Advance Questions for LTG Thomas P. Bostick, U.S. Army
Nominee for Chief of Engineers and Commanding General,
U.S. Army Corps of Engineers

Defense Reforms

The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Chairman of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the services and the combatant commanders, among other things, in joint training and education and in the execution of military operations.

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

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

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

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

Relationships

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

The Secretary of Defense

Answer: As head of the Department of Defense, the Secretary of Defense has full authority, direction and control over all its elements. The Secretary exercises this power over the Corps of Engineers through the Secretary of the Army, whose responsibility for, and authority to conduct all affairs of the Army is subject to the authority, direction, and control of the Secretary of Defense. If confirmed, I will

cooperate fully with the Secretary of Defense in fulfilling the Nation's national defense priorities and efficiently administering the Corps of Engineers in accordance with the policies established by the Office of the Secretary of Defense.

The Chairman of the Joint Chiefs of Staff

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

The Secretary of the Army

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

The Assistant Secretary of the Army for Civil Works

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

The General Counsel of the Army

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

The Chief of Staff of the Army and the Army Staff

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

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

The Combatant Commanders

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

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

The U.S. Ambassador to Iraq

Answer: The Corps of Engineers has provided a broad array of engineering and construction related services in Iraq generally to either the Commander, US Forces Iraq (USF-I), the State Department, or the Government of Iraq. As the size and the scope of the military's mission has reduced, so has the size and the scope of the Corps of Engineers' mission. Despite the reduced mission and reduced number of deployed personnel, the Corps of Engineers remains prepared to support the Commander USF-I, the State Department, or the Government of Iraq as needed either by leveraging reachback to U.S. based engineering services, or through a temporary surge of personnel. In all cases, the primary representative in providing all required support is the Transatlantic Division Commander.

The U.S. Ambassador to Afghanistan

Answer: The Corps of Engineers continues to provide an array of engineering and construction related services in Afghanistan generally to either the Commander, US Forces Afghanistan (USFOR-A)/International Security Assistance Force (ISAF) or the State Department. The Corps of Engineers remains prepared to support the Commander and the State Department either by leveraging reachback to U.S. based engineering services, or through a temporary surge of personnel, as required. In all cases, the primary representative in providing all required support is the Transatlantic Division Commander.

Commander, U.S. Forces Iraq

Answer: The Corps of Engineers has provided a broad array of engineering and construction related services in Iraq generally to either the Commander, US Forces Iraq (USF-I), the State Department, or the Government of Iraq. As the size and the scope of the military's mission has reduced, so has the size and the scope of the Corps of Engineers' mission. Despite the reduced mission and reduced number of deployed personnel, the Corps of Engineers remains prepared to support the Commander USF-I, the State Department, or the Government of Iraq as needed either by leveraging reachback to US based engineering services, or through a temporary surge of personnel. In all cases, the primary representative in providing all required support is the Transatlantic Division Commander.

Commander, U.S. Forces Afghanistan/International Security Assistance Force

Answer: The Corps of Engineers continues to provide an array of engineering and construction related services in Afghanistan generally to either the Commander, US Forces Afghanistan (USFOR-A)/International Security Assistance Force (ISAF) or the State Department. The Corps of Engineers remains prepared to support the Commander and the State Department either by leveraging reachback to U.S. based engineering services, or through a temporary surge of personnel, as required. In all cases, the primary representative in providing all required support is the Transatlantic Division Commander.

The State Governors

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

Chain of Command

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

(a) Military matters

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

(b) Civil Works matters

Answer: The supervisory duties of the Assistant Secretary of the Army for Civil Works extends to all functions of the Army relating to programs for conservation and development of the national water resources – in other words, for all of what is known as the civil works program. The Chief of Engineers reports to the Assistant Secretary of the Army for Civil Works on civil works functions.

(c) Operational matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Qualifications

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

What background and experience do you have that you believe qualifies you for this position?

Answer:
Background:
-Undergraduate - Bachelor of Science Degree with concentration in Engineering from West Point (majors not offered at that time)
-Graduate- Masters Degree in Mechanical Engineering; Masters Degree in Civil Engineering (Structures); both from Stanford University
-Registered Professional Engineer in State of Virginia (License #18133)
-Associate Professor of Mechanical Engineering at West Point

Experience:
-Commander, B Company, 54th Engineer Battalion, Wildflecken Germany (Completed numerous construction projects; Recognized by Secretary of the Army and Army Chief of Staff as DA level Maintenance Company of the Year;)
-Executive Officer to Chief of Engineers 1993-1994 (supported the Chief of Engineers through many challenging issues including The Great Mississippi and Missouri Rivers Flood of 1993)

-White House Fellow, 1989-1990, Department of Veterans Affairs, Special Assistant to Secretary of Veteran Affairs (conducted review and concept development for Joint DOD-VA hospitals)
-US Army Europe, Office of the Deputy Chief of Staff, Engineer. Significant contribution to the Concept Plan to drawdown Europe. Prepared leadership and participated in engagements with key staffers on Congress.
-Commander, 1st Engineer Battalion (led Task Force working with government and state officials in fighting the 1994 Idaho Fires)
-Commander, Engineer Brigade, 1st Armored Division. Deployed to Bosnia and served as the Senior Engineer responsible for de-mining operation and the construction mission (interagency, joint, and combined work with over a dozen international partners; projects included building a hospital, barracks and cafeterias, a strategic airfield, water projects; port, bridge, road, rail preparations to bring 1st Cavalry Division into an unused Port of Rijeka, Croatia); deployed elements of the brigade in support of operations in Kosovo and provide engineering expertise to the leadership on the ground.
-Executive Officer to Chief of Staff of the Army, 1999-2001 (supported the Chief in Joint, Interagency, Congressional, Media and numerous other engagements)
-Deputy Director for Operations, J3, The Pentagon, 2001-2002 (served on watch team working through the events of 11 September 2001, and the initiation of hostilities in Afghanistan)
-Assistant Division Commander for Support, and Assistant Division Commander for Maneuver, 1st Cavalry Division. Planned and executed the deployment of over 25,000 Soldiers and equipment into theater)
-Gulf Region Division, Iraq, 2004-2005 (responsible for $18B of construction projects including Water, Sewage, Transportation, Electricity, Oil, Security, Hospitals, Schools, and several other areas)
-Commander, US Army Recruiting Command, 2005-2009 (recruited the Grow the Army Force, during some of the most challenging times for the All-Volunteer Force; worked with local and national government officials, Congress, media, businesses, and education. Participated in the development of the "Army Strong" Campaign)
-Deputy Chief of Staff, G1 (managed the personnel policies and program to support 1.1 million Soldiers, over 300,000 Civilians and their Families)

