

Stenographic Transcript  
Before the

COMMITTEE ON  
ARMED SERVICES

## **UNITED STATES SENATE**

TO CONSIDER THE NOMINATIONS OF: MR. MARK R.  
DITLEVSON TO BE ASSISTANT SECRETARY OF DEFENSE FOR  
HOMELAND DEFENSE AND AMERICAS SECURITY AFFAIRS;  
AND HONORABLE BRIAN D. BIRDWELL TO BE ASSISTANT  
SECRETARY OF DEFENSE FOR SUSTAINMENT

Thursday, February 26, 2026

Washington, D.C.

ALDERSON COURT REPORTING  
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2 ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND  
3 AMERICAS SECURITY AFFAIRS; AND HONORABLE BRIAN D. BIRDWELL  
4 TO BE ASSISTANT SECRETARY OF DEFENSE FOR SUSTAINMENT  
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6 Thursday, February 26, 2026  
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8 U.S. Senate

9 Committee on Armed Services

10 Washington, D.C.  
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12 The committee met, pursuant to notice, at 9:34 a.m. in  
13 Room SD-G50, Dirksen Senate Office Building, Hon. Roger  
14 Wicker, chairman of the committee, presiding.

15 Committee Members Present: Senators Wicker  
16 [presiding], Fischer, Rounds, Ernst, Sullivan, Scott, Budd,  
17 Schmitt, Banks, Sheehy, Reed, Gillibrand, Blumenthal, Kaine,  
18 King, Warren, Peters, Duckworth, Kelly, and Slotkin.

19 Also Present: Senator Cruz.  
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1           OPENING STATEMENT OF HON. ROGER F. WICKER, U.S. SENATOR  
2 FROM MISSISSIPPI

3           Chairman Wicker: The meeting will come to order. For  
4 the information of members. We do have some nominees who  
5 need to be reported, and during the first vote I really  
6 would appreciate if members would come to the hallway and we  
7 can report those. But for now, we welcome our witnesses and  
8 nominees and their families, and thank them for being here  
9 today.

10           We're living through a period of profound strategic  
11 uncertainty. You've heard me say this numerous times, but  
12 it bears saying; Today is an era marked by great power  
13 competition, ongoing conflicts abroad, growing demands on  
14 our armed forces.

15           And as I say this, again, because it bears repeating,  
16 we face the most dangerous threat environment since World  
17 War II. Now, more than ever, we need Patriots willing to  
18 step up and serve our nation. And in that spirit, I welcome  
19 the two who are appearing before this committee today.

20           Last year Congress provided \$10 billion to the  
21 Department of Homeland Security. Funds specifically meant  
22 to reimburse DOD for its support in border operations. Its  
23 money appropriated to Homeland Security Department. I'm  
24 disappointed to hear that DHS is significantly delayed  
25 implementing this agreement. I look forward to hearing how



1 Mr. Ditlevson plans to coordinate with DHS to ensure this  
2 funding is appropriately allocated.

3 If confirm, Mr. Ditlevson would also serve as the  
4 Department's civilian head for countering small drones over  
5 the homeland. Congress has been aggressive in this area,  
6 and for good reason. We want to see dramatic improvement in  
7 the way executive branch agencies coordinate on the counter  
8 drone efforts.

9 Mr. Brian Birdwell has been nominated Service Assistant  
10 Secretary of Defense for Sustainment. If confirmed, he will  
11 be responsible for ensuring that our ships sail, our  
12 aircraft fly, our vehicles move, and our forces remain  
13 supplied in both peace time and conflict.

14 Our war fighters depend on these capabilities. They  
15 rely on Congress and the Department to give them what they  
16 need to deter our adversaries and defend their fellow  
17 Americans.

18 However, our ability to do so is under massive strain.  
19 Fragile supply chains, skyrocketing global new demand for  
20 munitions and equipment, and increasingly contested  
21 logistics, all threaten the readiness of our military. The  
22 committee is very aware of the challenges involved in  
23 maintaining our forces. We must modernize our industrial  
24 base, restore depleted stockpiles, improve installation  
25 resilience, and ensure accountability across the enterprise.



1           So, I look forward to hearing how Mr. Birdwell intends  
2 to approach these challenges in particular, and how he  
3 intends to work with Congress, as I'm sure he will, to  
4 ensure the Department remains prepared to sustain the force  
5 in any theater.

6           With that I turn to my friend and colleague, Ranking  
7 Member Reed. You're recognized, sir.

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

3           Senator Reed: Thank you very much, Mr. Chairman. And  
4 good morning to our witnesses and congratulations on your  
5 nominations. I'd also like to welcome you and your families  
6 to this morning's hearing.

7           Mr. Ditlevson, you are nominated to be Assistant  
8 Secretary of Defense for the Homeland Defense, and America's  
9 Security Affairs. You've served in this position in an  
10 acting capacity and principal deputy role over the past  
11 year. Today, the committee will consider your plans for  
12 this position, but also evaluate what you have already done  
13 during your current tenure.

14           In that respect, while I appreciate and salute your  
15 past service as a naval officer, I have concerns about your  
16 nomination. First, I understand you have been personally  
17 responsible for planning and implementing the  
18 administration's deployment of military forces to American  
19 cities.

20           Over the past year, thousands of National Guard troops  
21 and active-duty personnel have been deployed to Washington,  
22 D.C., Los Angeles, Chicago, and Portland. In each of these  
23 cities, military forces were ordered to deploy over the  
24 explicit objections of governors, mayors, and local law  
25 enforcement leaders. Multiple courts have ruled against



1 these operations, and the Supreme Court itself blocked the  
2 administration from federalized International Guard under  
3 the statute you relied upon for the LA Portland and Chicago  
4 deployments.

5 Mr. Ditlevson, I want to know how you defend these  
6 deployments in light of the repeated court rulings. I also  
7 want to know whether you have ever raised concerns within  
8 the Department about the impact these missions have on  
9 readiness, morale, and retention, or the dangerous message  
10 that they send to the public.

11 And let me turn now to the situation in El Paso. Two  
12 weeks ago, customs and Border Patrol under the supervision  
13 of the Department of Defense, used a high energy laser to  
14 shoot down suspected drones at the southwest border near El  
15 Paso. I understand the FAA explicitly warned the Department  
16 and you specifically, that deploying this weapon would cause  
17 in their words, a grave risk of fatalities or permitted  
18 injuries to civilian aircraft.

19 However, public reporting indicates, and you confirmed  
20 me in our office call, that you told the FAA that the  
21 Department would proceed anyway. After the incident New  
22 York communicated intent, the FAA shut down the airspace  
23 over El Paso triggering immediate chaos and confusion.

24 I want to know which legal authorities you relied upon  
25 to override the FAA's safety review. And I ask that you



1 provide this committee with the legal authorities and the  
2 agreement you use to transfer this weapon to the CPB.

3 Finally, Mr. Ditlevson if confirmed, you'll oversee all  
4 defense and security policy for Canada and Mexico, Central  
5 America, South America, and the Caribbean. As you know,  
6 Chairman Wicker and I have repeatedly directed the  
7 Department to submit basic information required by law to  
8 the committee regarding the ongoing boat strike campaign in  
9 the Caribbean and Eastern Pacific.

10 To date, the Department has failed to submit to  
11 Congress the execute orders and videos related to these  
12 operations, and it has refused to make public legal  
13 justifications and intelligence underpinning the strikes.

14 In order for this committee to perform our  
15 constitutional duty to provide advice and consent on all  
16 Senate nominees, it is imperative we have access to relevant  
17 information that reflects on your suitability to serve in a  
18 senior position.

19 Given that you are the Acting Secretary of Defense for  
20 Homeland Defense and America's Securities Affairs during the  
21 buildup of U.S. military forces in the Caribbean, and you  
22 continue to hold that position after the Department of  
23 Defense launched its campaign of military strikes against  
24 alleged drug boats, I expect your commitment today to submit  
25 these legally required documents to Congress.



1           Mr. Birdwell, you are nominated to be Assistant  
2 Secretary of Defense for Sustainment. The importance of  
3 this deposition cannot be overstated. If confirmed, you'll  
4 be responsible for managing all logistics, maintenance,  
5 material readiness, and strategic mobility across the  
6 Department of Defense, to ensure that when American forces  
7 are called upon to fight, they can be sustained in the  
8 field.

9           If confirmed, your most urgent priority must be  
10 addressing contested logistics. The department has studied  
11 this problem extensively, but a convincing solution has yet  
12 to be presented. In any potential Indo-Pacific conflict,  
13 the distance involved are staggering, and our  
14 vulnerabilities and supply, fuel, maintenance, and  
15 transportation remain serious.

16           I trust that your own experience in combat can lead and  
17 lend an important perspective on this issue, and I look  
18 forward to hearing how you plan to address it.

19           Additionally, sustainment costs have become a major  
20 problem for the Department. Platforms like the F-35 are  
21 consuming an ever-growing share of our operational budgets,  
22 and if we do not build sustainment requirements into  
23 acquisition decisions early, we'll keep paying for it later.  
24 I would like to understand your approach to bringing these  
25 costs under control.



1           Finally, I would take a moment to acknowledge and thank  
2 you for your own career of service as an Army officer you  
3 fought in Desert Shield and Desert Storm, and on September  
4 11th, 2001, you were in the Pentagon when Flight 77 struck.  
5 You survived burns over more than 60 percent of your body  
6 and were awarded one of the most respected decorations in  
7 the United States Military, the Purple Heart. Yet you still  
8 return to public service.

9           This committee owes you its deepest respect. Thank you  
10 again to our nominees. I look forward to your testimony.  
11 Thank you, Mr. Chairman.

12           Chairman Wicker: And here, here to that word of  
13 commendation, Mr. Ranking Member. We're delighted to have  
14 our colleague, Senator Cruz with us today. Senator Cruz, I  
15 understand you have some particular insights as into the  
16 qualifications of Mr. Birdwell and you are recognized.

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21           STATEMENT OF HON. TED CRUZ, U.S. SENATOR FROM TEXAS

22           Senator Cruz. Thank you, Mr. Chairman, Ranking Member,  
23 members of this committee. I spent six years on this  
24 terrific committee. I will say this is an incredibly  
25 hardworking of the Committee of the Senate, and you all do a



1 tremendous job. So, it is an honor to be back.

2 And it is not often that you get the opportunity to  
3 introduce an American hero. And this morning I have that  
4 privilege. I am here to introduce my good friend and fellow  
5 Texan, Brian Birdwell, who has been nominated by President  
6 Trump to serve as an Assistant Secretary of Defense at the  
7 Department of War.

8 Brian was born in Fort Worth, Texas. He attended Lamar  
9 University in Beaumont where he graduated as the  
10 distinguished military graduate, and he later obtained his  
11 masters of Public Administration degree from the University  
12 of Missouri, Kansas City.

