. Would you see that as the right opportunity to take advantage of?

Dr. O'NEILL. Senator, I think it would be a good time, if confirmed, for me to play a strong role, depending upon how quickly a resolution of this matter needs to be done.

Senator BURR. Dr. O'Neill, I appreciate that.

I would yield the microphone to my good friend Senator Burr.

Senator BURRIS [presiding]. Thank you, Senator Burr. I appreciate that.

If you've noticed a difference, his family couldn't spell; they forgot the "I-S." [Laughter.]

It's a pleasure for me to be with these distinguished nominees, and I would like to thank our witnesses for appearing before this committee as we consider your nomination for the various offices in the Department of Defense—the Army, the Navy—and, of course, with the other national security agency.

As this country fights two wars, ongoing in Afghanistan and Iraq, we need strong leaders within DOD to ensure that we take care of our soldiers and our personnel serving in the military, and be responsible for the taxpayers as we spend up billions and billions of taxpayers' dollars.

Now, we have sought, in this budget, which we're hoping to pass very shortly in the Defense appropriation, major increases on behalf of our service personnel that's serving, also those who have served. This Congress is committed to doing what we can for those who allow us to do what we do here in America. And by coming on board with these positions that you've been nominated to, and, hopefully, shortly confirmed to, you have the obligation of making sure that that personnel that protect us get the best that we can give to them. And I would just like to ask a few questions.

First, to Mr. Wilson. What do you envision will be your role in addressing whether photographs, purportedly showing the abuse of detainees in Iraq and Afghanistan, should be released, and whether doing so endangers U.S. troops serving abroad? If you have a situation arising similar to what happened Abu Ghraib, what would be your reaction, if you're confirmed, sir?

Mr. WILSON. Senator, I am familiar with the example that you give, from what I've read in the papers. And according to the directive which outlines the duties of the Assistant Secretary of Defense for Public Affairs, I would certainly be involved in, and have a primary responsibility for, decisions regarding the release of such photographs.

Senator BURRIS. Thank you.

General O'Neill, in the questionnaire, you stated, "The Army should use the type of contract that is best suited for the acquisition at hand, considering primarily complexity and risk." In evaluating contracts, under what condition would fixed-price contracts be more suitable?

Dr. O'NEILL. Senator, fixed-price contracts are very suitable. Fixed-price contracts are the contracts you want to get as close as possible to, because you make an agreement to pay so much for "the thing." What you have to have for fixed-price instruments is good knowledge of what you are buying. The easiest thing is to buy

from a catalog or buy it—when you go to the showroom, and you look at the car, you buy the car. Fixed-price contracting is where you want to go. You want to push toward that. You want to push away from time and materials, where you tell somebody that you're going to give them so much money and so long to do something, but we're not quite sure what that is, or cost-plus type contracts, where you tell a person, "We're going to do this program, and we'll pay what we think it costs, but it might—the cost might increase." So, fixed-price contracting is—should be our goal, and fixed-price contracting can be done, where you can write a specification for delivery of a particular object.

Senator BURRIS. under what circumstances, General, would a noncompetitive contract be justified? And what safeguards can be put in place to protect the taxpayer?

Dr. O'NEILL. Senator, a—you would have a noncompetitive contract when and if you were in a situation where you couldn't find—you couldn't establish a ball game, as it were; there was no one else who could do the job.

Senator BURRIS. Are you talking about sole-sourcing? Is that—

Dr. O'NEILL. That's sole-sourcing, yes, sir. That's—that would be a noncompetitive—

Senator BURRIS. How about emergency situations?

Dr. O'NEILL. It—also in an emergency situation, where, for example, you have a contractor who has already demonstrated that he's doing something, and you need to double that production, for example; you realize that no other industry in America has the necessary capital equipment, trained people, you need it in the field in 2 years. So, what you do is, you tell that company, "You're going to get a sole-source extension to double the production of that piece of equipment."

Senator BURRIS. And lastly, General, what would you do to address and limit cost overruns and cost-plus contracts? And what are some of the tools to address this issue?