Major Challenges and Problems

The Army Corps of Engineers is facing a major, current challenge in the rising Mississippi River and the devastating toll it is taking on the people and property in the path of the flood waters. There are various other challenges that require the attention of the Army Corps of Engineers.

In your view, what are the major challenges confronting the next Chief of Engineers?

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

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

Maintaining the technical competence and professionalism of the Corps. The Corps must build and maintain a skilled, agile, and disciplined workforce, equipped with the necessary resources, tools, and processes to serve the Army, DOD, and the Nation across the spectrum of engineering and infrastructure requirements. Additionally, the Corps must constantly evaluate and improve its business processes in order to become more efficient and effective in the execution of its missions.

Meeting the Army's infrastructure requirements in the post-BRAC era, as we operate in a more budget constrained environment. As the historic BRAC and MILCON workload declines, the Corps will adapt knowledge, skills, and capability from that high-volume new construction program to an integrated suite of infrastructure solutions to installations. That will include adapting new or existing facilities to current operational standards, applying technologies for achieving energy and sustainability goals, and leveraging the Corps' strong capabilities to provide environmental services.

Sustaining the Corps' expeditionary capability to support overseas contingency missions. Since the beginning of the wars in Iraq and Afghanistan, the Corps has provided critical support for military and stability operations through both deployed and reach-back capabilities for delivery of facilities and infrastructure, command and control of engineer assets, training and deployment of technical teams, engineering reach-back services, and Army geospatial services for the Warfighter.

Aging infrastructure. The Nation's water resource infrastructure constitutes an immense accumulation of assets requiring continual maintenance and periodic upgrades. Much of this infrastructure has reached or exceeded its design life and will require more extensive maintenance and/or rehabilitation in the near future. Unscheduled outages due to mechanical breakdowns have been increasing. Recently, the American Society of Civil Engineers gave the U.S. infrastructure an overall grade of "D" in 2011.

Constrained Federal budget. With an aging population and therefore more entitlement spending, we can expect less to be available for discretionary programs. The Corps will have to prioritize projects and programs with rigorous analysis to ensure the greatest value for taxpayer funds.

Energy and Sustainability. Developing the Nation's water resources in a sustainable way is one of the greatest challenges the Corps faces. This will require a cultural

shift and lifestyle changes as well as technical innovation. An outgrowth of sustainable energy which is impacting USACE is a renewed interest in hydropower.

Vulnerability to natural and manmade disasters. The current flooding in the Missouri, Ohio and Mississippi River systems is a reminder of the power of these huge natural systems, and the difficult trade-offs which are required in their management.

Flood risk management. Since floods cannot be fully controlled, nor can all damages be prevented, the Corps' "flood control" mission is shifting into one of "flood risk management'. Flood risks increase with the strong attraction of people to water. Many regions near water continue to grow in population and economic development in low lying areas is expanding. Flood risk management is also challenging because it is a shared responsibility with state and local governments, and individuals.

Increasing competition for water. A major driver of increasing demand for water is population, and the U.S. population of 308 million in 2010 is expected to reach 440 million by 2050. Energy production and manufacturing are also large users of water, and global climate change may impact water supply and demand in ways that are not yet well understood.

Governance. Since the responsibility for water resources is shared among multiple Federal agencies, states, local governments, tribes, interstate organizations, and the private sector, it is a challenge to coordinate roles and eliminate gaps in jurisdiction.

If confirmed, what plans do you have for addressing these challenges?

Answer: If confirmed, I would establish priorities based on my assessment of the challenges and consultations with key Army and DOD leadership, Members of Congress, Corps leaders, and other stakeholders. I would seek broad input and be open to new strategies to successfully accomplish the Corps mission and achieve its goals. Competing water uses must be balanced to provide multiple benefits such as economic security, environmental health, social well-being, and public safety. Strategies for addressing the challenges outlined above will clearly be among the highest priorities.

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

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

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

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

In your view, does the Army Corps of Engineers need to make any changes in the way it operates and, if so, what changes would you recommend?

Answer: If confirmed, assessing the need for changes would be a top priority. Typically there are opportunities for improvements in any organization. I am confident that, in consultation with the Congress, Corps partners and others within the Administration, we could determine what, if any, changes are needed. Historically, the Nation's rich and abundant water, and related land resources provided the foundation for our successful development and rapid achievement of preeminence within the international community. Since the beginning of our Nation, the U.S. Army Corps of Engineers has been a great asset, providing engineering support to the military, developing our nation's water resources, and restoring and protecting our environment. The Corps must continue to be flexible and continue to evolve if it is to continue to make important contributions to the Nation and respond to todays and future challenges.

If confirmed, what priorities will you set for the Army Corps of Engineers?