13 He began his career serving our Nation as a  
14 commissioned field artillery officer in the United States  
15 Army. He had a 20-year military career. He served 18  
16 months in the Republic of Korea, including more than 140  
17 days as a battery executive officer on the Army's only  
18 active fire base near the DMZ. He later deployed from  
19 Germany in support of Operation Desert Shield and Desert  
20 Storm, earning the Bronze Star for his service. As part of  
21 the second armored Cavalry Regiment Battle Group, his unit  
22 received the Valorous Unit Award for its actions at the  
23 historic Battle of the 73rd Easton.

24 Brian then transferred to the quartermaster branch  
25 serving in key logistics and planning roles, including on



1 the core staff and in joint operations.

2 In 1998, he deployed to Central America as joint  
3 operations officer for Joint Task Force Aguila, leading  
4 humanitarian relief efforts across three countries after  
5 Hurricane Mitch. Then after graduating from the command and  
6 General Staff College, he was assigned to the Pentagon as a  
7 military aid. That's where he was on September 11th, 2001.

8 While serving in the Pentagon, Brian was critically  
9 injured, when American Airlines Flight 77 struck the  
10 Pentagon just a few yards from his office. He suffered  
11 major wounds. He underwent 39 surgeries, months of  
12 hospitalization, years of recovery.

13 As you can see today, he came through what could only  
14 be called a miraculous recovery. After the 9-11 attacks,  
15 Brian was awarded the Purple Heart and the Legion of Merit  
16 upon his retirement in 2004, after retiring from the  
17 military, Brian and his wife Mel, and I will tell you, Mel's  
18 much more impressive than Brian. Brian's a nice guy, but  
19 Mel's a rockstar. They decided to continue serving those  
20 around them together. They founded Face the Fire  
21 Ministries, supporting burn survivors and wounded service  
22 members and their families.

23 In 2010, Brian was elected to the Texas Senate where he  
24 has since been reelected five times with overwhelming  
25 support from his constituents. Over eight legislative

1 sessions. He has built a record of impactful leadership,  
2 strengthening border security, expanding access to higher  
3 and technical education, supporting veterans and their  
4 families, safeguarding Texas's energy sector, and authoring  
5 the strongest border security package in Texas history.

6 In 2021, during the challenges of the COVID-19  
7 pandemic, his fellow senators selected him to serve as  
8 President pro tempore of the Texas Senate. Today he chairs  
9 the Senate Committee on Border Security and the Committee on  
10 Natural Resources, while serving on several additional key  
11 committees.

12 His leadership extends beyond the state legislature,  
13 including more than a decade as chairman of my U.S. Service  
14 Academy nominations board. And in that, I would be remiss  
15 if I didn't say thank you. Over 13 years, he has helped me  
16 select hundreds of extraordinary young men and women who've  
17 gone on to serve our military. It is a board that treats  
18 its responsibilities with great diligence, reading every  
19 single application from every Texan twice, and selecting  
20 amazing young men to serve our Nation.

21 He has been inducted into both the United States Field  
22 Artillery Association Hall of Fame, and the United States  
23 Martial Arts Hall of Fame. He is a proud Texan, a proud  
24 American, a highly decorated military veteran who has served  
25 the State of Texas.

1 His love for God and country is evident through his  
2 continued work of public service. I will say it will be a  
3 real loss to me to have him no longer chairing my Service  
4 Academy board, but my loss will be the United States' gain.  
5 And I'll tell you, Brian is a man of intellect, of  
6 discipline, of hard work, and of impeccable integrity, and  
7 I'm proud to introduce him to this committee.

8 Chairman Wicker: Senator Cruz, we will put you down as  
9 a yes on this nomination.

10 [Laughter.]

11 Senator King: Chairman, do we get to examine this  
12 witness?

13 Senator Cruz: On the advice of counsel, I declined to  
14 comment.

15 Chairman Wicker: Mr. Birdwell, you are recognized for  
16 your opening statement. Thank you, Senator.

17 STATEMENT OF HONORABLE BRIAN D. BIRDWELL TO BE ASSISTANT  
18 SECRETARY OF DEFENSE FOR SUSTAINMENT

19 Mr. Birdwell: Chairman Wicker, Ranking Member Reed,  
20 distinguished members of the committee, good morning.

21 It's an immense privilege to appear before you today,  
22 but since I do not appear here today solely of my own  
23 talents, there are numerous people whom I must thank. First  
24 to my Lord and Savior Jesus Christ, who has given me my life  
25 three times. To my wife, Mel, who has encouraged, and on

1 occasion or two, dragged me through the challenges of life  
2 and career. My son Matt, for being the best legacy I could  
3 have.

4 To President Trump for the nomination and his trust to  
5 work the sustainment portfolio for the Department under his  
6 strategic vision. To Secretary Hegseth for his warrior and  
7 lethality focus and Under Secretary Duffy for his trust and  
8 confidence as well. To the many officers, NCOs, and  
9 soldiers with whom I have served, for the professionalism  
10 that they have imparted to me.

11 To my fellow state senators of Texas, the staff that  
12 have supported me and my friend and presiding officer,  
13 Lieutenant Governor Dan Patrick, and the lessons of our  
14 nearly 16 years together have prepared me for this  
15 opportunity. Finally, let me thank my friend and Senator,  
16 Senator Cruz for his gracious introduction and friendship of  
17 the past decade plus.

18 I arrived before you today with a varied experience to  
19 bring my potential duties if confirmed. I've served in the  
20 DMZ in Korea, stateside in troop units with numerous  
21 training rotations across our training centers, and in  
22 Germany during a time of dynamic change, immediately after  
23 the Berlin Wall came down. In the logistics billet in the

st

24 sands of the 1 Gulf War, combat developments position,  
25 working at the tactical level of acquisition process at the



1 mid-career schoolhouse at Fort Leavenworth.

2 On first core G-4 staff as the core logistics planner  
3 working with allied countries in and around the Pacific Rim,  
4 the operations officer for humanitarian relief operation  
5 across three countries in central America, and finally on  
6 the Army staff just before and in the aftermath of the  
7 September 11th attack.

8 While my 20 years of experience began over 40 years  
9 ago, and there's a bit of mold on the shelf life of that  
10 experience, there is no mold on my heart as a war fighter  
11 who has served and loves his country. And proudly wears the  
12 scars of that love and service. I wish to use my experience  
13 to support President Trump's vision of peace through  
14 strength. And the best way to do that is to keep the peace  
15 as we are being prepared for war.

16 If confirmed, three things will animate my return to  
17 Federal service. First, mission first, people always. Just  
18 as Secretary Hegseth has said, our people are critical to  
19 meeting the challenge the President has set before us. The  
20 people who manage our material and supply chains are just as  
21 critical to mission success, and lethality as what they  
22 manage.

23 Second, bring a war fighter's perspective to the  
24 sustainment portfolio. One who has been on the ground in  
25 four of our geographic combatant command AORs, and fully



1 understands the sense of urgency that Secretary Hegseth has  
2 expressed in his message to the Force memo.

3 Third, with both my military experience and early 16  
4 years of legislative experience and coalition building and  
5 collaboration, I commit to working internally with partners  
6 across the office of the secretariat, the Department, the  
7 joint staff, the services, the combatant commanders, our  
8 organic industrial base and exterior to the Department to  
9 collaborate with allies and partners to build that  
10 deterrence.

11 And I commit that if confirmed I will work tirelessly  
12 to apply these perspectives, to prioritize limited  
13 resources, to enhance the war fighting capacity and  
14 lethality that will deter and if called upon defeat our  
15 enemies.

16 Finally, if confirmed, I will work with this committee  
17 and the Congress to provide our own forces with the  
18 capabilities needed to defend and protect our national  
19 security, both here and abroad.

20 Thank you, Mr. Chairman, Mr. Ranking Member, and  
21 members, I look forward to your questions.

22 [The prepared statement of Mr. Birdwell follows:]

23 [COMMITTEE INSERT]

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1 Chairman Wicker: Thank you, Senator Birdwell. We  
2 appreciate that testimony. Mr. Ditlevson, you are now  
3 recognized.

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1           STATEMENT OF MR. MARK R. DITLEVSON, TO BE ASSISTANT  
2 SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND AMERICAS  
3 SECURITY AFFAIRS

4           Mr. Ditlevson: Good morning, Mr. Chairman, Mr. Ranking  
5 Member, and distinguished members of the committee. Thank  
6 you for the opportunity to appear before you today as  
7 President Trump's nominee for Assistant Secretary of War for  
8 Homeland Defense, and America's Security Affairs.

9           I'd like to start by thanking my family for being here  
10 today, especially my wife. Her love and support are the  
11 foundation of everything that I do.

12           My entire adult life has been a commitment to serving  
13 this great nation, a calling that began on September 11,  
14 2001. The tragic attacks of that day profoundly impacted my  
15 life, and they shaped my understanding of what it means to  
16 defend the homeland.

17           I've always believed that meaningful service is found  
18 in confronting the most difficult challenges, and I have  
19 deliberately sought out those roles in my life. After the  
20 attacks of September 11th, I decided to apply to the United  
21 States Naval Academy, with the goal of becoming a military  
22 officer.

23           After witnessing the horrific effects of improvised  
24 explosive devices in Iraq and Afghanistan, I decided to  
25 select explosive ordinance disposal as occupation, with the



1 goal of saving American. And now with the many threats  
2 facing our nation, I am seeking confirmation to lead one of  
3 the departments most challenging portfolio, the prospect of  
4 serving as an Assistant Secretary and President, Trump's  
5 second term would be the highest honor of my professional  
6 life and an opportunity to continue advancing the  
7 President's vision for a strong and secure America. I'm  
8 grateful for the trust President Trump and Secretary Hegseth  
9 have placed in me.

10 This administration has a clear and decisive vision for  
11 the defense of our nation. A vision laid out in our core  
12 strategic documents. Our approach is one of hard-nosed  
13 realism grounded in deterrence, focused on securing our  
14 homeland by bolstering security at our borders, dismantling  
15 narco-terrorist networks, deterring adversary threats, and  
16 restoring law and order in our cities.

17 The 2026 National Defense Strategy establishes an  
18 undeniable truth. A secure and sovereign homeland is the  
19 absolute prerequisite for projecting American power globally  
20 and deterring our adversaries. This is not a choice between  
21 domestic security and our foreign policy: one enables the  
22 other.

23 We will defend the United States and ensure the Western  
24 Hemisphere remains a bastion of stability. This mission is  
25 fundamental to the safety and security of the American



1 people. And if confirmed, I pledge to continue this vital  
2 work with the urgency and seriousness it demands.

3 Mr. Chairman, Mr. Ranking member distinguished members  
4 of the committee, the threats facing our nation are complex  
5 and demand a determined response. If confirmed, I pledge to  
6 work tirelessly to execute this vision of a secure homeland  
7 and a stable hemisphere.

