

Senate Armed Services Committee
Advance Policy Questions for Ms. Melissa G. Dalton
Nominee to be Assistant Secretary of Defense for
Homeland Defense and Hemispheric Affairs

Duties and Qualifications

The Assistant Secretary of Defense for Homeland Defense and Hemispheric Affairs (ASD(HD&HA)) is responsible for the overall supervision of the homeland defense activities of the Department of Defense, as well as Defense Support of Civil Authorities (DSCA), defense continuity and mission assurance (DC&MA), Arctic and Global Resilience policy, Western Hemispheric Affairs, and other matters.

1. What is your understanding of the scope and breadth of the duties and functions of the ASD(HD&HA)?

My understanding is that the ASD(HD&HA) is the principal civilian policy advisor to the Secretary of Defense and the Under Secretary of Defense for Policy (USD(P)) with primary oversight of policy and planning related to DoD's homeland defense activities, Defense Support of Civil Authorities (DSCA), defense continuity and mission assurance (DC&MA), and Arctic and Global Resilience (A&GR) and Western Hemisphere Affairs (WHA) matters. The ASD(HD&HA) serves as the principal DoD representative for these assigned areas of responsibility in engagements with interagency partners, the Congress, foreign allies and partners, State, local, tribal, and territorial governments, and private sector organizations.

2. What background and experience do you possess that qualify you to perform these duties?

I have extensive experience and substantial background serving in the national security community both in and outside of the U.S. Government, including currently Performing the Duties of the Assistant Secretary of Defense for Strategy, Plans, and Capabilities. In this capacity, I am responsible for advising senior DoD leaders on national security and defense strategy; the forces, contingency plans, and associated posture necessary to implement the defense strategy; nuclear deterrence and missile defense policy; and security cooperation plans and policies. My previous government service includes serving as Special Assistant to the Under Secretary of Defense for Policy; senior advisor for force planning; policy advisor to the commander of the International Security Assistance Force in Kabul, Afghanistan; and country director for Lebanon and Syria in the Office of the Under Secretary of Defense for Policy (OUSD(P)). I also served as an intelligence analyst at the Defense Intelligence Agency. Outside of government, I served as a senior fellow and deputy director of the Center for Strategic and International Studies (CSIS) International Security Program and director of the Cooperative Defense Project. My research at CSIS focused on reinforcing the principled foundations of U.S. defense strategy and military operations. Each of these roles has prepared me with the functional and regional

expertise needed to advise senior DoD leaders on national security and defense strategy, including ensuring that DoD's program and budget decisions support and advance DoD's strategy and priorities.

- 3. If confirmed, what additional duties and functions would you expect the Secretary of Defense and the Under Secretary of Defense for Policy to prescribe for you?**

If confirmed, I will focus on performing the duties of the ASD(HD&HA) and any additional functions as directed by the Secretary or Under Secretary of Defense for Policy.

Major Challenges and Priorities

- 4. In your view, what are the major challenges that will confront the next ASD(HD&HA)?**

The scope and scale of all-domain threats to the homeland have increased in parallel with increasing demands on defense resources for support of civil authorities to address myriad challenges, including the effects of climate change, the COVID-19 pandemic, and domestic extremism. The ASD(HD&HA) will need to ensure an integrated approach to the defense of the homeland in addition to the defense of U.S. interests abroad. The ASD(HD&HA) will also need to advance relationships with key partners, including bilateral relationships with partners in the Western hemisphere as well as with partners in the Federal Government, State and local governments, and the private sector.

- 5. What priorities and plans do you have, if confirmed, for addressing each of these challenges, and on what timeline?**

If confirmed as ASD(HD&HA), my focus from day one will be to help the Secretary and USD(P) meet the Department's missions, strengthen relationships and capabilities that maintain national security, and prevent and respond to adversary threats. I would seek to ensure that the Department's policies, plans, and resources are appropriately prioritized and allocated.

Relations with Congress

- 6. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between the Congress and the Office of the ASD(HD&HA)?**

I recognize the importance and value of a constructive and productive relationship with Congress. If confirmed, I will take a proactive approach to routinize a dialogue on HD&HA issues and priorities; this is a first step toward a mutually beneficial relationship and partnership.

Key Relationships

- 7. Please describe your understanding of the relationship between the Department of Defense (DOD), the ASD(HD&HA), and the Department of Homeland Security (DHS), particularly with respect to DOD's homeland defense activities and DSCA.**

It is my understanding that DoD and DHS have close working relationships on many issues, including Defense Support of Civil Authorities (DSCA) missions associated with domestic disasters, emergencies, and cyber incidents. The ASD(HD&HA) is the senior civilian policy advisor to the Secretary of Defense and the Under Secretary of Defense for Policy for assigned areas of responsibility, including homeland defense and DSCA, and serves as the principal DoD representative on homeland defense and DSCA policy matters in engagements with Federal partners such as DHS and the Congress, as well as with State governments, local municipalities, and organizations in the private sector.

- 8. If confirmed, what role would you play in the direction and coordination with DHS of DOD homeland defense activities and DSCA.**

If confirmed, I would be responsible for coordinating the integration of DoD homeland defense policies with DHS homeland security policies, as well as coordinating on policy oversight of the planning and execution of DSCA missions in support of DHS. If confirmed, my goal would be to review the state of the DoD-DHS relationship and pursue opportunities for improvement.