Answer: If confirmed, I would establish priorities based on my assessment of the challenges and consultations with key Army and DOD leadership, Members of Congress, Corps leaders, and other stakeholders. Strategies for addressing the challenges outlined above will clearly be among the highest priorities.

Iraq Reconstruction

What do you see as the major lessons learned for the Army Corps of Engineers from reconstruction contracting in Iraq?

Answer: I believe an overall lesson learned by the Corps from the Iraq reconstruction mission is the need for a permanent organization to oversee the contingency missions, assess and implement the lessons learned, and to develop and sustain business practices for current and future contingencies. To address this

need, the Corps established the Transatlantic Division (TAD) to provide direct engineering support in the CENTCOM area of operations.

Some of the more specific lessons learned in terms of program management include: the importance to develop well-defined requirements; the significance of the involvement and support from local officials; the importance to plan projects suited to local culture, requirements and capacity; the importance of capacity development to sustainment of projects; the necessity for a range of acquisition strategies for the diverse and evolving needs of the mission; the importance of use of established USACE business processes; and finally, the importance of planning to address security and logistics.

What changes, if any, do you believe that the Army Corps of Engineers should make to improve its processes for reconstruction contracting in future contingencies?

Answer: Contractor oversight and requirements definition are inherent challenges in contingency operations. The Corps must ensure that the many valuable lessons learned in Iraq and Afghanistan are institutionalized to improve ongoing activity and are ready for future overseas missions.

<u>Afghanistan Reconstruction</u>

In 2010, the Special Inspector General for Afghanistan Reconstruction (SIGAR) conducted an audit of Afghan National Police facilities in Helmand Province and Kandahar that found deficiencies in U.S. Army Corps of Engineers implementation of quality assurance and quality control plans. SIGAR is also examining whether the Army Corps of Engineers received security services from Global Strategies Group, Inc., at a reasonable cost and whether oversight of the contract was in accordance with Federal Acquisition Regulations and other applicable requirements.

What is your assessment of the adequacy and effectiveness of contract oversight by the Army Corps of Engineers in Afghanistan?

Answer: Overall, I understand that the Corps recognized the need to increase the level of oversight of projects in Afghanistan. The Corps established a second District in Afghanistan in September 2009 and has increased its total staff. The Corps is also expanding the use of Afghan Quality Assurance Representatives to help to provide an experienced eye on construction projects at remote sites while also reducing costs and its security footprint.

It is my understanding that the SIGAR report on the Afghan National Police Headquarters recognized that oversight of the contracts was severely hampered by the security situation in Kandahar and Helmand provinces. I understand that the

Corps has been working very closely with the contractor to correct deficiencies and complete the facilities at no additional cost to the government.

What steps, if any, would you take if confirmed to improve contract oversight in Afghanistan?

Answer: If confirmed, I would ensure that the Corps is using all available procurement oversight and management assets and tools to the greatest extent possible. This would include ensuring the Corps is filling the necessary positions in theater with the right people, ensuring deploying qualified personnel are receiving the necessary training and support, maximizing the use of Afghan Quality Assurance Representatives, and employing technology such remote sensing where possible.

Afghanistan Infrastructure Program

The FY2011 National Defense Authorization Act established the Afghanistan Infrastructure Program, under which the Secretary of Defense and Secretary of State are authorized to develop jointly high-priority, large-scale infrastructure projects in support of the civil-military campaign plan in Afghanistan, including water, power and transportation projects. Up to $400 million in DOD funding is authorized in support of these projects. Projects will be implemented by the U.S. Agency for International Development (USAID) and the Army Corps of Engineers.

What do you see as the major challenges in implementing large-scale infrastructure projects under the Afghanistan Infrastructure Program?

Answer: USAID is the lead agency for the Afghanistan Infrastructure Program and the Corps provides engineering and construction support as requested. I would expect key challenges to include making sure that Afghan officials are involved closely in the process from the local to the ministerial level. Attention will need to be given to selecting projects suited to local, cultural needs and capacity. Another challenge will be the security environment and associated risks. Project planning and execution will also need to be coordinated with other projects and initiatives being undertaken in the theater. It is also important that projects support a master plan that has a high probability of support through changing Afghan leadership.

If confirmed, what steps, if any, will you take to ensure coordination in the implementation of these projects between USAID and the Army Corps of Engineers?

Answer: If confirmed, I will ensure that the Corps maintains a close working relationship with USAID and provides transparency at all stages of the process. The Corps has a Colonel serving as the Chief of Staff to the USAID mission in

Afghanistan and a liaison officer at the USAID headquarters in Washington. There are also Corps of Engineers personnel currently working for USAID in Afghanistan to provide subject matter expertise. I will make sure that these arrangements between the two organizations continue so that we continue our close coordination. I will also reinforce the need for a well coordinated team that provides any engineering and construction support that USAID requires.

Navigation Mission

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

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

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

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

Answer: I understand that many ports, gateways to domestic and international trade and overseas military operations, are operating at the margin in terms of channel depths. For coastal navigation, I see one of the greatest challenges to be working with the Administration, the Congress, other Federal transportation agencies, and navigation stakeholders to prioritize and pursue capital investments to prepare the Nation to maximize the opportunities for freight movement efficiencies associated with opening the new deeper Panama Canal locks in 2014. Clearly we must sustain the efficiency of our major ports to assure our competitiveness in world trade. In addition, segments of the inland waterways system are congested and are in need of recapitalization or rehabilitation. The Corps must work with the Administration, the Congress, and inland waterways stakeholders to find solutions to the shortage in the Inland Waterways Trust Fund to allow the needed capital investments to move forward.