8 I understand the critical statutory requirement to  
9 consult with this committee, and I pledge to maintain an  
10 open and honest relationship with you. Thank you for this  
11 opportunity. I look forward to answering your questions  
12 today.

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

14 [COMMITTEE INSERT

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1 Chairman Wicker: Well, thank you both very much. And  
2 I will now ask a series of standard questions. This  
3 committee poses to all civilian nominees, and you could just  
4 answer simultaneously, yes or no. Have you adhered to  
5 applicable laws and regulations governing conflicts of  
6 interest?

7 [Witnesses answer in the affirmative.]

8 Chairman Wicker: Yes or no is fine. Have you assumed  
9 any duties or taken any actions that would appear to presume  
10 the outcome of the confirmation process?

11 [Witnesses answer in the negative.]

12 Chairman Wicker: Exercising our legislative and  
13 oversight responsibilities makes it important that this  
14 committee, its subcommittees, and other appropriate  
15 committees of Congress, receive testimony, briefings,  
16 reports, records, and other information from the executive  
17 branch on a timely basis. Do you agree if confirmed to  
18 appear testify before this committee when requested?

19 [Witnesses answer in the affirmative.]

20 Chairman Wicker: Do you agree to provide records,  
21 documents, and electronic communications in a timely manner  
22 when requested by this committee, its subcommittees, or  
23 other appropriate committees of Congress and to consult with  
24 the requester regarding the basis for any good faith, delay,  
25 or denial in providing such records?



1 [Witnesses answer in the affirmative.]

2 Chairman Wicker: Will you ensure that your staff  
3 complies with deadlines established by this committee for  
4 the production of reports, records, and other information,  
5 including timely responding to hearing questions for the  
6 record?

7 [Witnesses answer in the affirmative.]

8 Chairman Wicker: And there may be questions for the  
9 record. After the conclusion of this hearing, will you  
10 cooperate in providing witnesses and brief us in response to  
11 congressional requests?

12 [Witnesses answer in the affirmative.]

13 Chairman Wicker: Will those witnesses and briefers be  
14 protected from reprisal for their testimony or briefings?

15 [Witnesses answer in the affirmative.]

16 Chairman Wicker: And I will now begin a round of  
17 questions, 5 minutes for each senator on the initial round.  
18 So let me begin by both of you, and again, a quick yes or  
19 no, and I'll ask you first Senator Birdwell.

20 Much of the funding in the Defense reconciliation bill  
21 passed last year and signed by the President is unspecific  
22 and will technically be at the discretion of the Department  
23 of Defense and the Office of Management of Budget. Though  
24 we have provided detailed instructions for its use.

25 A quick yes or no. Do you commit to follow Congress's



1 spending recommendations in defense reconciliation  
2 unequivocally, Mr. Birdwell?

3 Mr. Birdwell: Yes, Mr. Chairman.

4 Chairman Wicker: And Mr. Ditlevson?

5 Mr. Ditlevson: Yes, Mr. Chairman.

6 Chairman Wicker: Thank you very much. Now let me  
7 begin my substantive questions with you, Mr. Ditlevson. And  
8 I'm going to read my question because I've chosen my words  
9 and they need to be understood precisely.

10 Across administrations. The Pentagon has conducted  
11 border operations in support of the Department of Homeland  
12 Security without being reimbursed. This has been a  
13 frustration for this committee. And so, in last year's  
14 reconciliation, bill, a few of us successfully worked to put  
15 a \$10 billion pot of money at DHS that was expressly to be  
16 used for this purpose. And of course, it was done by  
17 majority vote in both houses and signed by the President of  
18 the United States.

19 I understand DHS reimbursed nothing in FY25 and only  
20 \$180 million in FY26. That seems incredibly low. To your  
21 knowledge, are those numbers correct, Mr. Ditlevson?

22 Mr. Ditlevson: Yes, Mr. Chairman, to the best of my  
23 knowledge, those numbers are correct.

24 Chairman Wicker: Okay. the \$10 billion, not 180  
25 million, but \$10 billion was calculated to cover four years



1 of border operation. I'm just afraid we're going to lose  
2 this money for our national security. It's my understanding  
3 DHS has said the Pentagon must continue to pay for border  
4 operations in this so-called national defense areas, which  
5 will probably average at least \$1 billion per year.

6 Mr. Ditlevson, is my understanding correct? And if so,  
7 how does this make any sense in light of the explicit  
8 statutory language?

9 Mr. Ditlevson: Mr. Chairman, I'd like to start by  
10 saying first, thank you to Congress for passing this  
11 historic legislation and making the investment in protecting  
12 our borders. And you're right, Mr. Chairman, you've  
13 identified something new. This is a historic change in how  
14 we work with the Department of Homeland Security, working in  
15 a reimbursable status.

16 And so, we have worked through the administrative  
17 framework to be able to set up a reimbursement mechanism and  
18 process with the Department of Homeland Security that has  
19 been recently signed out by the Secretary of Homeland  
20 Security and our Secretary Hegseth at the Department of War.  
21 So, we look forward to the implementing of that framework,  
22 and we expect reimbursement will begin to start flowing in  
23 earnest in March and April of this year. But we had to work  
24 through those administrative requirements first Mr.  
25 Chairman.

1 Chairman Wicker: Okay. So that can begin in earnest a  
2 week from now March.

3 Mr. Ditlevson: That's correct, Mr. Chairman. We are  
4 working through that now.

5 Chairman Wicker: And again, if we do not execute this,  
6 money there's a very real chance it will expire. Is that  
7 your understanding, Mr. Ditlevson?

8 Mr. Ditlevson: Yes, Mr. Chairman, and you have my  
9 commitment if confirmed, I will make sure to tirelessly go  
10 after this and make sure that this money is spent properly  
11 and that reimbursement flows properly to the Department.

12 Chairman Wicker: Okay. Let's talk about small drones  
13 and the reconciliation law. We included a total of 1.3793  
14 billion, over 1.3 billion, for CUAS to help address the  
15 threat of drone incursions across our border. This is an  
16 area that directly impacts the border mission and requires  
17 great attention. We're excited to work with the  
18 administration to get these capabilities fielded and in  
19 place.

20 The spend plan was sent to Congress only this past  
21 week, and it provided very little detail. So, who in the  
22 Department owns the spend plan for this counter drone  
23 program and how soon can we expect specific details to be  
24 provided to the Pentagon?

25 Mr. Ditlevson: Mr. Chairman, I'm happy to cover this



1 topic because UAS threats are a new emerging threat vector  
2 that we need to get after as quickly as possible within the  
3 Department.

4 We're greatly appreciative of the funding for those  
5 particular efforts. Within the Department. JIATF-401  
6 Brigadier General Ross leading that JIATF is primarily  
7 responsible for executing that spend plan and would have the  
8 details of how it is being spent in the Department. We look  
9 at him as almost a maestro over the different military  
10 services and the different pots and colors of money inside  
11 the Department he organizes that and makes sure that it's  
12 being spent properly.

13 If confirmed, Mr. Chairman, I'm happy to go back and  
14 speak with Brigadier General Ross and make sure those  
15 records are made available to this committee.

16 Chairman Wicker: Okay. We'll certainly be having  
17 conversations about this. Thank you both for your  
18 testimony. Senator Reed, you are recognized.

19 Senator Reed: Thank you very much, Mr. Chairman. Mr.  
20 Ditlevson, in response to her request for assistance from  
21 the Department of Homeland Security, the Department of  
22 Defense approved the use of Fort Bliss Texas, for  
23 transportation, detention and removal of immigrants on  
24 military aircraft. The Fort Bliss Camp East Montana, as  
25 it's called, is fully operational and still expanding to



1 accept up to 10,000 personnel. And there have been more  
2 than 3000 immigrants detained at Fort Bliss at a time.

3 The construction of the Fort Bliss Detention Facility  
4 was a hundred percent funded by DOD, at the cost of  
5 approximately \$365 million. Another debt that DHS owes to  
6 the Department of Defense in line with the chairman's  
7 questioning.

8 But a troubling concern to me is that since it opened  
9 in August of 2025, multiple reports of abuse have been  
10 filed, including three deaths, one of which was ruled a  
11 homicide and is being investigated as a murder of an  
12 individual by a guard. Is the Army independently  
13 investigating these deaths that occurred at Fort Bliss, in  
14 particular the alleged murder?

15 Mr. Ditlevson: Mr. Ranking Member, thank you for the  
16 chance to speak with you in an office call about these  
17 serious allegations and what has occurred at the Fort Bliss  
18 facility.

19 I was able to look into this and get information to  
20 come back with you, and I want to say that if confirmed,  
21 this is the type of working relationship, I'm committed to  
22 take feedback from this committee, from the members here and  
23 come back with answers in the transparent and open way.

24 Those three particular deaths, one was due to an  
25 accidental death, to do with the construction of the



1 facility at the beginning. Army CID did do an investigation  
2 of that. We have not been able to get access to the report,  
3 but I defer to the Department of Army for any findings  
4 related to that particular death.

5 For the other two instances, army CID did investigate  
6 in one case, but that investigation is ongoing that had to  
7 do with a legal alien detained in the facility. And the  
8 second death that you're referring to the allegation of  
9 homicide, sir, that one is with the Federal Bureau of  
10 Investigation being investigated now. So, I defer to the  
11 Department of Justice and the Department of Army in those  
12 two particular cases.

13 Senator Reed: Thank you. I appreciate your response  
14 to our meeting very much. As we all know, on Wednesday,  
15 February 11th, 2026, the FAA announced it was closing the El  
16 Paso airspace for 10 days following the deployment of one of  
17 DoD's high energy lasers by the Customs and Border Patrol  
18 along the border with Mexico.

19 Public reporting on this incident revealed that the  
20 Department of Defense was in the process of coordinating the  
21 use of this high energy laser to counter UAS aircraft, but  
22 had not completed the coordination process with the Federal  
23 Aviation Administration and the transportation Department.

24 The FAA expressed its concerns that the use of the  
25 laser could pose in their words, "a grave risk of fatalities



1 or permanent injuries to Americans traveling through the  
2 airspace." However, in January, the Secretary of Defense  
3 approve the requests to allow Customs and border protection  
4 to use the anti-drone laser.

5 Public reporting also revealed that around the same  
6 time, you in your capacity as the principal Deputy Assistant  
7 Secretary of Defense for Homeland Defense, personally  
8 notified the FAA's Chief Counsel of DODs intent to  
9 operationalize the high energy laser telling the FAA, that  
10 you knew the FAA was still conducting a review of the  
11 weapon. The rest is obvious.

12 The question is, why did you not conclude the statutory  
13 requirement to fully coordinate with the FAA before  
14 authorizing the use of the weapon system?