- 9. Please describe your understanding of the relationship between the ASD(HD&HA) and the Joint Staff.**

The ASD(HD&HA) is responsible for coordinating both formally and informally, on a daily basis, with the Joint Staff regarding the roles, capabilities, and readiness of the military services and combatant commands to support DoD's homeland defense, DSCA, Western Hemisphere, and other missions for which the ASD(HD&HA) has policy responsibility.

- 10. Please describe your understanding of the relationship between the ASD(HD&HA) and the Secretaries of the Military Departments.**

The ASD(HD&HA) is responsible for coordinating with the Secretaries of the Military Departments to ensure that the Joint Force has the necessary capabilities and resources, and is mission ready, to support the execution of homeland defense, DSCA, Arctic, climate, resilience, defense continuity and mission assurance, and Western Hemisphere missions.

- 11. Please describe your understanding of the relationship between the**

ASD(HD&HA), the Chief of the National Guard Bureau, and The Adjutants General of the states and territories, particularly with respect to DOD's homeland defense activities and DSCA.

The ASD(HD&HA) is responsible for coordinating with the Chief of the National Guard Bureau and the Directors of the Army National Guard and Air National Guard particularly regarding the roles, capabilities, and readiness of the Army National Guard and the Air National Guard to support the execution of homeland defense and DSCA missions.

The ASD(HD&HA) is also the principal DoD representative on homeland defense and DSCA policy matters for engagement with State and territorial governments, including State and territorial Adjutants General. I understand the ASD(HD&HA) generally uses the National Guard Bureau as the channel of communications with the States and territories on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

12. Please describe your understanding of the relationship between the ASD(HD&HA) and the District of Columbia National Guard, particularly with regard to activities in the District, including responding to civil disturbances and support to national security special events (NSSE)?

The ASD(HD&HA) is responsible for developing, coordinating, and overseeing the implementation of DoD policy for National Guard personnel, including District of Columbia National Guard (DCNG) personnel, participating in defense support of civil authorities missions when the Secretary of Defense determines such participation is necessary and appropriate.

When a request for DoD assistance is received, if confirmed as the ASD, I will work with the Secretaries of the Army and the Air Force, the Chairman of the Joint Chiefs of Staff, and the Chief of the National Guard Bureau to develop options for the Secretary of Defense to consider in responding to the request.

The ASD(HD&HA) is responsible for coordinating advance planning for potential DoD support of civilian law enforcement agencies. DoD encourages civilian law enforcement agencies to work with DoD to plan in advance of events and contingencies for DoD support.

National Defense Strategy (NDS) and Interim National Security Strategic Guidance

The 2018 NDS shifts U.S. strategic priorities to focus on a rising China, an aggressive Russia, and the continued threat from rogue regimes and global terrorism. In March 2021, the Biden Administration issued its Interim National Security Strategic Guidance, which sets out the Administration's national security priorities. The

Administration has initiated the process of preparing a new National Defense Strategy, which is planned to be completed in 2022.

13. Do you believe that the 2018 NDS and the Interim National Security Strategic Guidance accurately assess the current security environment, including the most critical and enduring threats to the national security of the United States and its allies?

Based on the security environment at the time, I believe the 2018 NDS correctly identified strategic competition with China and Russia as the primary challenges in the global security environment.

I believe the Interim National Security Strategic Guidance accurately articulates the breadth and scale of the challenges we face and sets forth priorities to advance our vital national interests. The threats are increasingly global in nature; democracies are increasingly under siege based on the rise of populism and illiberal threats to the rule of law; the distribution of power across the world is changing, creating new challenges; the international order the United States helped establish is being tested; and running beneath these trends is a revolution in technology that brings opportunities and security challenges. At the same time, the United States is facing a proliferation of all-domain threats to the homeland that will require the United States to address vulnerabilities here at home.

As required by law, the Department is currently working on the NDS, which has been shaped by the Interim National Security Strategic Guidance, and will be aligned with the forthcoming National Security Strategy.

14. In particular, do you believe the 2018 NDS and the Interim National Security Strategic Guidance accurately assess current threats to the U.S. homeland? Please explain your answer.

I believe that the Interim National Security Strategic Guidance accurately assesses the current threats to the U.S. homeland, and that the upcoming NDS also will appropriately address homeland defense, including through an appreciation of how threats have evolved since the 2018 NDS. For example, the Interim National Security Strategic Guidance states up front that our role in the world depends upon our strength and vitality at home.

15. In your view, are there developments since 2018 relating to matters under the purview of the ASD(HD&HA) that should be addressed as part of a new NDS?

In my view the scope and scale of all-domain threats to the homeland have increased. At the same time, the Department is facing increasing demands on defense resources for DSCA missions to address a range of challenges, including the effects of climate change, pandemics, and domestic extremism. If confirmed as the ASD(HD&HA), my focus will be to help the Secretary address these and other relevant challenges.

Defense Support of Civil Authorities (DSCA)

The ASD(HD&HA) has primary responsibility within DOD for DSCA. DOD has provided DSCA in response to numerous requests over the last few years. This has included: requests from DHS for support to Customs and Border Patrol along the southwestern border; requests from DHS and the Federal Emergency Management Agency (FEMA) for support in addressing adverse weather and man-made disasters; supporting law enforcement in response to civil unrest; and supporting DHS, FEMA and the Department of Health and Human Services in response to the COVID-19 pandemic.

16. Please describe your general understanding of DOD's roles and responsibilities in providing DSCA, particularly vis-à-vis the roles and responsibilities of other federal agencies in responding to domestic situations.