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

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

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

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

Answer: My understanding is that the Corps has made substantial changes to assure that projects are appropriately analyzed and justified. The Corps has strengthened its procedures for internal peer review and has adopted procedures for independent external peer review under guidance issued by the Office of Management and Budget and consistent with direction provided in the the Water Resources Development Act of 2007. The Directorate of Civil Works now houses an Office of Water Project Review that is separate from project development functions. It is my understanding that a significant program of planning improvement continues to be undertaken, including strengthening planner capability, certifying planning models, utilizing National centers of planning expertise, and engaging decision makers throughout the planning process.

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

Answer: If confirmed, I would evaluate the current process and be guided by the principle that Corps technical analyses be absolutely sound and the project evaluation process be transparent. The Chief of Engineers provides technical expertise on water resources issues throughout the Nation. Additionally, independent external reviews have contributed to reducing risk, and to improving, informing and reinforcing the recommendations of the Chief of Engineers. I would work to assure that these external reviews continue to be effectively integrated into the project development process, not added on at the end of the process. Integration of independent external review improves projects and will continue to assist the Corps in meeting the Nation's urgent water resources needs.

National Levee Safety Program

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

What is your view of these criticisms?

Answer: The lessons of Hurricane Katrina and the resulting widespread failure and breaching of the levees has been a wake-up call for not only the Corps but everyone involved with the management of risks associated with levee systems. I understand that the Corps of Engineers initiated several analyses and studies of the potential causes and effects of the hurricane and the status of the hurricane storm damage reduction projects in the New Orleans area. As a result of these studies, the Corps also has developed and is in the final stages of constructing billions of dollars of improvements to the system that will provide the New Orleans area with risk reduction from the 1% event. I understand and appreciate the importance of continuing to study this issue and, if confirmed, will immediately learn more about the past, present and future work and the issues associated with the Corps' ongoing efforts in the New Orleans area and the nation. In addition, the Corps has implemented a new policy of independent external peer review that follows the guidelines of the National Academies of Science for all studies, design, and construction of projects that have the potential for public safety concerns and significant economic damage. A full and complete understanding of what happened in both the technical and decision-making arenas is an essential component of assuring it does not happen again.

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

Answer: I believe the tragedy of the events in New Orleans has caused some positive changes to the Corps over the last several years. Since Katrina, I understand that the Corps has implemented a strategic campaign to examine and improve all the major facets of how it delivers value to the nation in the Civil Works and Military Programs missions. The Corps efforts have included the integration of concepts of risk, systems, and resiliency into policies, programs, and procedures and the assessment of its workforce competencies and plans for building a technically competent workforce to implement these practices. If confirmed, I plan to continue these efforts to assess whether any other changes may be needed.

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

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

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

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

Answer: The Corps Levee Safety Program works continuously and periodically to systematically evaluate and communicate the risks associated with levees in its program authorities. I recognize that it is important that the Corps conduct its activities in concert with sponsors and stakeholders and share information obtained from the evaluation of levees. If confirmed, I will ensure that the Corps' evaluation activities are transparent to the public and coordinated with sponsors.

The management of risks associated with the nation's levees is a shared responsibility among local, state and federal government and the individuals that live and work behind them. My understanding is that the national scope of levees greatly exceeds the (approximately 15,000 miles) levees for which the Corps has authorities. The National Committee on Levee Safety (which the Corps of Engineers chairs but is a primarily non-federal committee) has estimated that there may be as many as 100,000 miles of levees in the United States that are outside the current authorities of the Corps. If confirmed, I am committed to learning more of the details of these programs and how the Corps can continue to assist in this very important area.

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

Answer: Holding public safety paramount is the key principle for the Corps Civil Works mission. The Corps has developed a levee safety program that uses state of the art practices in inspection, risk assessment and portfolio management to consistently identify, communicate, prioritize, and, where appropriate, reduce the risks for (approximately 2,000) levee systems within its authorities. Because these processes involve shared responsibilities, the Corps works closely with the Federal Emergency Management Agency, states, local governments and other stakeholders to coordinate our policies and programs, and ensure a common understanding of risks and comprehensive solutions that best address the need to improve system performance and reduce future flood risks. If confirmed, I will learn more about the results of the Corps' levee inspections and risk assessments and will work with all parties to determine best courses of actions as the Nation moves forward to addressing these issues.

Hurricane Katrina Relief and Reconstruction Contracting

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

What is your understanding of the major successes of the Army Corps of Engineers in relief and reconstruction contracting?

Answer: The Corps of Engineers has a long tradition of providing disaster response assistance. The Corps was a major player in the Federal response to Hurricanes Katrina and Rita in 2005. In addition to deploying over 8,000 Corps employees to provide disaster support, it leveraged the expertise, capacity and capabilities of the private sector to provide relief assistance. It is my understanding that a major contracting success is that of the Corps' program which utilizes "Pre-Awarded" contracts. This initiative provides the Corps with the ability to rapidly and effectively respond in order to execute major relief missions. After Hurricane Katrina, the Corps employed this initiative to rapidly provide emergency services. These contracts allowed the Corps to provide the initial assistance, while follow on contracts could be competitively awarded to provide additional capabilities and capacity.

What is your understanding of the major failures?

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

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

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

Press articles have described a process in which work was passed down from the Army Corps of Engineers to a prime contractor, then to a subcontractor, then to another subcontractor – with each company charging the government for profit and overhead – before finally reaching the company that would actually do the work. In one such case, the Army Corps of Engineers reportedly paid a prime contractor $1.75 per square foot to nail plastic tarps onto damaged roofs in Louisiana. The prime contractor paid another company 75 cents per square foot to do the work; that subcontractor paid a third company 35 cents per square foot to do the work; and that subcontractor paid yet another company 10 cents per square foot to do the work. In a second such case, the Army Corps of Engineers reportedly paid prime contractors $28 to $30 per cubic yard to remove debris. The companies that actually performed the work were paid only $6 to $10 per cubic yard.