Dr. O'NEILL. To work with cost-plus, what I would do is try to buy the thing in stages, reduce the risk, eliminate risk, insofar as you can, and, as the risk approaches zero, then you go from a cost-type contract to a fixed—a firm fixed-price contract.

Senator BURRIS. Thank you.

And I'm—hope I'm pronouncing Mary Sally's—"Metalahlah"? How do you pronounce that?

Ms. MATIELLA. "Motteeaya."

Senator BURRIS. "Motteeaya."

Ms. MATIELLA. yES.

Senator BURRIS. Yes. And you're going to be the Assistant Secretary of the Army, and the Chief Financial Management and Comptroller. Is that correct?

Ms. MATIELLA. If confirmed.

Senator BURRIS. Well, that's—we'll take care of that, so.

I notice on your resume—you have an excellent resume. I just saw missing, though—you're also a certified public accountant?

Ms. MATIELLA. Yes, I am.

Senator BURRIS. Okay, that's not on your resume, that I saw.

Ms. MATIELLA. Oh, gee.

Senator BURRIS. Okay. Because I thought, if you're going to be a comptroller—of course, I was a comptroller of the State of Illinois, and I was not a certified public accountant. That's the reason why I—

Ms. MATIELLA. Yes.

Senator BURRIS.—raised that question. I thought maybe you were trying to get elected. So, you know about the financial statements and all that, that's going to be necessary to keep track of the accounting process.

Ms. MATIELLA. Yes, I do.

Senator BURRIS. Okay. Okay. Now, what do you do to increase the transparency of the Army's budget? What would you do, Madam Assistant Secretary, if confirmed?

Ms. MATIELLA. If confirmed, I would make sure—or I would look into where we are, in terms of systems. The data comes in. It's got to be visible through the system. So make sure that the systems are in place that would show that kind of visibility and that kind of transparency. I think that would be my—one of my focuses, if confirmed.

Senator BURRIS. And Counsel, is that "Otsburg"—pronounce that correctly?

Mr. OOSTBURG. "Ohstburg," Senator.

Senator BURRIS. "Ootsburg."

Mr. OOSTBURG. "Ohstburg."

Senator BURRIS. Do it again.

Mr. OOSTBURG. "Ohstburg."

Senator BURRIS. "Ootsburg." [Foreign expression spoken.] "Ootsburg."

Counsel, what role should the general counsel play in addressing allegations of fraud and abuse of contracting for the wars in Iraq and Afghanistan?

Mr. OOSTBURG. Well, the Office of General Counsel and, if confirmed as general counsel, the leader of that office, my primary responsibility would be to make sure the Department of the Navy fully complies with all the laws and regulations of this great country. The Office of the General Counsel currently has at least two assistant general counsels that are dedicated to acquisition issues. So, there's a dedicated staff that, their main focus, day to day, is to ensure that these types of issues are addressed; and, working in cooperation with our uniformed colleagues in the Navy Judge Advocate and the Staff—the Marine Corps Staff Judge Advocate's Office, we would make sure that the Department fully complies with all acquisition.

Senator BURRIS. Mr. Chairman, my time is expired. May I have leave to just ask—have a couple more minutes?

Chairman LEVIN [presiding]. Of course.

Senator BURRIS. Thank you, Mr. Chairman.

And to Ms. Jackalyn—is that—pronounce the name?

Ms. PFANNENSTEIL. "Fannansteel."

Senator BURRIS. "Fannansteel." Okay. Position for the Assistant Secretary of the Navy of Installation. Do you know Secretary Mabus?

Ms. PFANNENSTEIL. Yes, I do, Senator.

Senator BURRIS. I won't hold it against you. [Laughter.]

He's a good friend of mine. Got to do a good job for him, okay?

Ms. PFANNENSTEIL. I will. Thank you.

Senator BURRIS. What do you foresee will be your working relationship with the Environmental Protection Agency and other State regulatory agencies with this position?

Ms. PFANNENSTEIL. My understanding is that the position of Assistant Secretary for Installations and Environment is a representative of the Department of the Navy, with many other State and Federal agencies, including the Environmental Protection Agency.