DoD plays a supporting role in the United States by providing DSCA in support of lead Federal agencies. DoD's unique capabilities and capacity can be leveraged when directed by the President, or when the Secretary of Defense has approved a request for assistance, under the Stafford Act, the Economy Act, or other legal authority.

17. What is your understanding of the role of the Responsible Federal Agency with respect to DSCA?

The Responsible Federal Agency (or Lead Federal Agency) is, consistent with the law, responsible for the mission that DoD may support through DSCA. As such, the Responsible Federal Agency determines what DoD capabilities or resources may be needed, requests DSCA, collaborates with DoD in the execution of the DSCA mission, and, when required by law, reimburses DoD for the support.

18. Do you believe that the Department's current policies and guidance ensure proper use and oversight of DOD resources for DSCA? Please explain your answer.

I believe DoD's current policies and guidance are efficient, effective, and have ensured DoD's efforts through DSCA have been proper and instrumental in saving and sustaining lives in the aftermath of disasters, including as part of our nation's response to COVID-19. If confirmed, I will work with DoD stakeholders to review DoD's current policies and guidance and ensure that DSCA is effective, efficient, and properly accountable.

19. Do you believe that DOD has in place the policies and processes to generate an accurate accounting of, and to secure full and timely reimbursement for, the incremental costs of DSCA provided pursuant to "The Stafford Act"?

I believe DoD's policies and processes are efficient and effective. If confirmed, I will work with the DoD Comptroller and other DoD stakeholders to ensure that DoD

policies and guidance secure appropriate reimbursement for DSCA provided pursuant to the Stafford Act, the Economy Act, and other legal authority.

20. If not, what steps would you take, if confirmed, to ensure both the accurate accounting of DOD's incremental costs and proper and full reimbursement for such costs?

If confirmed, I will work with the DoD Comptroller and other DoD stakeholders to ensure that DoD's policies and accounting practices facilitate proper and full reimbursement of DSCA costs, consistent with the statutory authority under which the support was provided.

21. Do you believe that DOD has in place the policies and processes to generate an accurate accounting of, and to secure full and timely reimbursement for the actual costs for DSCA provided pursuant to "The Economy Act"?

If confirmed, I will work with the DoD Comptroller and other DoD stakeholders to ensure that DoD policies and guidance secure appropriate reimbursement for DSCA provided pursuant to the Stafford Act, the Economy Act, and other legal authority.

22. If not, what steps would you take, if confirmed, to ensure both the accurate accounting of DOD's actual costs and proper and full reimbursement for such costs?

If confirmed, I will work with the DoD Comptroller and other DoD stakeholders to ensure that DoD policies and guidance secure appropriate reimbursement for DSCA provided pursuant to the Stafford Act, the Economy Act, and other legal authority.

23. In your view, under what circumstances should DOD Support of Civil Authorities be provided on a non-reimbursable basis? Please explain your answer.

DoD should provide DSCA on a non-reimbursable basis only when the law requires DoD to provide support on a non-reimbursable basis or when providing support on a non-reimbursable basis is both authorized by law and approved by the appropriate DoD official.

24. What is your understanding of a military commander's "immediate response authority" for the conduct of DSCA?

Under immediate response authority, Federal military commanders, Heads of DoD Components, and responsible DoD civilian officials may, in response to a request for assistance from a civil authority, under imminently serious conditions and if time does not permit approval from higher authority, provide an immediate response by temporarily employing the resources under their control, subject to any

supplemental direction provided by higher headquarters, to save lives, prevent human suffering, or mitigate great property damage within the United States. Support provided under the immediate response authority should be provided on a reimbursable basis, where appropriate or legally required, but will not be delayed or denied based on the inability or unwillingness of the requester to make a commitment to reimburse DoD.

I understand the immediate response authority does not permit actions that would subject civilians to the use of military power that is regulatory, prescriptive, proscriptive, or compulsory.

25. If confirmed, how, if at all, would you seek to modify the scope and breadth of this authority, and the process for using it?

If confirmed, I will work with DoD stakeholders to review DoD policies and guidance to consider whether any clarification of immediate response authority is necessary to promote effectiveness, efficiency, and accountability, consistent with the law.

26. As the COVID-19 pandemic continues, what types of DSCA activities do you envision becoming more or less significant?

The COVID-19 pandemic continues to be the most urgent challenge facing the United States. DoD has an important supporting role in our nation's fight against the COVID-19 pandemic, and has contributed the efforts of thousands of military and civilian personnel, equipment, and supplies to support this fight. I understand that DoD's DSCA COVID-19-support activities are driven by the mission needs of the lead Federal agency, the Department of Health and Human Services, and the lead Federal coordinating agency, the Federal Emergency Management Agency.

27. Are there any areas in which you believe DSCA has been more or less effective during the COVID-19 pandemic?

It is my understanding that DSCA has been decisive to our nation's fight against the COVID-19 pandemic. Thousands of military personnel, including National Guard personnel from all 50 States, 3 territories, and the District of Columbia, supported COVID-19 relief operations. Military personnel have augmented medical staff at hospitals, nursing homes, and assisted living facilities; delivered food to hard-hit communities; supported logistics efforts to supply medical equipment and personal protection equipment; built alternate care facilities; conducted community-based medical screening; and conducted laboratory testing, among other tasks. DoD has also been a major contributor in our nation's efforts to develop, produce, and distribute COVID-19 vaccines. If confirmed, I will assess lessons learned from these efforts to determine how DSCA can continue to best support our nation's efforts to counter COVID-19.