15 Mr. Ditlevson: Mr. Ranking Member, thank you for the  
16 chance to address this particular area because it's complex  
17 with different statutes involved and protection. The first  
18 thing I would like to say is that the Department of War  
19 always cares about safety, and we want to defend this  
20 country and defend Americans. We don't want to ever do  
21 anything that would be unsafe, that would affect American  
22 lives negatively.

23 The second is, as far as coordination requirements in  
24 this particular situation, National Defense Area One, under  
25 which Fort Bliss is covered had Section one 130i authorities



1 and I'd like to commend this particular body for expanding  
2 130i authorities for the Department, especially senators  
3 Cotton, Gillibrand, Senators Peter, for their work on the  
4 COUNTER Act and the Safer Skies Act incorporated into NDAA.

5 So, in this situation, Mr. Ranking Member, the  
6 statutorily requirement for 130i authorities is to  
7 coordinate with the FAA, it does not require approval from  
8 the FAA. But I can assure you most importantly, this system  
9 is incredibly safe. We have coordinated with the FAA for  
10 over 14 months sharing technical data back and forth, having  
11 our scientists working with theirs so that they know the  
12 safety level of this particular system, and we continue to  
13 work together.

14 If confirmed, Mr. Ranking Member, you have my  
15 commitment, we will continue having this great relationship  
16 with our counterparts at the FAA to ensure that our systems  
17 that are employed, are absolutely safe.

18 Senator Reed: Well, thank you. Just quickly, the  
19 coordination failed. When the FAA has to order an airspace  
20 closed for 10 days, particularly critical airspace like El  
21 Paso, something is wrong. Somebody made a mistake, and it  
22 may be the FAA, but I think it is critical to recognize that  
23 there was a failure in coordination and successful  
24 coordination is required by the statute. Thank you, Mr.  
25 Chairman.

1 Senator Reed: Thank you.

2 Chairman Wicker: Senator Fischer.

3 Senator Fischer: Thank you, Mr. Chairman. And thank  
4 you to both our gentlemen before the panel today and to your  
5 families for your service and your continued service to this  
6 country. I'm going to follow up Mr. Ditlevson, with the  
7 Ranking Members question, he said that, that it was a  
8 failure, the coordination that we saw on the closing of the  
9 airspace at El Paso, Texas.

10 Do you think it was a failure? And if you do, or even  
11 if you don't, tell me what you would do to ensure that the  
12 Department's going to work with Federal and state partners  
13 on the counter drone situations that we have?

14 Mr. Ditlevson: Senator, thank you for that. And I  
15 would agree with the premise that this was not a failure  
16 that we have coordinated very well with the FAA, but novel  
17 technologies always require new testing. And this is  
18 something that FAA has never seen before, and it's something  
19 new at the Department that we have utilized overseas, but  
20 it's a new thing here in the United States as we defend the  
21 Southwest border and employ technologies to protect our  
22 citizens, that we need to work through these requirements  
23 with the FAA.

24 We have made sure to coordinate them. We had a lot of  
25 emails back and forth, telephone conversations, meetings in



1 person with the FAA to make sure that we were doing this  
2 correctly. JIATF-401 is the technical counter UAS lead,  
3 made sure to work with all of their technical evaluators  
4 throughout this process. And we're confident that this will  
5 not be a problem in the future.

6 We're going to continue to refine how we work with the  
7 FAA and I defer to the FAA on the judgment decision to put  
8 up a temporary flight restriction. But we feel at the  
9 Department, we've been incredibly safe, and that's our  
10 commitment to the American people.

11 Senator Fischer: Thank you. You know, one challenge  
12 that we've seen facing in our military installations,  
13 including those here in the United States, is the incursion  
14 of drones into that airspace. If confirmed, how would you  
15 work with services to develop and share best practices and  
16 solutions for the counter UAS initiatives that are out  
17 there?

18 Mr. Ditlevson: Senator, thank you for the chance to  
19 talk about this important issue area. In the Department up  
20 until this point, we have done our best to streamline all of  
21 the guidance and authorities for the war fighter, so that  
22 they're not confused or have a potential situation where  
23 they are paralyzed because they don't know what authorities  
24 they have.

25 We have decreased the overall field manuals and



1 technical guidance to commanders from over 150 pages of  
2 regulation down to under 20, and we're working towards  
3 getting even less. But in addition to that, I have to  
4 commend the committee because the expansion of 130i  
5 authorities has made it very clear to our troops that they  
6 have the ability to defend themselves and they know exactly  
7 what to do when a drone threat comes over their installation  
8 or over their unit.

9 So, thank you very much the committee for that work and  
10 if confirmed, Senator, I will continue to make sure that our  
11 processes and procedures are streamlined from a policy  
12 perspective and will continue to work very closely with  
13 JIATF-401 as the technical implement of counter UAS in the  
14 Department.

15 Senator Fischer: Okay. Thank you. Senator Birdwell,  
16 thank you again for your wonderful service and the  
17 sacrifices that you had made for this country. As you know,  
18 I'm concerned that the Department still has a long way to go  
19 to prepare to operate in contested environments,  
20 particularly with respect to contested logistics and more  
21 complex sustainment plans. If confirmed, how would you work  
22 to reduce logistic vulnerable vulnerabilities for these  
23 contested environments?

24 Mr. Birdwell: Sorry Senator. The Contested Logistics  
25 is the center of Gravity mission for the Department. Our



1 enemies learned a long time ago, never let the United States  
2 get into theater unopposed. And having learned that lesson,  
3 we've got to make sure that we can counterbalance that.

4 I think we do that by fixing forward, sustaining  
5 forward as far forward at the point of need to support the  
6 war fighter. Whether that's through sealift, airlift pre-  
7 position stocks, those things that make us have the ability  
8 to support the war fighter as close to the point of need as  
9 possible.

10 I would work with the counterparts and the J staff,  
11 particularly the theater commanders, because they're the  
12 ones that are going to identify the needs that we are there  
13 to support. And so, I would look forward to working with  
14 all of my partners if confirmed, throughout the Department  
15 to ensure that the war fighter is our sole focus and what  
16 does that person so far require.

17 Senator Fischer: Thank you, sir. Thank you, Mr.  
18 Chairman.

19 Chairman Wicker: Thank You, Senator Fisher. Senator  
20 Peters.

21 Senator Peters: Thank you, Mr. Chairman. Mr.  
22 Ditlevson, as a Ranking Member of the Homeland Security and  
23 Governmental Affairs Committee, I recently released a report  
24 that found that there were no clear metrics of success for  
25 the continued deployment of the national Guard in the



1 District of Columbia. Even as taxpayers right now are  
2 paying \$1.65 million per day there seems to be no end date  
3 for this deployment.

4 My staff asked the head of the D.C. National Guard for  
5 those metrics of success. He said it was up to political  
6 leadership, that would be you, but that he was driving  
7 towards zero crime and zero drug overdoses. Certainly, it's  
8 an ambitious goal. I think many people might argue that  
9 zero crime and zero overdoses is unrealistic. My question  
10 for you though is what metric do you believe will provide or  
11 will prove that the deployment has been a success and that  
12 the troops no longer need to be in the streets of the  
13 Capitol? When will you say it's a success that we can take  
14 them off the street?

15 Mr. Ditlevson: Senator, thank you for the question and  
16 the ability to address the deployment to Washington D.C.  
17 This has been an incredible success, and we have seen crime  
18 rates plummet Senator. And I have to echo the President  
19 from the State of Union address, looking at overall homicide  
20 numbers in the district. These are incredible results that  
21 we've had, as crime continues to go down and down.

22 Now at the Department, we are always analyzing and  
23 making sure we tailor our responses to the facts on the  
24 ground and how things change. In the case of D.C., we look  
25 forward to the D.C. Metropolitan Police Department, being



1 able to get back on their feet, be able to take back these  
2 streets from criminals and make them safe and secure for all  
3 Americans and visitors to our nation's capital.

4 And so, we make sure to tailor over time, we're always  
5 looking at that Senator, and as the Metropolitan PD can come  
6 in and take over the mission, we expect that we can tailor  
7 off those numbers. But we always have to make sure we're  
8 being aware, cognizant of the threat, and looking at what we  
9 can do to help make our streets safe and secure.

10 Senator Peters: Well, if confirmed, I'd like to have  
11 further conversation and have you take a look at the report  
12 we put out. Crime rates were actually going down before the  
13 National Guard Deployment. They had been steady since that  
14 time. So, taking credit for what occurred prior to the D.C.  
15 national Guard coming in is really not realistic. And those  
16 numbers are outlined, and I have that discussion with you if  
17 confirmed.

18 If we looked at some of the success and metrics, it was  
19 repairing fences and picking up trash, things of that  
20 nature, which had nothing to do with public safety. And it  
21 also took out of the D.C. Police Department, some police  
22 officers who are also part of the National Guard, and it  
23 took them off their patrols and put them onto beautification  
24 projects, which seems to be counterproductive, particularly  
25 for that kind of money.



1           So, we'll continue to have those conversations if  
2 confirmed. My second question for you, sir, is if you are  
3 confirmed, under what circumstances would you support  
4 sending troops into states in advance of an election?

5           Mr. Ditlevson: Senator, for any situation where we  
6 would be utilizing National Guard, the first objective is  
7 always to make sure that people are safe and secure.

8           The premise of the question, I can't really speculate  
9 on why that would ever have to occur, but I would say if  
10 there is a security threat or something of that nature in a  
11 city, this is why we have a National Guard able to deploy,  
12 to defend our people against threats. So, I can't speculate  
13 as to that particular situation, but if there was a threat  
14 in this country, of course we'd want to make sure our people  
15 are safe.

16          Senator Peters: Are you familiar with the U.S. Code  
17 and what it says about this?

18          Mr. Ditlevson: Senator, I believe you're referring to  
19 the deployment of troops around polling places, is that  
20 correct?

21          Senator Peters: Correct.

22          Mr. Ditlevson: Yes, Senator, I'm aware of that  
23 particular statute.

24          Senator Peters: So given that -- I'll read it for  
25 folks, for the committee. It's 18 U.S. Code, Section 592.



1 It prohibits the deployment of any troops, and it says, "at  
2 any place where a general or special election is held,  
3 unless such force is necessary to repel armed enemies of the  
4 United States." So, I just want to ask you again, in what  
5 instance would you support sending troops in advance of  
6 elections? So, this is the armed enemies of the United  
7 States. How would you define that?

8 Mr. Ditlevson: Senator, I appreciate the concern, and  
9 I would point to past precedent in a lot of cases. For  
10 example, during the COVID pandemic, we did have to utilize  
11 National Guard to assist with all the logistics around these  
12 things.

13 Now, we do a lot of logistics support in certain  
14 situations, and that would be a situation that wouldn't  
15 qualify. And I just want you to know if confirmed, Senator,  
16 I commit to following or making sure that we analyze this,  
17 provide the best recommendation up to the Secretary, we talk  
18 to the Office of General Counsel to make sure everything  
19 that we're doing is legal and lawful before that advice gets  
20 to the Secretary. I can make that commitment to you and, if  
21 confirmed, I look forward to working with you on this issue.