Senator BURRIS. Okay. And following up on a question that Senator Burr had raised, once the scientific studies for water contamination at Camp Lejeune have been completed, what type and level of information-sharing would you do with those affected by the contamination, and the Secretary of Veterans Affairs, who—we—I also serve on the Veterans Affairs Committee, and we had some damaging testimony from children born at Camp LeJeune that are now males suffering from breast cancer. That is unconscionable that we have that type of a situation existing in our military bases. And then there's denial, in some instances, by some of our services. So, could you respond to that, please?

Ms. PFANNENSTEIL. Yes, Senator Burris. When the information is complete, when the Navy has received the results of the studies that are ongoing, there will be, I understand—that will determine what steps need to be taken. My understanding is that there has been an effort, even at this point, to reach out, to try to communicate with all of the past servicepeople and families and civilian contractors who were at the fort during that—the period of time of the contamination. Now, if I'm confirmed into this position, I would certainly be in a place to see the results and make sure that the communications were as extensive as possible.

Senator BURRIS. I think you did about as best as you could with that question. I appreciate that. Don't want to commit yourself.

And, to Mr. Cook, I just need a clarification. You're going to be in the Defense Department, but you're working with the National Nuclear Security Administration in it. Where are you housed?

Dr. COOK. Let's see, Senator Burris. I'm nominated for the deputy administrator of the National Nuclear Security Administration, which is a part of the Department of Energy. However—

Senator BURRIS. And not Department of Defense.

Dr. COOK. That's correct. But, it—we—it works very closely with the Department of Defense.

Senator BURRIS. Oh, I see. How closely?

Dr. COOK. Meetings somewhere occurring every single day.

Senator BURRIS. So, you're going to be wearing two hats.

Dr. COOK. The national security enterprise includes the Department of Defense, the Department of Energy, Department of Homeland Security, and other Federal Government departments. But, the hat that I'll be wearing is a fairly clear one, and I'm sure I'll be held accountable for it, if confirmed.

Senator BURRIS. Good luck, to each—all of you. I'll look forward to you—you all are doing great service.

Thank you very much, Mr. Chairman, I appreciate the extra time.

Chairman LEVIN. Thank you very much, Senator Burris.

Ms. Matiella, let me ask you, for starters—I understand that, during your service in the Agriculture Department, that you led the Forest Service to its first unqualified audit opinion, and that you would—if you are confirmed, you would work towards establishing priorities for the preparation of auditable financial statements. What challenges did you face when you were doing that audit for the Forest Service, on the path to a clean audit?

Ms. MATIELLA. Well, the first challenge was communicating the expectations and the requirements to the folks out in the field. At that point, financial management was very, very spread out throughout the whole United States. So, communicating the requirements.

Number two, was ensuring that the documentation was in place. Every—all of the data and—has to be supportable. So, we have to make sure that, in fact, all of the obligation records, all the expense and revenue records were in place.

Once we felt comfortable that we had the supportable data, then we worked with the auditors to help them obtain that documentation. We also implemented a general ledger transaction-driven accounting system, which was critical. That was JFMIP-certified.

So, we had the system in place, the documentation in place, the expectations were clear, and we worked very closely, not only with headquarters, but the auditors.

Chairman LEVIN. Any particular challenges that you see in realizing a clean audit for the Army, if you're confirmed?

Ms. MATIELLA. Well—

Chairman LEVIN. You may not be able to foresee them, but, if you do foresee them, you can share them with us now.

Ms. MATIELLA. Well, I'll share the fact that the issues of documentation, proper systems, laying out policies and procedures would be a challenge for the Department of Defense, as it is for every department in the government. We all, generally—and that's what's good about me having spent time in different departments, is, I can see that we have the—generally, the same kinds of challenges.

Chairman LEVIN. Okay. Thank you.

Mr. Oostburg, the Chief of Naval Operations recently stated that the Navy is going to assign female sailors to submarines, starting in 2011. What is your understanding of the status of this change in policy? What role would you expect to play in implementing a new policy? What is your understanding of the conclusions and lessons that have been learned from Operation Iraqi Freedom and Operation Enduring Freedom about the feasibility of current policies regarding women in combat?