28. As the situation at the southwest border continues to present challenges, what types of DSCA activities do you envision being requested by DHS?

Security and management of the southwest border of the United States is a dynamic and challenging mission. It is my understanding that for more than a decade, DHS has relied upon DoD's support to help detect and monitor migrant movements and drug-smuggling activities, and to provide analysis and aerial support for U.S. Customs and Border Protection. If confirmed, I would work closely with DHS to understand DHS's requirements and capability and capacity gaps, and help DHS tailor its requests for appropriate DoD support. I would also work within DoD to ensure DHS receives appropriate DoD support, while protecting military readiness and DoD's ability to conduct its national defense missions.

29. In your view, what factors should DoD consider in evaluating such requests for additional DSCA along the southwest border?

I would expect DoD would consider a number of factors in analyzing and determining what support to provide in response to any DSCA request. In addition to understanding the specific outcomes DSCA would deliver, I understand the Department considers legality, whether the request poses risk to DoD forces and other people, impact on DoD resources and readiness, and whether it would be appropriate for military personnel to provide the requested support.

30. How do you assess the effectiveness of DoD's support mission at the southwest border since 2018?

It is my impression that DHS considers DoD's provision of southwest border support to DHS to have been effective. DHS has requested DoD support at the southwest border for 18 of the last 22 years. However, if confirmed, I would work with DoD stakeholders and DHS to assess the effectiveness of support to date and identify opportunities for change or improvement.

Combating Terrorism Roles and Responsibilities

31. In your view, what is the nature and extent of the current threat to the U.S. homeland from terrorist extremists, both from outside the United States and from within the United States, potentially with the support of foreign malign actors or their proxies?

Terrorism originating from both within and outside the United States remains a persistent threat to our national security and is increasingly complex. Terrorists and violent extremists, some operating as proxies for foreign actors and nation states, have expanded their objectives beyond threats to the population to attacking our nation's critical infrastructure in an attempt to influence decision making, disrupt force projection, and deny freedom of movement in the homeland. With respect to

those matters assigned to the ASD(HD&HA), if confirmed, I will continue close coordination with our U.S. Government partners to ensure a whole-of-government approach to the problem.

32. What is your understanding of the nature and scope of counter-terrorism and antiterrorism roles and responsibilities vested in the ASD(HD&HA)?

The ASD(HD&HA) is the Department's principal civilian policy advisor for DoD global antiterrorism programs and support to Federal law enforcement domestic counterterrorism efforts. In the global antiterrorism role, the ASD(HD&HA) establishes DoD antiterrorism policy, standards, and guidance to reduce the vulnerability of DoD personnel, dependent family members, installations and other facilities, and critical resources to terrorist acts. For domestic counterterrorism policy, the ASD(HD&HA) leads the Department's coordination with our Federal law enforcement partners to develop national policies, plans, and programs for the prevention and disruption of terrorist attacks.

33. In your view, how do the responsibilities of the ASD(HD&HA) for combatting terrorism relate to the counterterrorism roles and responsibilities of the Assistant Secretary of Defense for Special Operations & Low Intensity Conflict (ASD(SOLIC))?

The domestic counterterrorism roles vested in the ASD(HD&HA) are limited and remain in close coordination with the overseas role of the ASD(SO/LIC). Specifically, the ASD(HD&HA) provides policy guidance and interagency coordination for the Department's support to Federal law enforcement agencies responding to domestic incidents. This support is predominately indirect and limited to offering Federal law enforcement partners DoD resources should they be necessary during a domestic response.

34. If confirmed, what specific steps would you take to ensure that policies, plans, and programs for the prevention and disruption of terrorist attacks on the homeland are fully aligned, both within DOD, and across the federal interagency?

If confirmed, one of my first objectives would be to build my relationships with our interagency partners, particularly with the Department of Justice, including the Federal Bureau of Investigation; DHS; and the Intelligence Community. I would ensure DoD has developed the appropriate policies, concepts, capabilities, and processes, and actively collaborates, to protect the homeland and ensure appropriate DoD capabilities are available to support homeland counterterrorism efforts.

Detainee Treatment and Guantanamo Bay

35. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2-22.3, issued in September 2006,

and in DOD Directive 2310.01E, the Department of Defense Detainee Program, dated August 19, 2014, and required by section 1045 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92)?

Yes, I support the standards for detainee treatment in the Army Field Manual on Interrogations, FM 2-22.3, issued in September 2006, and in DoD Directive 2310.01E, DoD Detainee Program, dated August 19, 2014, and as required by section 1045 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). Individuals in the custody or control of the U.S. Government may not be subjected to any interrogation technique or approach, or any treatment related to interrogation, that is not authorized by and listed in the Army Field Manual.

- 36. What role would you expect to play, if confirmed, in regard to the operation, management, and oversight of the detention facility at Guantanamo Bay, Cuba, and in formulating and implementing policies applicable to the facility's detainee population?**

Based on my current understanding, the ASD(HD&HA), in light of the ASD(HD&HA)'s oversight of Western Hemisphere Affairs, will have a coordinating role with other elements of the Office of the Under Secretary of Defense for Policy in the operation, management, and oversight of the detention facility at Guantanamo Bay, Cuba, and work with U.S. Southern Command and other relevant parts of the Department in formulating and implementing policies applicable to the Naval Station.

- 37. What role would you expect to play, if confirmed, in the detainee transfer process?**

Based on my current understanding, the ASD(HD&HA) does not have a direct role in the detainee transfer process.