22 Senator Peters: Well, just quickly. Would you agree  
23 that this is an extremely high bar to meet?

24 Mr. Ditlevson: Yes, your Honor. I would agree. It's  
25 extremely high bar, and that's why we will provide the most



1 robust analysis and best advice to the Secretary on this  
2 issue.

3 Senator Peters: Very well, thank you, Mr. Chairman.

4 Chairman Wicker: Thank you, Senator Peters. Senator  
5 Rounds.

6 Senator Rounds: Thank you, Mr. Chairman. Gentlemen,  
7 first of all, thank you for your service to our country.  
8 Mr. Ditlevson, I've heard from 58 senior department  
9 officials that vacating the 3.1 to 3.45 gigahertz and the  
10 7.4 to 8.4 gigahertz bands of the electromagnetic spectrum  
11 or sharing of them in a suboptimal manner, would degrade or  
12 disrupt our critical national security systems operating on  
13 those bands.

14 Our Homeland Defense missions rely on radars and  
15 communication systems operating on those lower three and  
16 seven and eight bans. We know that China would love to have  
17 us inundate that part of the band with commercial  
18 operations. We know that they have been working on that for  
19 a number of years, and they continue to work on that on an  
20 international scale.

21 If confirmed, will you defend and advocate for defense  
22 spectrum allocations that protect our homeland? And if  
23 confirmed, will you push back on foreign influence campaigns  
24 in Americas that are targeting our U.S. spectrum  
25 allocations?



1           Mr. Ditlevson: Senator, thank you very much for your  
2 work on this issue. And I really appreciated our office  
3 call where we were able to go over this in depth. And what  
4 you presented to me for information and findings, I went  
5 back to the Department, tried to pull some additional  
6 reports to see what's out there. You're absolutely right.  
7 It's very concerning, Senator.

8           And so, you have my firm commitment if confirmed, I  
9 will make sure to provide the most robust analysis that's  
10 reflective of this potential danger to the spectrum and  
11 provide that to senior decision makers, for them to  
12 understand exactly what the pros and cons are of giving away  
13 or using the spectrum in a different way than for the  
14 military.

15           Senator Rounds: I note that one part of our laws,  
16 which we've just most recently done in the reconciliation  
17 Act, we made it very clear that the operations within those  
18 spectrums would be for DOD purposes.

19           But I do think that there is one area that I would draw  
20 attention to, and that is there may be attempts to take  
21 other governmental operations, NASA and others, and to move  
22 those portions of their electronic spectrum that is  
23 currently outside of those areas, and to push those into the  
24 areas that we currently use for military operations, thus  
25 creating more space outside for commercial operations.



1 I draw your attention to it because what it would do,  
2 would be to continue to compress the availability of that  
3 part of the spectrum for some very specific needs that we  
4 have within the Department today.

5 Mr. Birdwell, in my office we discussed an additive  
6 repair technology called Cold Spray, which multiple military  
7 services are using to get equipment up and running in days  
8 or weeks rather than months while waiting on backorder  
9 parts. It's basically 3D printing. The services have had  
10 varying levels of interest and commitment to employing this  
11 technology, but it has proven extremely successful and  
12 effective at saving costs and time, everywhere that it has  
13 been adopted.

14 This technology is being used in INDOPACOM and is  
15 critical to supporting forward deployed forces that are  
16 operating in a contested environment. If confirmed, will  
17 you commit to thoroughly exploring how the Department can  
18 more broadly adopt cold spray technology and normalize its  
19 use as part of our sustainment plans? Do you want to turn  
20 your mic on, please?

21 Mr. Birdwell: Thank you, Senator, for the opportunity  
22 to visit with you. Any opportunity across the services that  
23 allows the war fighter to be more properly sustained, more  
24 rapidly sustained, I'll be more than pleased to work with  
25 you and the committee on any particular technology that



1 increases the war fighting capability of our servicemen and  
2 women.

3 Senator Rounds: Thank you. One other item, Mr.  
4 Birdwell. Three years ago, the Department of Defense  
5 estimated that the inability to detect and isolate  
6 electronic faults resulted in over 383,000 non-mission  
7 capable days each year, and over \$5.5 billion in non-value-  
8 added sustainment costs.

9 In response to this readiness and sustainment  
10 challenge, the Office of the Secretary of Defense proposed  
11 funding for the purchase of a readily available, effective,  
12 and proven technology to address this issue. The Senate  
13 Armed Services Committee fully supports this technology and  
14 the fiscal year 2024 defense appropriations included, \$35.2  
15 million for it.

16 My concern is that under the previous administration,  
17 the Army has instead of acquiring this readily available,  
18 proven, an extremely cost-effective technology, despite its  
19 powerful support from the Department and SaaS, decided to  
20 continue to only study the issue. Meanwhile, the Navy has  
21 outright resisted acquisition of the technology.

22 If confirmed, would you commit to working towards  
23 resolution of this issue?

24 Mr. Birdwell: Senator, if confirmed, I commit to  
25 working toward that resolution.



1 Senator Rounds: Thank you. Thank you, Mr. Chairman.

2 Chairman Wicker: Thank you, Senator Rounds. Senator  
3 Birdwell, is there really anything to this cold spray idea?  
4 Do you think it's actually practicable?

5 Mr. Birdwell: Mr. Chairman, A 3D printing opportunity  
6 to mature our industrial base internally, domestically for  
7 3D printing that can sustain the war fighter overseas is  
8 something we ought to explore. To the particulars of that  
9 technology, I don't have the granularity that you seek.

10 Chairman Wicker: Okay.

11 Mr. Birdwell: And I think any opportunity to support  
12 the War Fighter greater speed, greater accuracy, at point of  
13 need is always something to explore.

14 Chairman Wicker: So, if you could supplement your  
15 answer on the record, that might be helpful.

16 Mr. Birdwell: I would be pleased. Thank you very  
17 much. Thank you so much, chairman.

18 Chairman Wicker: Senator Warren, I believe you are  
19 yielding back your time. Is that correct?

20 [Laughter.]

21 Senator Warren: No, sir. Nice try.

22 Chairman Wicker: Grossly mistaken. Senator Warren,  
23 you're recognized.

24 Senator Warren: Thank you, Mr. Chairman. So, service  
25 members enlist to protect our country from foreign



1 adversaries, but President Trump seems hellbent on deploying  
2 our troops to American streets and against our own  
3 neighbors. This is extremely dangerous for our communities  
4 and for our democracy, and it is costly for the DOD and for  
5 our service members as well.

6 According to the Congressional budget office, Trump has  
7 already spent half a billion dollars on domestic  
8 deployments. And my investigation found that DOD spent over  
9 \$2 billion in taxpayer money on immigration enforcement in  
10 2025. Now, that is money that is coming straight from the  
11 military's budget for things like repairing military  
12 barracks, training our soldiers, repairing schools for  
13 service members children.

14 DOD took this money from our service members, even  
15 though the agency that is responsible for immigration  
16 enforcement, ICE, is swimming in a budget that is bigger  
17 than most other countries entire military's budget.

18 Now, Mr. Ditlevson, you're nominated to be the  
19 Assistant Secretary of Defense for Homeland Defense and  
20 America's Security Affairs, and you're serving as a deputy  
21 in that office right now. How much of the \$2 billion do you  
22 expect to get back from DHS?

23 Mr. Ditlevson: Senator, I appreciate your concern on  
24 this issue, and it's something that we're working towards on  
25 a daily basis.



1 Senator Warren: How much do you expect to get back?

2 Mr. Ditlevson: At the beginning of this fiscal year,  
3 FY 26, the Secretary issued a policy saying that all support  
4 was on a reimbursable basis. And on a day-to-day basis,  
5 Senator, that's what we prepare up to the Secretary for  
6 decision.

7 Senator Warren: Do you expect to get it all back?

8 Mr. Ditlevson: Senator, everything is on a  
9 reimbursable basis, so we expect to chase that down.

10 Senator Warren: I have to question your everything.  
11 DOD and DHS have no reimbursement agreement in place for FY  
12 2025. So, it appears that DOD won't get back the billions  
13 of dollars it handed over to ICE that year. Money meant to  
14 fix barracks with sewage overflows is just gone.

15 Now, in December, when asked about domestic  
16 deployments, you told this committee "I can say without a  
17 shadow of a doubt, this is not having a negative effect on  
18 the military's readiness or budget." But an internal  
19 National Guard of the deployment, an internal study of the  
20 National Guard of the Deployment in D.C. noted "Fatigue,  
21 confusion, and demoralization," and "wedge between citizens  
22 and the military." National Guard members have told  
23 reporters that this is "not what I signed up to do," and  
24 that they feel ashamed to wear the uniform, and that they  
25 plan to quit.

1           So, Mr. Ditlevson, do you still think, "without a  
2 shadow of a doubt," that deploying the military in American  
3 cities has no negative effect on readiness?

4           Mr. Ditlevson: Senator, I'm unfamiliar with the  
5 report, but I'm going to take that back with me and dig into  
6 it. And if confirmed, I absolutely will be looking at that  
7 seriously, because we always want to make sure that our  
8 support is appropriate for the issue.

9           Senator Warren: You haven't heard any of this, none of  
10 this in your role? You've been sitting there in the office  
11 every day since the deployment. You haven't heard any of  
12 this?

13          Mr. Ditlevson: Senator, I have not heard any feedback  
14 like that from the National Guard Bureau. I work closely  
15 with General Nordhaus, the chief of the National Guard  
16 Bureau, and he has not expressed concern over the  
17 deployments to Washington, D.C.

18          Senator Warren: And that's your only source of  
19 information right now?

20          Mr. Ditlevson: Senator, he's the person I engage with  
21 most on this particular issue, bringing in general Blanchard  
22 --

23          Senator Warren: You may want to widen your aperture  
24 for getting information here. Look, the stakes are high,  
25 and I fear they're only going to get higher. President

1 Trump recently said that he should have used troops to seize  
2 ballot boxes in 2020. And many Americans worry that he'll  
3 deploy the military to intimidate voters this fall. Mr.  
4 Ditlevson, do you think it would be appropriate to station  
5 troops next to polling stations?

6 Mr. Ditlevson: Senator, I'm aware the statute that  
7 governs the deployment of troops next to polling stations,  
8 and I want to emphasize that our focus is always to protect  
9 American citizens. And so, for any deployment of the  
10 National Guard, no matter what that may be, that is always  
11 going to be our number one objective, is to make sure that  
12 people are safe and secure.

13 Senator Warren: So, you are nominated for this  
14 position. I'm just asking, do you think it would be  
15 appropriate to station troops next to polling stations? A  
16 simple yes or no.

17 Mr. Ditlevson: Senator, it's speculative the question,  
18 and I don't want to speak about what threat levels may exist  
19 during an election cycle.