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

Answer: While I am not personally familiar with these particular contracts, it is my understanding that the Corps of Engineers entered into competitive firm fixed price contracts in order to complete its mission. Existing procurement regulations address excessive "pass-through" charges. These regulations were not in effect at the time of the Katrina response. If I am confirmed, I will ensure that these regulations are complied with.

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

Would you agree that the "urgent and compelling" exception to competition requirements should be used to award a contract only on the basis of an event, or series of events, that is reasonably proximate in time to the contract award? Would you agree that the term of a contract awarded on the basis of the urgent and compelling exception to competition requirements should not ordinarily exceed the period of time the agency reasonably believes to be necessary to award a follow-on contract?

Answer: Yes, in general I believe that the "urgent and compelling" exception should be used only in the immediate wake of the disaster. I understand that the law requires competition except in very limited circumstances and believe that competition is vitally important. I also agree that the term of a contract awarded on the basis of the urgent and compelling exception should not ordinarily exceed a reasonable period to award a follow on contract. However, any determination regarding the specific use of an "urgent and compelling" exception to competition should be looked at on a case by case basis. If I am confirmed, I will ensure that the Corps judiciously uses the "urgent and compelling" exception in compliance with the applicable statutes and regulations.

Competition in the Contract Management of Military Programs

The U.S. Army Corps of Engineers has historically been designated as the primary contracting agent for military construction (MILCON) projects carried out by the Department of the Air Force. However, in recent years, due to the perception of excessive overhead costs associated with the Army Corps of Engineers, the Air Force sought to establish an organic contracting agency through the Air Force Center for Environmental Excellence in San Antonio, Texas.

What is your view of whether the Air Force should be allowed to carry out a larger percentage of MILCON contracts?

Answer: The Corps of Engineers executes its military construction responsibilities in compliance with Title 10 USC 2851, subsection (a), which provides that "Each contract entered into by the United States in connection with a military construction project or a military family housing project shall be carried out under the direction and supervision of the Secretary of the Army (acting through the Chief of Engineers), the Secretary of the Navy (acting through the Commander of the Naval Facilities Engineering Command), or such other department or Government agency as the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective completion of the project." Department of Defense (DOD) Directive 4270.5 establishes policies and responsibilities for the military construction program and the use of DoD construction agents in the design or construction of military construction program facilities.

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

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

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

Efficient Management Practices in the Army Corps of Engineers

In a report to Congress dated February 1, 2007 and entitled "US Army Corps of Engineers Response to Senate Report 109-254, Management of Military Programs in the United States Corps of Engineers, January 2007", the Commander of the U.S. Corps of Engineers stated that "through MILCON Transformation, USACE will gain economic efficiencies through design standardization of Army facility types, centralization of design activities in USACE Centers of Standardization, and focused business line contracting with regional acquisition strategies." The report also forecasted that savings from these efficiencies would be experienced by customers in later years after full implementation of transformation initiatives, possibly affecting rates charged by the Corps for supervision, inspection, and overhead.

Do you support the goals of the Army Corps of Engineers' plan for MILCON Transformation?

Answer: Yes. The goals of implementing a MILCON business process that seeks to reduce design and construction costs and delivery time and to build efficiencies through standardization of facilities and processes remain extremely important and relevant. The cycle of building, learning, adapting best practices and feeding this information back into the programming phase has resulted in more efficient and effective program execution.

How do assess the success of this program?

Answer: Based on what I know so far, the initiative to implement a transformed Army MILCON Business Process was extremely successful. Like any new process, there were lessons learned. Although a 2010 GAO report faulted the Army for not establishing clear baseline for measuring achievement of goals for cost and time

savings, the report concluded that the Army did reduce the estimated cost of some facility construction projects and shortened building timelines during fiscal years 2007 through 2009. Perhaps the greatest benefits resulted from more consistent solicitations and delivery of a high volume of standard facilities during this period. The MILCON Transformation initiative was a key factor enabling the successful execution and delivery of an unprecedented MILCON program during a period of very volatile market conditions. If confirmed, I will learn more about the program and strive to continue to build on its success. The transformed MILCON process provides a strong foundation for continued adaptation and refinement of facilities delivery processes to satisfy current and future program requirements.

Are you aware of any customer concerns that you would want to address, if confirmed?

Answer: It is my understanding that Army installation customers have expressed a desire for more flexibility to accommodate local installation preferences that may conflict with Army facilities standards or standard designs. In an era of constrained staffing and resources, installations are also interested in an integrated system that results in delivery of a complete (ready to occupy) facility including furniture and information technology systems. I understand that the Corps is working with the Assistant Chief of Staff for Installation Management and the Installation Management Command to streamline processes for consideration of waivers to standards and standard designs. If confirmed, I will learn more about customer concerns and try to address them as appropriate.

If confirmed, would you recommend any changes or improvements?

Answer: I believe that the Corps must continuously assess its facilities delivery processes and seek improvements to better satisfy program requirements and customer expectations. I believe that the Corps should produce more energy efficient designs to support Army objectives for compliance with energy mandates and reduced operating costs. I would give priority to ensuring that Corps design and construction techniques support energy mandates. Energy efficiency best practices are specific to the site (climate zone) and facility type. For instance, some areas of the country can take advantage of solar energy while wind energy might be more efficient in another area.

Have the Corps' customers seen any benefits of MILCON transformation in terms of decreased costs for supervision, inspection, and overhead and improved delivery times for construction products?

Answer: I believe that customers have benefited from reduced supervision and administration costs to the extent that contract cost savings have been achieved. This is because the Corps operates within a flat rate for supervision and administration (S&A) of MILCON projects based on a fixed percentage of the contract amount. This system provides for predictability and consistency for

programming of projects. I also understand there has been a savings in design costs based on the use of standard designs and expanded use of design-build acquisitions. I understand that resources are tight and demands for them are high and, if confirmed, I commit to continue these transformation efforts to improving services while trying to maximize efficiencies.