- 38. Do you believe that the detention center at Guantanamo Bay should be closed? Please explain your answer.**

I support the Biden-Harris Administration's position that the detention facility at Guantanamo should be closed. Until that time, however, the Department must ensure the continued safe, humane, and lawful care and treatment of detainees.

- 39. If so, how would you propose to ensure the national security against the threats posed by the detainees in law of war detention there?**

While I understand that this issue is not directly in the ASD(HD&HA)'s remit, I have confidence in both the long-standing Periodic Review Board process and the robust interagency transfer procedures to ensure that relevant threats and national security issues are considered before a detainee is transferred from the facility.

Defense Critical Infrastructure Protection

The ASD(HD&HA) is responsible for overseeing DOD efforts and programs to protect defense critical infrastructure in the United States.

40. What is your understanding of the roles and responsibilities of the DOD under Homeland Security Presidential Directive 7: Critical Infrastructure Identification, Prioritization and Protection, both as a Federal Department and as the designated Sector-Specific Agency for the defense industrial base?

Presidential Policy Directive (PPD)-21 “Critical Infrastructure Security and Resilience,” which replaced HSPD-7, establishes U.S. Government policy, designates critical infrastructure sectors (including the Defense Industrial Base (DIB)), and requires relevant departments and agencies to work in partnership with critical infrastructure private sector officials to share threat information and manage risks. Under the PPD-21 construct, DoD is the Sector Specific Agency (SSA) for the DIB. HD&HA coordinates PPD-21-related efforts across the Department and with interagency partners, and works with private sector officials to integrate protection efforts using a whole-of-nation approach.

41. What do you view as the major challenges in the protection of defense critical infrastructure?

The three biggest challenges that DoD faces in its efforts to protect the critical infrastructure it relies on for mission success are: 1) raising awareness and understanding of the threats to defense critical infrastructure, which are highly complex, interconnected, and interdependent; 2) forming and strengthening public-private partnerships to ensure all parties understand how their actions affect the security and resilience of others; and 3) changing mindsets and behaviors to institutionalize critical infrastructure protection and resilience into government and private sector cultures and practices.

42. If confirmed, what risk management strategies would you employ to mitigate the effects of attacks against defense critical infrastructure and other key resources?

If confirmed, I will review existing critical infrastructure protection programs with an eye toward synchronization and integration. I would expect such a review to consider whether the Department has the analytic tools, policy guidance, and information-sharing platforms (within DoD and with Federal, State, local and private sector partners) to support critical infrastructure planning.

Defense Continuity and Mission Assurance (DC&MA)

The ASD(HD&HA) exercises primary responsibility for DOD programs for Defense Continuity and Mission Assurance (DC&MA) in the United States.

43. What is your understanding of the roles and responsibilities of the ASD(HD&HA) with respect to the DC&MA mission?

The DC&MA mission focuses on ensuring that DoD can continue to execute its core functions and provide visible, cross-Departmental leadership even in the face of potential severe disruption from asymmetric threats, ongoing terrorist threats, and the increasing challenges that natural hazards pose to our installations and infrastructure. The ASD(HD&HA)'s role is to leverage department-wide efforts to ensure that DoD focuses on ensuring that the people, infrastructure, and Mission Essential Functions that are critical to DoD's operations are prioritized, resilient, and protected. To accomplish this, the ASD(HD&HA) has lead responsibility for policy development and oversight for both mission assurance and continuity policy, including by leveraging the ASD(HD&HA)'s position as co-chair of DoD's Mission Assurance Coordination Board Executive Steering Group to drive change across the Department and provide risk-management options to the Secretary when required.

44. The focus on DC&MA missions tends to be most acute after a crisis. If confirmed, what would be your approach to prioritizing the DC&MA missions on a routine and regular basis?

Ensuring DoD can execute its core functions and provide visible leadership during a crisis requires taking steps ahead of a crisis, in the steady state, to improve and ensure our posture and resilience. If confirmed, I will take a proactive approach, in line with the Federal Mission Resilience Strategy and DoD's mission assurance policies, to help prepare for threats from adversaries and natural hazards.

In your view, to what extent do the cybersecurity aspects of the DC&MA mission overlap and require coordination with each of the following:

45. cybersecurity capability and capacity to ensure that combatant commanders' Operational Plans can be securely executed;

While cyber presents uniquely cross-cutting threats, DC&MA is itself threat agnostic. If confirmed, I would work with combatant commanders to emphasize the need for their operational and contingency plans to address protection against all-domain threats. The enduring need is to apply limited protective resources, whether cyber, physical, or otherwise, to the priority infrastructure identified through the mission assurance process. For cyber-specific threats in particular, the ASD(HD&HA) must continue to work closely with cyber offices throughout DoD, including, among others, the Office of the Principal Cyber Advisor.

46. the cybersecurity of Defense Critical Infrastructure;

I understand there is significant overlap between the DC&MA mission and the DoD CIO-led DoD Cybersecurity Program, which prescribes the cybersecurity requirements for DoD information technology, including that relate to or are in

Defense Critical Infrastructure. If confirmed as the ASD(HD&HA), I will use my position as co-chair of the Mission Assurance Coordination Board (MAC-B) and partner with the DoD CIO to prioritize resources implementing MA decisions in a continuous dynamic threat environment.