20 Senator Warren: I have to say, if you're not willing  
21 just to say no, it is not appropriate, then I have real  
22 concerns about you in this job. Thank you, Mr. Chairman.

23 Chairman Wicker: Under the statute, would that be your  
24 call, Mr. Ditlevson?

25 Mr. Ditlevson: Mr. Chairman, we would provide policy



1 advice after speaking with the National Guard Bureau and the  
2 joint staff looking at the threats in the United States, and  
3 then of course, going to the Office of General Counsel to  
4 ensure that anything we provide to the Secretary is lawful.  
5 We absolutely will make sure that the Office of General  
6 Counsel is heavily involved and they are there every step of  
7 the way.

8 Chairman Wicker: It would not be your call though,  
9 would it?

10 Mr. Ditlevson: No. Mr. Chairman, that would go up to  
11 the Secretary and he'd be advised by legal counsel on what  
12 he can do lawfully.

13 Chairman Wicker: Thank you. And thank you, Senator  
14 Warren. Senator Sheehy.

15 Senator Sheehy: Thank you, sir. Mr. Ditlevson, are  
16 you familiar with what the Sunni backed Insurgencies in Iraq  
17 did at the polling stations during the attempt to rebuild  
18 Iraq in the elections of 2010?

19 Mr. Ditlevson: Senator, I'm familiar with that  
20 roughly.

21 Senator Sheehy: What did they do to the polling  
22 stations?

23 Mr. Ditlevson: Senator, it is disastrous, just like a  
24 lot of the violence in Iraq back at that time.

25 Senator Sheehy: Yeah. They, blew them up and killed



1 hundreds of people. And the point was to suppress voter  
2 turnout, because they didn't want a democratically elected  
3 government.

4 So, you as an EOD officer, and I was there as part of a  
5 task force, and I was carrying around a gallon sized Ziploc  
6 bag of fingers and eyeballs and ears to conduct biological  
7 analysis to figure out who was killed in these explosions,  
8 because they were so detrimental when you have hundreds of  
9 people packed into a small place.

10 So, to your point, your highest calling is to protect  
11 the American people with the National Guard, with other  
12 forces. And if there are direct terrorist threats against a  
13 polling station, do you think it's appropriate to use all  
14 resources available to protect our citizens?

15 Mr. Ditlevson: That's absolutely right, Senator. We  
16 should do everything to protect American citizens.

17 Senator Sheehy: Thank you. Mr. Birdwell, Senator  
18 Warren, and I may disagree on polling stations but we do  
19 agree on right to repair. How we buy our military  
20 platforms. How we support and sustain those is focused on  
21 low quantity, exquisite quality. That's fantastic in some  
22 cases, it's now coming back to bite us in the because we  
23 don't have enough bullets, planes, ships, submarines,  
24 trucks, or missiles to fight a large-scale war, especially  
25 one half a world away, especially one against the country



1 that manufactures ships 230 times faster than we do.

2 How do you intend to reform our sustainment  
3 infrastructure so we can rapidly acquire parts at scale on  
4 affordable basis, so that when our exquisite systems become  
5 outnumbered 50 to 1, 100 to 1, 1000 to 1, we can quickly and  
6 affordably at scale replace those platforms in affordable  
7 environment?

8 Mr. Birdwell: Senator, you've identified the daunting  
9 task ahead of the Department. There are a number of places,  
10 that I believe that the Department, if confirmed, I'll be  
11 able to participate with the partners across the spectrum of  
12 the Department and the services. Everything from  
13 championing the organizational industrial base, it's had  
14 significant amount of neglect that it needs to be championed  
15 across each of the respective services, Army, Navy, Air  
16 Force. All those need to be advanced.

17 Our personnel in the organizational industrial base  
18 also needs to be supported. Whether that's workforce  
19 development, physical plant development, and then contested  
20 logistics is a center of gravity mission as well, to support  
21 forward ensuring that the theater commanders have what they  
22 need, that we are customer friendly to those theater  
23 commanders.

24 And then to make sure that, particularly I would say  
25 military sea lift and air Force lift because of that tyranny



1 of distance, particularly in the Pacific. But anywhere else  
2 in the world, if other hotspots pop up to make sure, we've  
3 got that capacity to move, what needs to be moved, and the  
4 capacity to build and develop what needs to be developed.

5 So not only in the industrial base, but then also in  
6 the organic base, and work with my counterparts and  
7 acquisition and industrial policy base, to ensure that the  
8 commercial base is as robust and revitalized as the  
9 President has said he would like it to be.

10 Senator Sheehy: Have you explored the concept of  
11 changing or treatment of the leasing of both infrastructure  
12 and platforms as an option to expand our portfolio, such as  
13 leasing sealift ships, leasing of base infrastructure, so  
14 that we can bring more private capital to JBER?

15 Mr. Birdwell: Senator, I've looked at or I've some  
16 degree of knowledge on the fact that the Navy is renting  
17 some vessels. My assessment of that is, I think it's a  
18 patch wanting more domestic production. So, it's a patch  
19 and a temporary circumstance waiting for a better solution  
20 of a more robust organic industrial base, whether it's our  
21 shipyards up in New England, the Gulf Coast, wherever it may  
22 be, to have a more robust internal domestic capability so  
23 they don't have to go do those patch operations.

24 But it certainly, if the mission and the war fighter  
25 require that patch for the immediacy of the need, that's



1 what the services are doing. But we want to get beyond that  
2 and have it in our own industrial base.

3 Senator Sheehy: Well, I think you'll find this  
4 committee has empowered the Department. Ranking Member Reed  
5 and Chairman Wicker have been great empowering this  
6 committee and your department to think outside the box. We  
7 can't talk about adjustments around the margins to fix our  
8 acquisition supply chain, our industrial base. We talk  
9 about 5 percent, 10 percent, 20 percent changes. We need to  
10 be willing to have radical discussions about how to see  
11 order of magnitude changes when it comes to sustainment,  
12 acquisition reform, and platform production, procurement,  
13 and sustainment.

14 And therefore, I would encourage you, and I think I can  
15 speak for most of the committee, that you have our support  
16 to consider any null options to prepare for the next fight  
17 that we hope never comes, but probably is. Thank you.

18 Chairman Wicker: Well said Senator Sheehy. Senator  
19 King.

20 Senator King: Thank you, Mr. Chairman. I want to  
21 emphasize Senator Sheehy's comments. It disturbs me when  
22 you talk about exploring 3D printing. Man, 3D printing is  
23 here, and not having a 3D printer in a depot or on a ship is  
24 like not having a screwdriver these days.

25 We have the world's largest 3D printer at the



1 University of Maine. Two years ago, they printed a house.  
2 So, I think we can print parts and we should be -- By the  
3 way, you should talk to the procurement people. We should  
4 be buying the IP with every platform, so that we don't have  
5 to go back to the manufacturer for a particular part. And  
6 clearly there are limitations, but this should be  
7 accelerated, not explored.

8 So, I hope you'll take that back to the Department. We  
9 are woefully slow on right to repair and keeping an  
10 exquisite weapon doesn't work, if it doesn't work in the  
11 field, it's not serving its functions. So, we got to really  
12 work on that. I appreciate your emphasis and I hope you'll  
13 follow up, Senator Birdwell.

14 Mr. Birdwell: Senator, do I need to wait for the chair  
15 or did you ask question, Senator?

16 Senator King: My time slipping off, I'm not waiting  
17 for you.

18 Mr. Birdwell: Then let me respond if I may, Senator.  
19 You're absolutely right on right to repair It is an area  
20 where we've got to do a very good job to make sure that  
21 we've got the necessary --

22 Senator King: A way better job.

23 Mr. Birdwell: Way better job. Certainly. We're 3D  
24 Printing is here. Yes, Senator. You are correct.

25 Senator King: Thank you.



1           Mr. Birdwell: We want to do right to repair,  
2 particularly because we want to be able to repair in  
3 theater, closest to the point of need. And certainly, as  
4 new acquisition comes on board, having the ability to have -  
5 -

6           Senator King: Okay, I want to I appreciate that. Yes.  
7 Mr. Ditlevson, were you involved in the decisions involving  
8 the boat strikes in the Caribbean? Were you in the chain of  
9 command of that discussion?

10          Mr. Ditlevson: Senator, in my capacity as the  
11 principal deputy, I work on the policy around that. But the  
12 particular preparation of the strikes is primarily --

13          Senator King: So you weren't in the room that day  
14 helping to make those decisions about the strikes.

15          Mr. Ditlevson: That'd be the special operations, low  
16 intensity conflict office and policy, and the joint staff  
17 that'd be involved.

18          Senator King: Have you seen the second video from  
19 September 2nd?

20          Mr. Ditlevson: Yes, Senator. I have, I'm aware of  
21 that particular --

22          Senator King: What possible justification is there for  
23 the classification of that video, where the first video of  
24 45 minutes earlier was on Fox News the next day, along with  
25 the Secretary. Why is the second video classified? I've



1 seen it, and I don't understand why the American public is  
2 being denied the opportunity to see it. What is the  
3 justification for its classification?

4 Mr. Ditlevson: Senator, I appreciate the concern on  
5 the video and what it shows, but I can't speak to the  
6 releasability of that video.

7 Senator King: How come? You're the policy guy? What's  
8 the policy that says this should be a classified bit of  
9 information?

10 Mr. Ditlevson: Senator, that'd be outside the purview  
11 of my particular office. We were not the classification  
12 authority for that particular video and the processes and  
13 procedures governing --

14 Senator King: Well, I would appreciate it if you would  
15 take this question back, because I've asked the Secretary  
16 directly, I've not yet gotten a justification for why that  
17 video is classified except that it's embarrassing. That's  
18 what it looks like to someone who has seen it. The  
19 designated terrorist organization, who defines a designated  
20 terrorist organization? That's the basis of the strikes in  
21 the Caribbean

22 Mr. Ditlevson: Senator, the ability to designate a  
23 group as a terrorist organization is outside of the  
24 Department of Wars purview. I would defer to the Department  
25 of State.



1           Senator King: I understand that. I'm just asking you  
2 who makes that decision?

3           Mr. Ditlevson: Well, Senator, it's outside of our  
4 office. It would be with Department of State, and it would  
5 be with Department of Justice as they advise the President  
6 on what groups should be a terrorist organization.

7           Senator King: I'm surprised you're not giving me a  
8 direct answer. Isn't this a Presidential decision? Doesn't  
9 he or she make the final decision as to what is a  
10 "designated terrorist organization?"

11          Mr. Ditlevson: Senator, I believe you're correct, and  
12 they are advised, the President is advised by Department of  
13 State, department of Justice.

14          Senator King: And do you know what the definition is?  
15 What the criteria for designated terrorist organization? Is  
16 it written down anywhere? I don't believe I've ever seen  
17 it.