If not, when do you expect they will begin to see such benefits?

Answer: I believe the Army has realized savings as discussed above.

Bundling of Contracts by the Corps of Engineers

The Army Corps of Engineers is faced with the significant challenge of carrying out construction requirements imposed by force structure changes due to Army modularity, wrapping up the 2005 round of Base Realignments and Closures, the implementation of the Integrated Global Presence and Basing Strategy, and most recently, the Army's initiative to grow the force. In response, the Corps plans to allow construction contractors to propose alternate types of construction, including pre-manufactured and modular buildings, to bundle projects for multiple buildings into one delivery order, and to rely on design-build acquisitions, which requires one contractor to provide both design and construction services. The net effect of these proposals will be to reduce the pool of qualified contractors able to bid on such large and complicated projects.

In your view, what benefits, if any would be gained by these initiatives?

Answer: The shift from the legacy practice of defining prescriptive requirements to performance based requirements and criteria allows the market to drive the solution that provides the most efficient and cost-effective means to comply with the facility requirements and criteria. Allowing a broad range of construction types allows contractors to adapt to changing market conditions and materials costs by proposing the systems that they can deliver most efficiently. During FY08-09 when the Corps construction program peaked, the construction market (both labor and material) was very volatile as a result of rising diesel fuel prices. Steel prices were up in one region, down in another, with similar conditions for concrete and wood. Flexibility in design allowed more contractors to participate and offer their unique solutions based on the sector of the market where they had a competitive advantage.

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

Answer: The risks of combining multiple facilities into single large contracts include reducing the number of contractors that have the capability to perform the work, and reducing opportunities for small and medium sized businesses to compete as prime contractors. If confirmed, I will help the Corps continue to choose acquisition strategies designed to efficiently execute projects, provide competitive opportunities for industry, and achieve the small business goals. Packaging one or more facilities together in one delivery order is not a standard business practice, but may be appropriate for a very tight construction site or to satisfy unique phasing requirements.

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

Answer: I believe that proper acquisition planning that includes a level of market research commensurate with the requirements will identify qualified businesses interested in the specific procurements and the available competition in the market. Careful analysis of this information ensures the maximum level of competition by all qualified businesses and the ability to provide maximum opportunities for small business.

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

Answer: There has been no change to required facility service life for MILCON projects. The Corps solicitations require a 50-year structure life, with a 25-year cycle for renovation or repurposing of facilities. When properly designed and maintained, all types of construction (wood, steel, concrete, or masonry) can achieve or exceed the 50-year target facility service life. The use of alternative construction types does not compromise the durability of the facility, but does permit facilities designs to be as cost effective and efficient as possible while complying with all applicable codes, life-safety standards and other requirements. The Corps has reviewed the issue of durability of alternative building systems and determined that design of a structure to building codes for service loads, wind, seismic forces, force protection and progressive collapse results in a very robust structure. A 2010 GAO report recommended the Department of Defense conduct additional study and analysis to assess the merits and long-term costs resulting from the use of alternative building materials and methods. If confirmed, I will work with the Department of Defense and the Corps to further assess this issue.

<u>Construction Services Acquisition Methods for the Corps of Engineers</u>

In response to urgent requirements to complete military construction projects related to the 2005 round of Base Realignments and Closures, the Corps adopted an integrated design bid build process with early contractor involvement. Various Corps

districts used different versions of this process with disparate levels of success depending on the steps written in the contract to negotiate firm, fixed prices after contract award and during actual construction. In the case of the construction of a new hospital at Fort Belvoir, Virginia costing more than $1 billion, the committee was notified in December 2010 that the Department of Defense was required to pay the contractor an additional $160 million as a payment for "firm-fixed price contract definitization" even though the facility was 80% construction complete and the cost was in excess to the amount that had been authorized by Congress. Representatives from the Corps briefed this committee in January 2011 that this process is being used in at least 19 other construction contracts.

Are you familiar with this process?

Answer: Yes, I am generally familiar with the use of Fixed Price Incentive Successive Targets (FPIS) contracts in general, and with the Early Contractor Involvement (ECI) methodologies developed by the Corps.

Do you believe that it was beneficial to the Government to award military construction projects without a clear firm-fixed price at contract award? If so, why?

Answer: Yes. Considering the size, technical complexity, and time constraints for delivery of the Fort Belvoir Community Hospital and other large and complex facilities required to support implementation of BRAC 2005, the delivery timelines could not have been achieved while satisfying the functional and operational requirements using any traditional acquisition method. As the Committee notes, the Corps has used the Early Contractor Involvement (ECI) method for only about 20 MILCON projects. ECI is a specialized tool appropriate in unique circumstances. FPIS uses target and ceiling pricing, and a series of incentives, to determine a final price. This delivery method known as Early Contractor Involvement (ECI) has been used successfully to complete a number of quality projects with an expedited delivery schedule and includes a guaranteed maximum price that could increase if contractually appropriate scope changes arise. The hospital at Fort Belvoir was one of the pilot ECI projects awarded by the Corps and, I understand, a number of lessons learned have been identified as process improvements since that time and internal policies and procedures have been updated and continue to be updated.

In your opinion, given the risk to the Government, should the Corps establish guidelines and standards for the use of this acquisition process?

Answer: It is my understanding that the Corps has been gathering lessons learned from its initial ECI experiences and is refining its processes and guidance. I also understand that management controls are in place that require each project proposing to utilize the ECI delivery method to be approved by the Headquarters, with subsequent approval of an acquisition plan by the Principal Assistant

Responsible for Contracting. The Corps is also working with Defense Contract Audit Agency and Defense Contract Management Agency as part of its continuous learning and sharing.

