

Advance Questions for Elizabeth King
Nominee for Assistant Secretary of Defense for Legislative Affairs

Defense Reforms

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

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer: At this time I do not see a need to modify any Goldwater-Nichols Act provisions.

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

Answer: If the Congress should pursue adaptations to this construct or if the Department proposes changes, I would work closely with this Committee and the Congress to provide witnesses, briefings, and the necessary information so the Congress can make informed judgments on policy alternative.

Duties

Section 138 of Title 10, United States Code, and DOD Directive 5142.01, provide that the principal duty of the Assistant Secretary of Defense for Legislative Affairs shall be the overall supervision of legislative affairs of the Department of Defense. Additionally, the Assistant Secretary of Defense for Legislative Affairs is required to provide advice and assistance concerning congressional aspects of DOD policies, plans, and programs; to coordinate actions relating to congressional consideration of the DOD legislative program; and to coordinate the completion of responses to congressional inquiries.

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

Answer: If confirmed, one primary responsibility would be to be the principal voice for Congress in the Department of Defense and to ensure that their concerns, actions, requests and initiatives are addressed properly and in a timely fashion. In addition, it would be my responsibility to keep the Secretary informed of these Congressional actions, requests, concerns, and initiatives.

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

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

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

Answer: Since March 1997, I have been the counsel and senior policy advisor for defense, foreign affairs and veterans for Senator Jack Reed, a senior member of the Armed Services Committee and member of the Appropriations Committee. In that position, I have worked extensively with the staff members of the two committees on the annual authorization and appropriations bills. I have also worked with the Committee staff and Leadership staff on several legislative initiatives, including the Levin-Reed legislation on the U.S. mission in Iraq, and legislation increasing the end strength of the Army. I also learned about the relationships between a member of Congress and the military installations in their states. Also, as a member of Senator Reed's staff, I have traveled with him and other Senators to areas where U.S. troops have been deployed, including Iraq, Afghanistan, Pakistan, Korea, Japan, Colombia and Bosnia.

From January 1996 to March 1997, I was legislative director for Congressman Marty Meehan, a member of the House Armed Services Committee. I was his principal staffer for this committee and learned the House process and worked with several members of the Committee and Committee staff.

I was also a counsel for the 1995 Defense Base Closure and Realignment Commission. In that capacity, I visited numerous military installations and gained indepth knowledge of naval shipbuilding capacity, depots and air stations.

I have a law degree from Georgetown University and a BA from the University of Pennsylvania.

Relationships

If confirmed, what would your working relationship be with:

The Secretary of Defense

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

The Deputy Secretary of Defense

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

The Under Secretaries and Assistant Secretaries of Defense

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

The General Counsel of the Department of Defense

Answer: If confirmed, I would work closely with the General Counsel to ensure responsiveness in matters of Congressional interest and to assist Office of the General Counsel coordination on legislation under consideration within the Department. I would seek the views and recommendations of the General Counsel on legal issues.

The Inspector General of the Department of Defense

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

The Secretaries of the Military Departments

Answer: If confirmed my relationship with the Military Department Secretaries would be principally through their Chiefs of Legislative Affairs. I would diligently work to ensure that the Military Department Secretaries received the best assistance and congressional advice from my office by fostering an environment of trust and mutual support.

The Chiefs of Legislative Affairs of the military services

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

The Legislative Assistant to the Chairman of the Joint Chiefs of Staff

Answer: If confirmed, I would routinely meet with the legislative assistant to the Chairman to ensure responsiveness to the committees of jurisdiction and the Congress.

The Defense Agencies

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

Congressional liaison offices in the combatant commands and other entities throughout the Department of Defense

Answer: If confirmed, I would routinely meet with the legislative assistants to the combatant commands as well as the other Department of Defense entities to ensure responsiveness to this Committee and the Congress.

Major Challenges and Problems

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

Answer: The most significant challenge for the Assistant Secretary of Defense for Legislative Affairs is communication. I would work to ensure that vital information is provided to the Congress in a timely and useful manner. If confirmed I would work to ensure the Congress should not be in a position of reading or hearing about important issues in the media. The second challenge is providing timely, valuable advice to the Secretary, Deputy Secretary, and the key principals about Congressional issues, concerns or requests.

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

Answer: If confirmed, I would work diligently to ensure that the legislative affairs function in the Department is properly fulfilling its mission. I would review the organization and procedures of the office to ensure they are best able to meet the Title 10 responsibilities extended to this position. I would advocate organizational and/or procedural changes to the Secretary and Deputy Secretary where or if required.

Legislative Liaison Offices

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

If confirmed, what steps, if any, would you take to coordinate the activities of the various congressional liaison offices and ensure that information provided to the Congress is accurate, reliable, and represents the views of the Department?

Answer: If confirmed, I will capitalize on my position within the Department to foster an environment that promotes rapid communication. Furthermore, I will ensure that the Department as a whole has an inclusive congressional engagement strategy that promotes a unified, accurate, reliable and representative voice.

Liaison with the Appropriations Committee

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

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

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

Untimely Legislative Proposals

Late submission of legislative proposals by DOD to the Congress for consideration as part of the annual Defense Authorization Act has been a chronic problem. Legislative initiatives, which require substantial review and in many cases, testimony and discussion at annual posture hearings, are routinely forwarded to the Congress too late for appropriate action.