47. the cybersecurity of the Defense Industrial Base;

I understand that in supporting DoD's role as DIB SRMA, the ASD(HD&HA) actively coordinates PPD-21-related infrastructure efforts, including cybersecurity efforts, with DoD, interagency, and private sector partners. Section 1724 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 requires the Secretary of Defense to designate the DoD Principal Cyber Advisor as the coordinating authority for cybersecurity issues relating to the Defense Industrial Base. Section 1724 requires the Principal Cyber Advisor, in this role, to synchronize, harmonize, de-conflict, and coordinate all DoD policies and programs germane to DIB cybersecurity. I understand that coordinates closely with OPCA.

48. and the Strategic Weapons Systems cybersecurity programs?

I understand that the Strategic Cybersecurity Program (SCP) is part of an array of Department activities that support the DC&MA mission. If confirmed, I will continue to partner with the Under Secretary of Defense for Acquisition and Sustainment and Director of the National Security Agency to ensure the cybersecurity of Defense Critical Infrastructure through complementary activities. If confirmed, I will also evaluate opportunities to use the Mission Assurance Coordination Board and associated venues to advance SCP efforts, as appropriate.

Relationship with U.S. Northern Command (NORTHCOM)

U.S. Northern Command has the mission of conducting operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories, and interests within the Command's assigned area of responsibility, and, as directed by the President or Secretary of Defense, to provide defense assistance to civil authorities, including consequence management operations.

49. If confirmed, how do you anticipate you would coordinate homeland defense and DSCA roles and responsibilities with the Commander, NORTHCOM?

If confirmed, I would work closely with the Commander of the North American Aerospace Defense Command and of U.S. Northern Command, and the Commander of U.S. Indo-Pacific Command, to support the efforts of the Under Secretary of Defense for Policy, Deputy Secretary, and Secretary, particularly in the areas of homeland defense and DSCA strategy and policy, contingency planning, and policy oversight of operations.

50. How do you anticipate that the ASD(HD&HA) and the NORTHCOM Commander will coordinate with other federal and State entities in planning for responses to events that might require DOD support?

If confirmed, I expect to work closely with the Commander of U.S. Northern Command and the Commander of U.S. Indo-Pacific Command to ensure that DoD support to Federal and State entities, when required, is timely, coordinated, and effective. I would also work with both Commanders and the Department's Federal and State partners to ensure that the Department is prepared to provide support quickly, effectively, and in a coordinated fashion that facilitates unity of effort to save and sustain lives and relieve human suffering.

Use of Active Duty and Reserve Personnel for Homeland Defense/Posse Comitatus

51. What is your understanding of the legal issues associated with using military personnel—both active and reserve component forces—in law enforcement and security roles within the United States?

In accordance with the Posse Comitatus Act (18 U.S.C. § 1385) and 10 U.S.C. § 275, active duty military personnel – including National Guard and other Reserve Component personnel ordered to active duty – are prohibited from directly participating in law enforcement activities (e.g., search, seizure, and arrest), except in cases and under circumstances expressly authorized by law.

National Guard personnel, when acting under the command and control of their governors and adjutants general, are not subject to the restrictions imposed by the Posse Comitatus Act and 10 U.S.C. § 275; therefore, National Guard personnel serving in a State active duty status or in a full-time National Guard duty status under 32 U.S.C. § 502(f) may be used for security roles authorized under State law, and consistent with the U.S. Constitution and applicable Federal laws.

52. In your view, does the Posse Comitatus Act (PCA), enacted in law in 1879, retain its relevance in the present day?

Yes.

53. Should the PCA be amended in some way to make it more useful in the current environment? Please explain your answer.

In my opinion, current laws regarding the use of the Armed Forces in support of civilian law enforcement and related activities appear to be sufficient. If confirmed, I would carefully review these laws and their effects and, if necessary, make appropriate recommendations to the Under Secretary of Defense for Policy, the Deputy Secretary of Defense, and the Secretary of Defense.

54. Under what circumstances do you believe it is appropriate for the Department of Defense to provide assistance to civilian law enforcement authorities investigating or responding to acts of domestic extremism?

I believe it would be appropriate for DoD to remain in support of civilian law enforcement investigating or responding to acts of domestic extremism incidents, as authorized by law.

Arctic and Global Resilience

55. What is your understanding of the responsibilities of the ASD(HD&HA) with respect to Arctic and Global Resilience policy?

My understanding of the responsibilities of the ASD(HD&HA) with respect to Arctic and Global Resilience Policy is to advise and support the Under Secretary of Defense for Policy, the Deputy Secretary of Defense, and the Secretary of Defense on the formulation, implementation, and policy relating to the Arctic region, and global resilience matters, including regarding the climate and energy. The establishment of this new DASD office is responsive to the requirement of Section 907 of the National Defense Authorization Act for Fiscal Year 2021 that responsibility for the Arctic region be assigned to the Deputy Assistant Secretary of Defense for the Western Hemisphere or any other Deputy Assistant Secretary of Defense the Secretary of Defense considers appropriate, and also recognizes the growing importance of cross-cutting global matters, including the climate and energy.

56. What, in your view, are U.S. strategic objectives in the Arctic?

In my view, the United States seeks a stable and open Arctic that facilitates protection of the homeland, enables economic prosperity, and supports the international order as well as Allies and partners. More specifically, U.S. defense interests in the Arctic region include: defense of the homeland; deterring strategic competitors from undertaking malign or coercive activities in the region; and ensuring that common domains remain free and open in accordance with international law. I understand that the Department views the Arctic in a global context, in which the ongoing work to secure the homeland (represented in the Arctic by the State of Alaska) and to uphold the international rules-based order is consistent with National Defense Strategy-driven efforts to advance U.S. global priorities. Climate change is driving evolving conditions in the Arctic, with impacts on security, economic prosperity, natural and built infrastructure, human safety, and more. If confirmed, I will help DoD support broader U.S. Government efforts to ensure a safe and secure Arctic region, and ensure DoD works by, with, and through our Allies, partners, indigenous communities, and other key stakeholders as appropriate.