If confirmed, how would you ensure this process, if used, is managed in a way that does not expose the Government to a contract liability for amounts that have not been authorized by Congress?

Answer: If confirmed, I intend to continue the work which the Corps has begun to capture lessons learned from the ECI contracts which have been awarded; and to refine criteria and improve the guidance for the application of ECI. In addition, I will seek to increase outreach to other DoD elements and industry, to explore ways to refine our management and contract administration practices to limit cost growth when using this acquisition method.

Energy Savings and Sustainable Design

The Department of Defense has goals for the reduction of energy consumption in facilities as well as the adoption of sustainable design standards. As the largest design and construction agent for the Department for the execution of military construction contracts, the Corps will be responsible for a qualitative response to the needs of military customers to meet those goals.

How do you assess the expertise and professional education of the engineers in the Corps to be able to incorporate the latest technology and practices for energy consumption reductions and sustainable design in each military construction project?

Answer: The Corps has demonstrated great capability in achieving energy savings in design and construction with infusion of new technologies. In that regard, I believe that the Corps is on par with industry as our society learns how to build energy efficient and sustainable facilities. The Corps is actively engaged with the Army, the Department of Energy, and other partners to learn how to incorporate new technologies and design methods into our standard business processes. It is also training its staff in energy efficient design, sustainable and high performing building at all levels and in all disciplines.

In your opinion, should this aspect of project design be subject to the request of the customer or established as a design standard for all Corps projects?

Answer: In my view, customers have the flexibility to define the requirements for their facilities within the constraints of applicable codes, Federal mandates, and DoD policy requirements. The Corps is seeking to standardize the best business practices and to define the types of technologies and design features that will optimize energy efficiency for the climate zone and facility type being provided. For example, the Corps is working to implement new processes to conduct energy

savings modeling for every project at the planning or early design phase. They are also working toward performing a full building life cycle cost analysis of the energy efficiency options that make sense and are available to the customer. This will allow the customer to make an informed decision regarding initial investment cost and the total cost of ownership over the facility life cycle.

In your opinion, how aggressive is the Corps in testing new technologies and products and then adjusting military specifications to be able to incorporate those technologies and products into facility designs?

Answer: There are many great examples of new technologies going into projects daily, however I believe the Corps can be more aggressive to institutionalize or make these technologies wide spread. The Corps has identified development of a knowledge management capability as one of its Campaign Plan objectives, which will help improve the sharing of best practices.

Preference for Design-Build Contracts for Military Construction Projects

Over the past ten years, the Corps of Engineers has adopted the design-build (DB) process as the preferred contracting vehicle for the acquisition of facility construction, as opposed to traditional methods of design-bid-build (DBB) and in-house (IH) design. While DB contracts offer the opportunity for a designer and a construction contractor to work together earlier in the contract, thus reducing claims and change orders, the risk of user-requested changes increases and the role of Corps engineers in the design phase as well as contract oversight are diminished. In addition, the proliferation of contracted designs has greatly reduced the amount of in-house design performed by Corps engineers.

What is your view on the appropriate balance of DB, DBB, and in house design work accomplished by the Corps?

Answer: In my view, it is important to carefully assess and make decisions regarding the acquisition strategy for each project in coordination with the customer early in the project development process. It is important to maintain an appropriate balance between design-build (DB) and design-bid-build (DBB) methods in order to offer contractors a wide and varied opportunity to compete. Similarly, the Corps must balance the need to retain in-house design work to sustain technical competency with the need to provide design opportunities for the private Architect-Engineer community. These decisions are not driven by numbers of projects, but by the nature of the projects, the objectives of our customers, and the need to maintain a technically competent staff. Only through in-house design experiences can the Corps be prepared to provide the required technical and engineering skills required by its diverse missions.

In your opinion, on what factors should the design and acquisition process recommended by the Corps to its customers be based on for each military construction project?

Answer: In my opinion, selection of the design and acquisition method should be based on the best tool available, considering the specific requirements of the projects and the objectives of the customer. For example, the need to define unique or specialized facility requirements during the design phase may make DBB the most appropriate tool. Renovation projects are often executed using the DBB method in order to reduce risk related to unknown as-built conditions. DB may be more attractive when the customer has well-defined functional requirements and criteria, or requires construction to fast track or start early due to seasonal weather.

Are you concerned about the impact of the amount of in-house design work on the capabilities of the engineering corps?

Answer: I am concerned that the Corps maintains the right balance of work to remain technically competent. I know the Corps has placed a great deal of focus on this issue as reflected in its Campaign Plan, and I will continue to maintain a focus on technical competency if I am confirmed.

If confirmed, would you recommend any changes in the process and guidelines used by the Corps to determine the acquisition method for each military construction project?

Answer: If confirmed, I would seek consistency in acquisition processes and solicitations among Corps districts, in order to assist industry to better understand project requirements and improve the quality and pricing of their proposals. I would also place a priority on ensuring selection of appropriate design and contracting strategies to facilitate compliance with energy and sustainability requirements.

<u>Environmental Issues</u>

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

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

Answer: I believe that the Corps can and must carry out its missions in an environmentally responsible manner. The Corps has a long record of coordinating its missions and planning its projects in compliance with the provisions of the National Environmental Policy Act (NEPA) and numerous other environmental

statutes, consistent with the Corps' Environmental Operating Principals. Strong collaboration with other agencies and subject matter experts has led to better and more environmentally sensitive projects. If confirmed, I am committed to ensuring that Corps projects are planned, constructed, operated and maintained in such a manner as to avoid or minimize adverse environmental effects.