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

Answer: If confirmed, I would make more timely submissions of legislative proposals to the Congress a priority. I would immediately address the timeline for submission of legislative proposals with the General Counsel and the Office of Legislative Counsel where this function is managed. I would also address this matter with the Office of Management and Budget

Evaluation of Legislative Proposals and Funding Requests

Every year, dozens of legislative proposals are referred to the Armed Services Committee for consideration. In addition, the Committee receives hundreds of requests from Members to fund specific programs, projects and activities. The Committee relies on the Department to provide timely evaluations of these legislative proposals and funding requests so that we can give full consideration to the Department's views.

If confirmed, will you ensure that the Department makes every reasonable effort to provide the Committee with timely evaluations of legislative proposals and funding requests?

Answer: Yes.

How do you anticipate that you will work with the military departments and agencies to ensure that these evaluations are prepared and submitted in a timely manner?

Answer: If confirmed, I will work with the military departments and agencies to ensure that all anticipate the requirement for the timely turnaround of the evaluations and that they make every effort to provide sufficient personnel and resources for their preparation.

Timely Written Statements and Responses to Questions and Information for the Record

Under DOD Directive 5142.01, the Assistant Secretary of Defense for Legislative Affairs is responsible for the coordination and oversight of submission of responses to congressional inquiries and reports and for the provision of information at congressional hearings. The failure on the part of Departmental witnesses to submit written statements when required and to timely respond to questions for the record (QFRs) by senators and requests for information for the record (IFRs) following hearings is a problem requiring the attention of the Assistant Secretary of Defense for Legislative Affairs.

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

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

Access to Documents and Materials

In the course of oversight activities on behalf of the Armed Services Committee staff frequently requests and receives detailed briefings and materials on ongoing programs and activities of the Department. The information requested sometimes includes proprietary, source selection or other sensitive categories of information. From time to time, various officials of the military departments and defense agencies have requested that the Committee provide a letter signed by the Chairman, or a certification signed by the staff member, as a precondition to providing such information. These conditions are inconsistent with past practice and the historic relationship between the Department and the Committee.

What is your view of the circumstances, if any, in which it would be appropriate for the Department to insist on a letter from the Chairman before providing documents and information requested by the Committee staff to carry out the Committee’s oversight responsibility?

Answer: Requiring written requests from the Chairman is appropriate where FOIA exempt materials or other materials that may have privacy concerns are at issue. Though FOIA and its exemptions do not apply to requests from Congress, only the Chairman of a congressional committee may make a request on behalf of the Congress. Though privacy concerns also do not apply to requests from Congress, the Department has certain requirements that they must follow to protect such material and a request from the Chairman in the record assists the Department in keeping their records complete.

What is your view of efforts to change the Department’s historic practice and require a certification by Committee staff before providing documents and information requested by the staff to carry out the Committee’s oversight responsibility?

Answer: I look forward to reviewing these processes if confirmed, and working through related issues with the Congress.

Providing Information to Congressional Support Agencies

Congress relies on its three support agencies—the General Accountability Office, the Congressional Budget Office, and the Congressional Research Service—for information and analysis. On defense matters, there have been instances where the Department has not been as responsive and forthcoming in timely providing relevant information to these support agencies as the Committee would expect.

If confirmed, what steps would you take to ensure that the Department responds fully to GAO, CBO, and CRS and would you be committed to ensuring that the Department cooperates with these agencies in fulfilling their responsibilities?

Answer: If confirmed, I will commit myself to ensuring that all congressional inquiries, whether they originate from an oversight committee or a supporting agency, are responded to in a timely and effective manner. Furthermore, I will use my position of leadership to assist the Services and other defense entities in doing the same.

Legislative Fellows Program

In Senate Report 110-335 accompanying S. 3001, the National Defense Authorization Act for Fiscal Year 2009, the committee called for a critical review by May 1, 2009, of the Department's Legislative Fellows program in order to ensure that the program is organized, resourced, managed, and controlled consistent with the career progression needs of the officers who are assigned and the manpower requirements of their respective services.

What is the status of the required review of the Legislative Fellows Program?

Answer: It is my understanding that the review has been completed, and the report is being finalized for submission.

What is your view of the optimal number of legislative fellows and what do you consider the appropriate role and responsibilities of a legislative fellow within a Senator or Congressman's office should be?

Answer: The current number, 100 per year, seems to be about right. I am informed this number is divided among the Services and Defense Agencies. The Legislative Fellow Program should be a unique educational experience, and as such, fellows should be given real opportunities to learn how the Legislative Branch functions and not be used for administrative office roles. I will therefore work to ensure that the Fellows Program is meeting the needs of Congress, the Services and the Defense Agencies.

Have the Services fulfilled their responsibility to ensure that legislative fellows immediately serve in billets that will utilize the training and experience they have obtained as legislative fellows?

Answer: It is my understanding that the Services are in compliance with DoD policy which states there should be an immediate follow-on utilization tour following the fellowship. However, in those few cases where operational or professional development needs preclude an immediate follow-on utilization assignment, the Military Department may delay, or ultimately waive, this requirement.

Nominations

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

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

addition, my staff and I will track nominations closely and ensure the Committee is made aware of all relevant information.

Congressional Oversight

In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer: Yes.

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

Answer: Yes.

Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer: Yes.

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

Answer: Yes.