57. What should DOD's role be in supporting the attainment of those objectives?

The United States has a broad range of strategic interests in the Arctic. DoD supports interagency efforts and leads efforts relating to defense objectives in the Arctic. If confirmed, I am committed to helping DoD build and implement the appropriate concepts, capabilities, and relationships to achieve defense objectives in the Arctic. In the Arctic, as appropriate, DoD will work with Allies and partners to achieve common interests.

58. In your view, what are the strategic objectives of China and Russia in the Arctic?

As Russia and China seek to gain advantages in the Arctic region, their actions are part of a global pattern. In my view, Russia and China have different objectives in the Arctic, although there are some areas of overlap as both seek to undermine freedom and the rules-based international order around the world. If confirmed, I will assess information available within DoD regarding Russian and Chinese objectives in the Arctic and seek to improve and refine DoD's understanding of this important topic.

59. In what ways, if any, do those strategic objectives conflict with the strategic objectives of the United States broadly, and the Department of Defense specifically?

Just as the United States has enduring global interests, our competitors have a global approach to undermining them. I am committed to ensuring that DoD long-term strategic competition efforts are harmonized so that we uphold the international rules-based order and deter aggression in the Arctic and around the world with maximum effect. If confirmed, I will direct further analysis of this important set of issues to position DoD for maximum effectiveness in the pursuit of U.S. strategic objectives.

60. In your view, has the Department sufficiently integrated and nested the Service-specific strategies for the Arctic under the Department-wide Arctic Strategy?

The Department continues to work on the integration of Service-specific strategies under the DoD Arctic Strategy. I understand that all of the Services have released Arctic strategy documents in recent years. If confirmed, I look forward to providing a leadership role in developing and advancing DoD Arctic policies and strategies.

61. In your view, does the U.S. military currently have the appropriate capabilities and assets to support its strategic interests in the Arctic?

The Department has identified a range of capability needs, including: improved domain awareness systems; more robust communications capabilities; increased Intelligence, Surveillance, and Reconnaissance capabilities; and enhanced environmental modelling. In addressing these capability needs, if confirmed, I will assess how DoD can continue to balance consideration of investments for the Arctic region with broader capability needs of the Joint Force as outlined in the forthcoming 2022 NDS.

62. Do you believe that climate change poses a risk to national security, and if so, what steps would you recommend, if confirmed, to ensure that DOD prioritizes and resources efforts to address the climate resilience of DOD assets and capabilities?

Climate and environmental change will exacerbate existing risks and pose new challenges to the U.S. homeland and DoD missions and operations, in addition to the security of our Allies and partners. If confirmed, I will bring increased focus on the effects of climate change on national security, DoD missions, and homeland defense and factor these into our strategic planning, budgeting, resources, and capability development processes. If confirmed, I will coordinate with DoD counterparts as the Department develops comprehensive investment strategies to minimize the security risks associated with the impacts of climate change, including through adaptation and resiliency of DoD operations, readiness, installations, equipment, infrastructure, and force development.

Latin America and the Caribbean

63. In your view, what are the U.S. national security interests in Latin America and the Caribbean?

Our security is directly tied to the security and prosperity of our neighbors in Latin America and the Caribbean. It is in our national security interest to protect the American people from potential threats emanating from the region, and to promote prosperity, democracy, and human rights in the Western Hemisphere. If confirmed, I will support appropriate actions by the Department of Defense to achieve these objectives as part of broader U.S. Government efforts.

64. In your view, what would be the appropriate role for DOD in addressing the sources of instability in the region, including transnational criminal organizations, corruption, environmental devastation, and the health crisis resulting from the COVID-19 pandemic?

I believe the Department of Defense should support civilian-led, whole-of-government efforts and robust engagements with our partners to address the challenges identified in the President's Interim National Security Strategy. These challenges include transnational criminal organizations, corruption, environmental devastation, and the COVID-19 pandemic. For example, the Department can support anti-corruption efforts through activities to strengthen defense institutions, as well as strengthen partner military professionalization and emphasize respect for human rights and democratic principles.

65. What is your assessment of the malign influence threat from Russia, China, Iran and other actors in Latin America and the Caribbean, and what should be the appropriate role for DOD in countering that threat?

Russian, Chinese, Iranian, and other malign actors in Latin America and the Caribbean pose a threat to security, stability, and prosperity within the region. If confirmed, I would recommend to the Secretary that DoD should continue to support a civilian-led, whole-of-government approach through robust engagements with our partners. I also would recommend to the Secretary that DoD base these engagements on the principles of transparency, recognition of sovereignty, and respect for democratic norms and human rights.

66. In some countries in Latin America, DOD plays an important role in training, equipping, and providing assistance to partner nation militaries. How should DOD coordinate its security cooperation activities with security assistance efforts in those countries led by other U.S. agencies, such as the Department of State?