Mr. OOSTBURG. Well, Senator, my understanding is that Secretary Mabus, the CNO, and others in the leadership of the Department of the Navy are very much committed to ensuring that women in the Navy and Marine Corps have as full an opportunity to serve as possible, and part of that is allowing women to serve on submarines.

With regard to legal implications of that assignment, as far as I know at this time, I'm not aware of any, but certainly there are manpower considerations, such as making sure that there is a—not just an adequate number of women that are assigned to any par-

ticular submarines, but that the types of assignments are such that they are able to support one another. I would imagine those same types of considerations are at play with regards to other assignments within the Department of the Navy. And, if confirmed as chief legal officer and working with my colleagues in uniformed services, I would hope to help the Secretary implement those changes.

Chairman LEVIN. Now, there's going to be a—some deliberation and discussion, and perhaps change, in the “Don't ask, don't tell” policy, which went into effect in '94, after months of congressional hearings and debate. What role, if you are confirmed, do you expect to play in deliberations over efforts relative to that policy, to repeal or change that policy?

Mr. OOSTBURG. Senator, as I understand, the Department of Defense and the various services are undergoing a very thorough review of what changes need to perhaps be suggested to Congress with regard to changes in the law. In addition, they're looking to see how they can change the implementation of the policy as it currently stands. Certainly, there's the case out of the Ninth Circuit which has some implications with regard to how administrative separation occurs, and what considerations need to be taken into account in those instances. If confirmed, I would look to give my best legal advice to the Secretary as he helps to formulate his response to how the existing law and policies are enacted.

Chairman LEVIN. Okay. Ms. Pfannensteil, the Department of the Navy has a number of valuable properties which need to be conveyed, or perhaps will be conveyed, as part of the recent BRAC round. The Department has some properties that they have retained which go back as far as the 1993 BRAC round, so no longer being used by the Navy. And the question is the disposal of those properties.

Now, the committee provided some new legislative direction in the National Defense Authorization Act for Fiscal Year 2010, which were—which was aimed at expediting transfer of those properties to local redevelopment authorities. We provided clear flexibility, where perhaps there had been too much rigidity before. But, we gave great discretion to the Department now to use many number of different paths and routes to dispose of those properties. And we're hoping that we're going to see some real progress in the next 6 months in that effort.

Will you make it a high priority to expedite the transfer of these properties, in a matter—a manner which is equitable, both to the Department and to local communities?

Ms. PFANNENSTEIL. Yes, Senator, I will. If I am confirmed into the position, then clearly the conveyance of the properties that have been identified under the BRAC process is a high priority, and I will certainly commit to you that I will make it one of my highest priorities.

Chairman LEVIN. Thank you very much.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

I want to thank all our nominees for their service and willingness to serve, and congratulate you on your nominations. And we

look forward to working with you, as your—as these—your process moves forward.

And, if I might, Mr. Chairman, I'd just like to direct one question to Dr. Cook.

As you may know, the—in 2000—fiscal year 2010 Defense authorization bill, there was a provision passed stating that it's the intent of Congress that modernization of the nuclear weapons complex, among other things, is key to enabling further reductions in the nuclear forces of the United States. And I guess my question is, What are your views on modernizing the nuclear weapons complex?

Dr. COOK. Thank you for the question, Senator.

It is a complex subject, by itself. And the state of the nuclear weapon complex and the state of the nuclear weapon stockpile are, in fact, intertwined. Human capital—the amount of capability to understand adequately the changes that are required in the nuclear weapon stockpile after the armed services, Department of Defense, and U.S. STRATCOM decide the changes that are required, then they need to be supported by the NNSA. Certainly, the NNSA will help inform the decision. But, in fact, the work that's required is specific to each of the weapon systems that comprise the U.S. nuclear deterrent. The nuclear weapon complex can cover the range of possibilities that is required, but it would be useful to understand the details of the changes in the nuclear weapon stockpile that need to be made. Certainly, all who work in the area are hopeful that the Nuclear Posture Review, which will be—is scheduled to be released on the 1st of February, will help in that decision, and then we can proceed.