18          Mr. Ditlevson: Well, Senator, I would defer to those  
19 particular agencies advising the President through that  
20 process.

21          Senator King: Could you supply, because you're in the  
22 policy business at the Department of Defense. Could you  
23 please supply to the committee the definitions or criteria  
24 that are used to have a designated terrorist organization?

25          Mr. Ditlevson: Senator, if confirmed, I pledge to work



1 with you on these issues in the Caribbean. And I hope to  
2 have a great working relationship with you in your office.

3 Senator King: Well, you, you mentioned the Caribbean.  
4 I'm running out of time, but I've got to tell you, in your  
5 list of sorts of priorities focused on securing our homeland  
6 by bolstering security at our borders. No objection. No  
7 problem. Dismantling narco-terrorist networks, no  
8 objection. A hundred percent. Deterring adversary threats,  
9 no problem.

10 But your final one is Restoring Law and Order in our  
11 cities, that's not the role of the Department of Defense.  
12 We have state police, we have local police. It's not the  
13 role of the military to restore order in our cities.

14 And what concerns me is, if indeed it's the President  
15 that designates a terrorist organization, what are the  
16 limits of that and what's to keep this President or a  
17 different President from saying that some group that they  
18 don't like inside the country is a designated terrorist  
19 organization and therefore could apply military forces. I  
20 hope you'll come back to me with the answers to my  
21 questions. Thank you, Mr. Chairman.

22 Chairman Wicker: And yes, that was a rhetorical  
23 question Mr. Ditlevson, you were not involved in making the  
24 decision about designating a terrorist target, were you?

25 Mr. Ditlevson: That's correct, Mr. Chairman. I was



1 not involved in that process.

2 Chairman Wicker: Okay. So now we have Senator  
3 Sullivan and then Senator Slotkin.

4 Senator Sullivan: Thank you, Mr. Chairman. And  
5 gentlemen, thank you for your service and your desire to  
6 serve your country further. Very much appreciate. I want  
7 to thank the families as well. It's not always a sacrifice  
8 for both the people involved in serving, but also their  
9 families. So, I want to thank all of you as well.

10 Mr. Ditlevson, I appreciated our meeting the other day  
11 in my office. As you and I talked about, I focus a lot on  
12 the Arctic, but we've been focusing a lot on the Arctic as a  
13 country now, discussions on what's happening up there. I  
14 was, as I mentioned, a little bit disappointed that the NDS,  
15 despite having spoken to the Pentagon leadership about  
16 making sure we had a strong Arctic component, it wasn't that  
17 strong.

18 I was actually disappointed by the limited focus,  
19 particularly given what's going on in the Arctic. As you  
20 and I talked about, we have this chart. These are the ADIZ  
21 and EEZ incursions. I'll get the specifics here. This is  
22 Russian and Chinese incursions. Indeed, the Arctic, also  
23 known as Alaska, my state. That's in the last three or four  
24 years. Look at that map. By the way, we had one just last  
25 week. This is updated.



1           Last week we had five Russian aircraft enter our ADIZ,  
2 two strategic bombers, prompting NORAD to dispatch two F-16s  
3 two F-30s, four KC-135, and an E-3s to go intercept those  
4 Russian bombers. And the real concerning one, and when you  
5 look at this chart, the green is joint Russian Chinese task  
6 forces. So those are strategic bomber task forces, Russia  
7 and China and naval task forces, one as big as 12 ships.

8           They don't do joint strategic task forces anywhere  
9 else, as I can tell, certainly in the United States, but in  
10 the world. But they're doing it in my neck of the woods,  
11 which is America's neck of the woods, which is what you're  
12 going to be in charge of.

13           So how important do you view the Arctic in your overall  
14 defense strategy? And how are you going to make sure it's  
15 more seriously reflected in the strategy documents? Again,  
16 in my state, it's big news. The Russians are in our ADIZ,  
17 last weekend. And by the way, a shout out to the great men  
18 and women who serve in the military in Alaska. They go up  
19 and intercept these guys every single time. Those are tough  
20 missions, right?

21           When you're flying above the Arctic Ocean in February  
22 and it's 40 below zero, and you're flying an F-16 with a  
23 single engine. You lose that engine; you're punching out  
24 over the Arctic Ocean in the middle of the night. It's  
25 usually night there anyways, because it's still dark. Those



1 are tough missions and our military does it every time.

2 But help me out here. I was disappointed, as I said,  
3 in the NDS especially because there's so much going on. I  
4 mean, yes, we got to protect the southern border, but the  
5 northern border is pretty busy, just ask the Russians and  
6 the Chinese. What are we going to do on that? And I need  
7 your commitment in a big way to step up the focus.

8 Mr. Ditlevson: Senator, first I want to commend your  
9 work on this issue area because this is vitally important to  
10 homeland defense, to U.S. national interest.

11 Senator Sullivan: This is the definition of homeland  
12 defense. When the Russians and Chinese are probing our  
13 airspace and our waters, I don't know if there's any higher  
14 priority to get them the hell out of there.

15 Mr. Ditlevson: I completely agree, Senator. And  
16 Alaska is vital to the defense of the other 49 states.  
17 Alaska is our homeland. So, I understand the disappointment  
18 as far as not mentioning Alaska by name in the National  
19 Defense Strategy, but I want to assure you, Senator, as we  
20 create implementing frameworks and further on guidance to  
21 our forces, we absolutely want to make sure that Alaska is a  
22 part of that, because It's a pillar of what we're looking at  
23 for a regional strategy.

24 If confirmed Senator, I would love to work with your  
25 staff, receive input from you directly on how we can better



1 write that framework to reflect the importance of Alaska.

2 Senator Sullivan: Great. I appreciate that. And  
3 thank you. I want to give you another shout out. This  
4 committee, actually a number of years ago, worked on setting  
5 up, you know, how the Department of War has regional centers  
6 of expertise, we have them all over the world. Europe,  
7 Latin America.

8 We have now the regional center for the Ted Stevens  
9 Center named after the late great U.S. Senator from Alaska  
10 for Arctic security issues. They're doing a great job.  
11 They're at JBER, they built up, but that's under your  
12 purview, it's part of the Department of War.

13 So, can I get a commitment from you to use that  
14 resource, The Ted Stevens Center at JBER, to help you on  
15 this. They're a great convening force and really becoming  
16 the center of gravity on national security in the Arctic for  
17 the whole world.

18 Mr. Ditlevson: You're absolutely right Senator. Mr.  
19 Church Kee, the director of the center, we speak regularly.  
20 He's done fantastic work and his team is great. And if  
21 confirmed, Senator, you have my commitment to continue using  
22 them as a resource and having their inputs into our  
23 different strategy documents.

24 Senator Sullivan: Great. Thank you, Mr. Chairman.  
25 I'll have additional questions for the record.



1 Chairman Wicker: Thank you. Senator Sullivan.  
2 Without objection, a copy of that poster will be placed in  
3 the record. So, ordered.

4 [The information referred to follows:]

5 [COMMITTEE INSERT]

6

7

8 Chairman Wicker: So, we have Senator Slotkin and  
9 Senator King.

10 Senator Slotkin: Thank you Chairman. Mr. Ditlevson, I  
11 want to talk about some reports we had this week coming out  
12 of the Pentagon about the use of artificial intelligence.  
13 And you know, we all know, or many of us know, we're in a  
14 classified race against the Chinese on artificial  
15 intelligence.

16 Reports came out this week that Secretary Hegseth was  
17 negotiating a contract with an AI company. And this AI  
18 company says, look, we just have two conditions. We're not  
19 going to allow our AI to be used to develop weapons that can  
20 kill without a human being in the kill chain. And then  
21 number two, we're not going to allow our AI to be used for  
22 mass surveillance of American citizens. And that Secretary  
23 Hegseth got very upset about those two conditions, that he  
24 refused those conditions.

25 And now I think that this is, you know, if we were a



1 healthier country politically right now, we would be putting  
2 up left and right limits around the use of AI. We have  
3 really no guidelines for you all, really no law, that's not  
4 your fault, that's on us on a bipartisan basis that we  
5 haven't done it. And I would argue we should be doing some  
6 of that for you all in this committee, setting up those left  
7 and right limits.

8         Because I think the average person does not think we  
9 should allow weapon systems to get into war and kill people  
10 without a human being overseeing that in some way. And I  
11 certainly don't think any American Democrat or Republican  
12 wants mass surveillance on the American people.

13         So, I guess my plea is for us as a committee to deal  
14 with this in the NDAA, but because you're up for the job on  
15 homeland issues, I have to ask about this mass surveillance.  
16 Why wouldn't Secretary Hegseth say, no problem, we're never  
17 going to use AI at the Pentagon to conduct mass surveillance  
18 of American citizens.

19         You've been the number two over there; you're now  
20 gunning for the number one job up for confirmation. To your  
21 knowledge, is the Assistant Secretary role of Homeland  
22 Security, do you have any programs currently going on  
23 involved in the mass surveillance of American citizens?

24         Mr. Ditlevson: Senator, I can't speak to the specifics  
25 of that meeting with Secretary --



1           Senator Slotkin: No, of course not. I'm not asking  
2 that. For you, you've been in the number two job, you're in  
3 the seat. Don't deflect. To your knowledge, is the purview  
4 of the position you're trying to get, is there any mass  
5 surveillance programs of the American people going on right  
6 now in that Assistant Secretaryship?

7           Mr. Ditlevson: To my knowledge, Senator, not within  
8 that assistant secretaryship, we focus on policy writing.

9           Senator Slotkin: That's fine. I want the answer to be  
10 no. I'm gunning for a no; I want you to say no. Are you  
11 aware and can you confirm that it is illegal under U.S. law  
12 for the Department of Defense, and particularly intelligence  
13 community assets to surveil or target American citizens for  
14 their views?

15           Mr. Ditlevson: Senator, I'm not intimately familiar  
16 with the exact language in different statutes. I would  
17 always defer to the Office of General Counsel to make sure  
18 any policy advice that we provide is lawful.

19           Senator Slotkin: But it is the law, right? Executive  
20 orders the National Security Act of 1947, and then  
21 everything that came out of Watergate. American citizens  
22 don't want to be surveilled by their government. You do  
23 criminal activity, go for it. You should be brought down.

24           But mass surveillance, targeted surveillance of  
25 domestic terrorist organizations, is a very sensitive

1 subject that you're going to be in the hot seat for. So, I  
2 would offer that instead of just deferring, you should get  
3 to know the law really quickly because you are going to be  
4 asked at some point whether the actions of this government  
5 are okay by you.

6 And when it comes to targeting American citizens using  
7 assets of the intelligence community, using AI to surveil  
8 American citizens, I want you to answer no. That you will  
9 uphold the values that I hope we all share, which is that  
10 the U.S. government should never target its own citizens.  
11 Department of Defense, especially should be focused on  
12 foreign threats and the things that are coming at us from  
13 abroad. You should be focused on cyber threats, things that  
14 are important to protecting American citizens, not  
15 surveilling our own people.