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

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

Answer: It is my understanding that continuing to execute the vital cleanup mission, adapting new technologies to gain efficiencies, while always protecting the health and safety of the public and workers is perhaps the biggest challenge for the FUDS and FUSRAP programs. The Corps must continue to apply good science, adopt innovative effective technology, and apply good management practices that will increase remediation safety and efficiency and meet commitments to stakeholders. Effective interim risk management and public education programs are important to the process.

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

Answer: The Corps has aggressive goals for these programs and meeting those goals will be a challenge. Much of this work is conducted on private property and involves numerous stakeholders, many with conflicting agendas. If confirmed, I will continue to press for ways to perform the mission in the most efficient and effective manner possible.

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

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

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

Section 404 of the Clean Water Act requires landowners or developers to obtain U.S. Army Corps of Engineers permits to carry out activities involving disposal

of dredged or fill material into navigable waters of the United States, including wetlands. For almost two decades, the stated goal of the Federal government has been "no net loss of wetlands".

Do you support the goal of "no net loss of wetlands"?

Answer: Yes, I support the national no net loss goal. Wetlands are important to human health, the environment and the economy.

Do you believe that we are currently meeting that goal?

Answer: I understand that the Corps is contributing to the national goal by requiring compensatory mitigation for unavoidable wetland impacts.

What specific steps do you believe that the Army Corps of Engineers should take to move us closer to the goal of "no net loss of wetlands"?

Answer: I understand that the Corps' Regulatory Program continues to use the best available science and information to ensure the ecological success of compensatory mitigation required to offset unavoidable impacts to waters and wetlands. Two of the Corps' regulatory performance metrics emphasize the need to ensure that compensatory mitigation for authorized impacts to aquatic resources is accomplished. Additionally, I understand that the Corps does have a database in order to trace wetland impacts and mitigation. If confirmed, I will ensure that the Corps continues to successfully operate its Regulatory Program towards the goal of "no net loss of wetlands."

<u>Recruiting and Retention of Army Engineers</u>

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

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

Answer: From what I understand, the Corps is very successful at filling Civilian positions and usually has multiple highly qualified candidates for each position announced. Recruiting the right talent to meet the challenges and projected workload is critical to the success of the Corps. Although the current economy has contributed to recent recruitment successes, the Corps must be ready to recruit from a projected shrinking talent pool. One of the objectives in the Corps Campaign Plan is to establish tools and systems to get the right people in the right jobs, and then develop and retain this highly skilled workforce. In order to accomplish these objectives, the Corps has trained a Civilian recruitment cadre to interact with job

seekers and market the Corps of Engineers as an employer of choice. It is also my understanding that the Corps of Engineers generally does very well in helping to recruit and retain military officers. More officers are interested in branching Engineer and serving with the Corps of Engineers than the Army has authorizations to fill. Over the past several years, the Army has made significant progress to increase the percentage of incoming Engineer officers with engineering and other technical degrees. Many Engineers officers later earn Maters' degrees in engineering or related fields as well as professional certifications such as Professional Engineer (PE) and Project Management Professional (PMP).

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

Answer: The Corps has been successful in recruiting and retaining needed manpower. I believe that the greatest challenge will come as the economy improves and private industry begins to actively hire engineers, scientists, and other professionals. Many Corps employees are project funded; paying salaries during training periods has been a challenge and limits the amount of time employees can spend in a training status. However, I recognize the vital importance of continuing to identify competency strengths and gaps and then determining the training, education, experience and resources to close those gaps.

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

Answer: In addition to the programs previously mentioned, I would definitely support the Office of Personnel Management, Department of Defense, and Department of Army in their efforts to streamline and shorten the Federal hiring process. Speed of hiring talent at all levels is important in order not lose the best candidates to other employers. Also important is having an efficient and painless "on-boarding" process for new employees. The way new personnel are welcomed into the organization plays a significant role in whether they stay with the organization. Since PL 109-163, the FY06 National Defense Authorization Act, the Department has had the mandate to assess existing and future competencies needed to accomplish its missions. The Army is doing that through use of the Competency Management System.

The Corps of Engineer uses the Cadet District Engineer Program (CDEP) to bring ROTC and USMA cadets into the Corps between their Junior and Senior years. This program introduces the cadets to engineering projects and gives them three weeks of hands on experience. Approximately 40-50 cadets participate each summer. As stated previously, the Engineer branch vigorously recruits cadets with technical degrees and other appropriate qualifications for commissioning as Engineer officers. After commissioning, most Engineers officers serve with troop unites through company command. The Human Resources Command (HRC) places

highly qualified and competitive officers to serve with the Corps in various capacities. With over 75% of Engineer units in the U.S. Army Reserve and Army National Guard, there is a tremendous reservoir of talented Engineer officers in the Reserve Components (RC). The Army could not meet all Engineer manning requirements without them. These RC officers serve in a variety of critical positions alongside Active Component military and civilian personnel. If confirmed, I would continue to support these great recruitment efforts and look for additional ways to improve the Corps military and civilian workforce.

Human Capital Planning for the Civilian Workforce

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

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

Answer: If confirmed I would serve as the Army Functional Chief for over 106 Army Civilian Engineering and Science occupations covering professional, blue collar, non-appropriated fund, and foreign national employees and would be responsible for instituting holistic life-cycle career management. I would continue the work the Corps has done to identify competencies for mission critical occupations, assess competencies and institute strategies to close competency gaps. I would continue refinement of professional development maps for all assigned occupations and will utilize the Corps Leader Development Program that incorporates the Army's Civilian Educations System to promote an environment of continuous learning and leader development.

Congressional Oversight

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

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

Answer: Yes

Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Answer: Yes

Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Chief of Engineers?

Answer: Yes

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

Answer: Yes

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

Answer: Yes