The difficulty in changing the nuclear weapon complex itself, as downsizing or some elements of revitalization are made, is to make a set of decisions which are inherently intertwined over the next few years, that we don't regret a decade or two beyond. There are a number of studies that are going on; they're looking very carefully at the kind of changes that are required. All of this, however, comes in an assumption of the future nature of the deterrent that we need.

I hope I've answered part of your question. And if not, you can certainly follow up.

Senator THUNE. Okay. Well, I appreciate that. And we may follow up with you. It bears on a lot of other issues, including START negotiations and everything else. So, many of us believe that that is essential, that we modernize the stockpile. And so, we look forward to working with you on that.

Dr. COOK. Thank you very much.

Senator THUNE. Mr. Chairman, That's all I had. Thank you.

Thank you all, again, for your service.

Chairman LEVIN. Thank you, Senator Thune.

Ms. Pfannensteil, the Navy's use of active sonar which—systems that search for underwater threats by emitting sound into the water, has been challenged by a number groups, including State governments, including groups that have a particular interest in this issue, alleging that the use of the systems does not comply with certain regulatory and legal requirements.

What is your understanding, if you have one, of the effect of these systems on marine life, particularly marine mammals?

Ms. PFANNENSTEIL. I understand that the Navy is sponsoring—and is, in fact, the major sponsor, around the world, in the study of the effects on marine mammals—and that study is underway—that the—there clearly needs to be remediation, if there is, in fact, an effect that the Navy finds from the studies. Meanwhile, while the studies are underway, I understand that the Navy is taking whatever remedial action is necessary, awaiting the results.

Chairman LEVIN. Are you going to be actively involved in the Navy's effort to basically "go green" at its installations and purchases?

Ms. PFANNENSTEIL. Yes, sir, if confirmed, I expect to work with the Secretary on the initiatives, the initiatives he has offered on the green proposals.

Chairman LEVIN. All right. Will you make that a high priority?

Ms. PFANNENSTEIL. That would be a very high priority with me, Senator.

Chairman LEVIN. Good. Thank you.

Dr. Cook, there's been reference made to a treaty—a weapons—a nuclear weapons treaty. One of the treaties which is under consideration is the Comprehensive Test Ban Treaty. And if the President submits that treaty again to the Senate, can you tell us, What role would you be playing in addressing the technical question of whether or not the United States can maintain a stockpile safely, securely, and reliably, without testing?

Dr. COOK. Yes, thank you for the question, Senator.

If confirmed, as deputy administrator for Defense Programs at NNSA, the role that I would play would be informing, as deeply as possible, the technical choices that are available in the present stockpile to extend the life. And I would, as asked, maintain an open relationship with Congress, and would ensure that the NNSA provides answers to all the questions.

I believe that it's a very important time. The United States has not required an underground nuclear test since September 1992, and, at present, doesn't have a current need to do so. The nature in which the choices for the deterrent are made, as I indicated to Senator Thune, are critically dependent on the resources that—again, the humans we have and the understanding, but also the facilities.

My own view is that it is possible to continue a vital nuclear deterrent without recourse to nuclear—to underground nuclear testing, if certain capabilities are available on a continuing basis. But, they come to the core, those that are required for good people, good experimental information, advanced computation, to determine whether something is likely either to work or not. Without that, a nuclear test might be required. But, with that, we can determine that one would not be required by the approach that we take.

Chairman LEVIN. With that being those three elements, I believe, that you just identified?

Dr. COOK. Yes, sir.

Chairman LEVIN. Well, again, we thank you all for your previous service to our Nation, to your willingness to continue to serve in the positions to which you've been nominated. We will hope that

the committee can act promptly on your nominations. And whether or not we're successful in some of the other more public endeavors that we're involved in, we hope that we can move your nominations promptly so that the Nation can have a Christmas gift, perhaps, in having you all confirmed. I can't guarantee that, but we'll do everything we can.

We will stand adjourned.

[Whereupon, at 11:01 a.m., the committee adjourned.]