I understand the Department of Defense and the Department of State have both formal coordination forums and regular, informal engagements on security assistance and cooperation activities. The Department of Defense advises the Department of State regarding partner and ally military requirements, consistent with U.S. national security policy. The Department of Defense also implements the Foreign Military Sales program and certain Department of State security assistance programs, consistent with State Department guidance, and coordinates with the Department of State regarding Department of Defense programs. I understand—and if confirmed, would affirm—the importance of ensuring DoD activities align with broader U.S. foreign policy, thorough coordination, collaboration, and consistent engagement with the State Department and other interagency partners.

Colombia

U.S. assistance to Colombia over the past several years has facilitated the marginalization of the FARC and other violent revolutionary groups. More recently, however, violence has escalated, placing implementation of the peace accord at risk.

67. How do you define U.S. national security interests in Colombia?

The United States has a vested interest in supporting a democratic and stable Colombia that provides security for its citizens and is at peace. It is in our national interest to continue supporting Colombia's efforts to implement its peace accord, maintain internal security, and expand its role as a regional and global security exporter.

68. What means of U.S. security assistance are appropriate for the Colombian government, given the challenges it faces?

For over two decades, the United States has made significant investments in Colombia's counternarcotics and counterinsurgency missions through security cooperation and defense institution building. It is my understanding that U.S. security assistance and cooperation programs continue to be effective in helping to build the capabilities of Colombian security forces to disrupt and defeat transnational criminal organizations and insurgent forces. If confirmed, I would look into ways the Department can continue supporting the Department of State's broader security assistance programs, and would then make recommendations to the Secretary for any required additional capabilities or authorities.

69. In your view, what steps, if any, should the United States take to address increased violence in Colombia, and to reduce other risks to implementation of the peace accord?

Successfully ensuring that Colombia remains at peace will require a significant willingness and financial commitment by the Colombian Government over the coming decades. Colombia's security forces, with the U.S. Government's support, will be critical in extending security across the country. The Department should continue to focus on strengthening the capacity of the Colombian military to address internal threats posed by transnational criminal organization and insurgent groups, including the ELN and FARC dissidents.

70. What is your assessment of DOD efforts to promote human rights and respect for the rule of law among Colombian security forces?

It is my understanding that one of the Department's primary lines of effort with Colombia is to strengthen its defense ministry and military through a well-established institutional capacity-building program. Every DoD-funded security cooperation program with Colombia includes a human rights training element. If confirmed, I would help ensure that DoD continues to appropriately integrate human rights and the rule of law into its bilateral engagements with Colombia.

71. The Colombian military has become a security exporter throughout the region due to its capabilities and expertise. In your view, how should the United States work with Colombia regarding its efforts as a source of stability, both regionally and internationally?

The Colombian military is one of our most willing and capable strategic partners in Latin America and the Caribbean, and is the only country in the region that is a NATO Global Partner. Colombia has been a force multiplier in the region for the past decade by executing the U.S.-Colombia Action Plan for Regional Security (USCAP). Through USCAP, Colombia trains Central American and Caribbean partner-nation

personnel in counternarcotics and counterterrorism activities. Colombia has participated in NATO and European Union counter-piracy missions off the coast of the Horn of Africa, and it has taken steps to prepare itself for deployments as part of United Nations (UN) peace operations. I support continued DoD partnership with Colombia to enable its regional and global security activities and objectives.

Sexual Harassment

In responding to the 2018 DOD Civilian Employee Workplace and Gender Relations survey, 17.7 percent of female and 5.8 percent of male DOD employees indicated that they had experienced sexual harassment and/or gender discrimination by “someone at work” in the 12 months prior to completing the survey.

72. What is your assessment of the current climate regarding sexual harassment and gender discrimination in the Office of the ASD(HD&HA)?

There is no place for sexual harassment, gender discrimination, or any other types of harassment within the Department of Defense, including the Office of the ASD(HD&HA). If confirmed, I will work in partnership with the Under Secretary of Defense for Policy in reviewing any existing workforce surveys that would give me insight into the climate of the office and determine what actions, if any, need to be taken in the Office of the ASD(HD&HA) to improve the environment. I am aware of the GAO’s report recommending additional measures the Department take to address sexual harassment and assault among the civilian workforce. If confirmed, I will support the Department’s ongoing efforts to promote a culture of dignity and respect, including a commitment to dealing with sexual harassment.

73. If confirmed, what actions would you take were you to receive or become aware of a complaint of sexual harassment or discrimination from an employee of the Office of the ASD(HD&HA)?

If confirmed, I would take swift action by initiating a review to gather facts and address the complaint consistent with Federal statutes and Department of Defense regulations and policies. If confirmed, I will work with the Under Secretary of Defense for Policy to make clear to the HD&HA workforce that they deserve a respectful workplace; equality, diversity, and inclusion are readiness priorities; and any form of prohibited harassment will not be tolerated.

Congressional Oversight

In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

74. Do you agree, without qualification, if confirmed, and on request, to appear and testify before this committee, its subcommittees, and other appropriate committees of Congress? Please answer with a simple yes or no.

Yes.

75. Do you agree, without qualification, if confirmed, to provide this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so in a timely manner? Please answer with a simple yes or no.

Yes.

76. Do you agree, without qualification, if confirmed, to consult with this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer with a simple yes or no.

Yes.

77. Do you agree, without qualification, if confirmed, to keep this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer with a simple yes or no.

Yes.

78. Do you agree, without qualification, if confirmed, and on request, to provide this committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Please answer with a simple yes or no.

Yes.

79. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this committee? Please answer with a simple yes or no.

Yes.

80. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this committee, its subcommittees, and any other appropriate committee of Congress? Please answer with a simple yes or no.

Yes.