16 And I will just say, along the same lines of what you  
17 will be asked you know, Senator Sheehy was in Iraq. I was  
18 in Iraq too. Do you know of any credible threats of  
19 violence against U.S. polling locations that would ever  
20 require the National Guard to be deployed? Any actual  
21 credible threats? Yes or no?

22 Mr. Ditlevson: Senator in this particular forum, I  
23 can't speak about any threats that may or may not exist. I  
24 need to Maintain operational security.

25 Senator Slotkin: I think the idea that the President



1 of the United States is saying that we should deploy  
2 National Guard and potentially others around polling  
3 locations when there are no credible threats, you should  
4 bring them up here If there are credible threats. We all  
5 have clearances, but the idea that we could be deploying law  
6 enforcement and National Guard around a polling location  
7 without a credible threat should send a shiver down your  
8 spine, and you are going to be in the hot seat to say, no,  
9 I'm sorry. That just fundamentally cuts against who we are  
10 as Americans. And I hope you are willing to uphold your  
11 oath when it comes down to it. Yield back.

12 Chairman Wicker: Mr. Ditlevson, if Senator Slotkin got  
13 on a classified phone with you from the skiff, you could  
14 answer that question. Is that correct?

15 Mr. Ditlevson: That's correct, Mr. Chairman. All  
16 right.

17 Chairman Wicker: Okay. Thank you very much. And now  
18 we have Senator Kelly.

19 Senator Kelly: Thank you, Mr. Chairman. Mr.  
20 Ditlevson, just to follow up on Senator Slotkin and the  
21 Chairman, I think you would be able to say just yes or no,  
22 if there's a credible threat, that's not classified  
23 information. I mean, saying what the threat is would be the  
24 classified part of a response. So could you just say, if  
25 you know of a credible threat, easy answer yes or no.



1           Mr. Ditlevson:  Senator, today I can't say anything in  
2 this particular forum, but if confirmed, I look forward to  
3 engaging with you and making sure that we're operating in a  
4 transparent manner with the committee.

5           Senator Kelly:  All right.  Thank you.  Mr. Birdwell,  
6 different subject.  The decline of domestic ship building  
7 and the industrial base that supports that, it's not just an  
8 economic concern for our country.  This is a national  
9 security issue, a significant one in a potential contingency  
10 with a near peer adversary competitor like China.

11           Our ability to sustain sea lift across a 5,000-mile  
12 ocean, repair battle damage, support forward deployed, naval  
13 forces, is going to depend on the strength of our U.S.  
14 shipyards.  It's going to depend on our suppliers, and it's  
15 going to depend on having a robust commercial U.S. flagged  
16 fleet.

17           The President's Maritime Action plan in my Bipartisan  
18 Ships for America Act, recognizes the urgency of reversing  
19 this trend through a whole of government approach.  We have  
20 to revitalize domestic maritime building here at home.  The  
21 theory of the case behind both of these initiatives, the  
22 Maritime Action Plan and my legislation, is that rebuilding  
23 our maritime industrial base cannot rely exclusively on the  
24 Navy.

25           We need a competitive commercial market that supports



1 robust supply chains if we want to be able to deliver  
2 critical capability to the Navy and have critical navy  
3 programs that are on time and on budget. So, Mr. Birdwell,  
4 do you agree that the Navy would benefit from more  
5 commercial competition in the maritime industry?

6 Mr. Birdwell: I've not made an evaluation of a  
7 competitive role between the Navy and our commercial. I do  
8 agree with you that we need a more robust organizational  
9 industrial base across the services, specifically the Navy  
10 and shipbuilding, but also additional capability  
11 commercially. I could give you an anecdotal issue  
12 specifically related to Texas, but we need both lanes robust  
13 simultaneously, in my view.

14 Senator Kelly: So, you don't think there's synergy  
15 between having a robust commercial sector and a robust  
16 military ship building? What I'm getting at is those supply  
17 chains for navy ships, if you look at things like pumps and  
18 valves and piping and engines, the supply chain for the  
19 naval vessels is very similar to the supply chain for the  
20 commercial vessels.

21 Mr. Birdwell: Senator, whatever increases we have in  
22 the force structure in the Navy, you would need to have a  
23 parallel in increase in the service support ships that would  
24 support those.

25 Senator Kelly: But I'm not talking about just the



1 support ships. I'm talking about -- so we have about 80  
2 U.S. flagged ocean-going merchant ships. China has over  
3 5,000. They have more than 50 percent of the ship building  
4 capacity worldwide. What I'm getting at here is by  
5 revitalizing the commercial ship building sector, it helps  
6 us build more Navy ships because you have more robust supply  
7 chains.

8 So, if confirmed, as Assistant Secretary of Defense for  
9 Sustainment, how would you align the Department's  
10 sustainment strategy with the broader maritime initiatives  
11 to ensure that we have the industrial capacity that the Navy  
12 depends upon for its sea lift?

13 Mr. Birdwell: Senator, I want to make sure that the  
14 industrial base, both commercial and organic, that I get to  
15 be a champion, particularly for the organic work with my  
16 counterparts and industrial based policy for the commercial  
17 side, to ensure that both of those capabilities are growing  
18 robustly, to ensure that we meet the strategic needs that  
19 you've addressed in your question.

20 Senator Kelly: Okay. Yes. There is a strategic need  
21 for commercial sealift, that's without question. But I do  
22 want to just make it clear again that that actually helps us  
23 build the amphibs, build the aircraft carriers, the  
24 destroyers, the frigates, the submarines that we need for  
25 our national defense. So, I hope you'll work with us here

1 on this committee.

2 I've got strong legislation. It's bipartisan. It  
3 touches every aspect of the maritime industry so we can flag  
4 more U.S. ships with U.S. crews, built in U.S. shipyards,  
5 with U.S. suppliers. That's what I think we need, not only  
6 to revitalize the commercial sector, but at the same time we  
7 get the added benefit of having a bigger industrial based  
8 base for shipbuilding across the country. So, I look  
9 forward to working with you on it.

10 Mr. Birdwell: Senator, if confirmed, I look forward to  
11 working with you in the committee on that very topic.

12 Chairman Wicker: Senator Birdwell, I think Senator  
13 Kelly has made a profound point here. This is not the first  
14 time this has been discussed among this committee, but he's  
15 onto something that might give us the quantum leap that is  
16 vitally needed to do what needs to be done. So, thank you  
17 Senator Kelly. Senator Kaine, you have finally lived long  
18 enough to be recognized. It's your turn.

19 [Laughter.]

20 Senator Kaine: That's a good allusion to a special  
21 day. Thank you, Mr. Chairman, and thanks to the witnesses.

th

22 Mr. Ditlevson, you were here before us on the 11 of  
23 December for the National Guard hearing, and I asked two  
24 questions for the record that I submitted to you right after  
25 the hearing that you have not yet answered. Is there any



1 reason why you have not yet answered them? Two and a half  
2 months later?

3 Mr. Ditlevson: Senator from my particular position,  
4 submitted questions need to go through legal review and make  
5 sure that they get over to you with the proper notations  
6 from different components for their input. But I made sure  
7 that we've submitted those and we're going to get them to  
8 you ASAP Senator.

9 Senator Kaine: Well, I'd like to submit the unanswered  
10 questions for the record two and a half months after I  
11 submitted them. The two questions are a total of six lines  
12 of text. They're very short questions, and I'm not  
13 impressed with the response time. If I could submit those  
14 for the record, Mr. Chair.

15 Chairman Wicker: Without objection. So, ordered.

16 [The information referred to follows:]

17 [COMMITTEE INSERT]

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23 Senator Kaine: Mr. Ditlevson, I was not here when  
24 Senators Reed and Fischer were asking about the El Paso  
25 incident because of a HELP committee hearing I had. But I



1 understand that your testimony was that there was no lack of  
2 communication between the Federal agencies. Was that your  
3 testimony?

4 Mr. Ditlevson: Yes, Senator. That's correct. Robust  
5 communication over a period of 14 months is what was  
6 occurring between the FAA and the Department of War.

7 Senator Kaine: Then what was the breakdown that caused  
8 the closure of the airspace for that number of hours and the  
9 significant cancellation of flights?

10 Mr. Ditlevson: Senator, I can't speak to the FAA's  
11 determination to set up the temporary flight restriction and  
12 why they did it the way they did for the length of period of  
13 time, but I can say that we provided notification when the  
14 system became fully operationally capable, and then we also  
15 provided notification with our intent to fire the system.

16 Senator Kaine: The news accounts suggest that  
17 insufficient notice was provided to the FAA. Do you dispute  
18 those accounts?

19 Mr. Ditlevson: I would dispute those accounts, and I  
20 don't think they had the totality of our communication. It  
21 was only a selective piece of because --

22 Senator Kaine: It's one thing to say you provided  
23 notification if you provided a notification just minutes  
24 before something happened, that would've been insufficient.  
25 And that's what the suggestion is.



1           And look, the reason I ask about this, you'll get the  
2 El Paso thing straight. We had a crash at DCA Reagan a  
3 little bit over a year ago. 67 people, including three  
4 members of the United States Army, lost their lives because  
5 of inadequate communication between the DOD and the FAA.  
6 And this was a danger that we had repeatedly warned about.  
7 The National Transportation Safety Board has come out with  
8 the report assessing a number of things that went wrong.

9           And so, when we see something like this at El Paso, and  
10 thank goodness flights were canceled, but there were no  
11 injuries or deaths, and then we hear that no there's  
12 adequate communication between the parties, forgive us for  
13 being skeptical. We don't want to be complacent and see  
14 significant other challenges. And so that's why we ask  
15 about this and we will continue to follow up on it.

16           In response to my colleague, Senator King, you said  
17 with respect to boat strikes in the Pacific, you have been  
18 involved in policy, not like the determination about  
19 particular operations. Have you been involved in the  
20 discussion around the policy of which boats should be struck  
21 or what should the targeting criteria be?

22           Mr. Ditlevson: Senator, from our particular policy  
23 office, we're not involved in the target preparation and the  
24 engagements that are briefed up to the Secretary. That  
25 granularity is the purview of; I believe General Braga was



1 over here and briefed the committee --

2 Senator Kaine: How about separate from individual  
3 instances, have you been involved in discussions about what  
4 the criteria should be that should warrant potential kinetic  
5 action?

6 Mr. Ditlevson: Senator, I have not been involved in  
7 what criteria constitutes a threat that they can engage  
8 legally under that framework. Our office has not been  
9 involved in that.

10 Senator Kaine: So, you're not aware of what the  
11 requirements are for assessing which boats can be targeted  
12 in these operations?

13 Mr. Ditlevson: Senator, for those specific  
14 requirements, I would defer to the special operations' low  
15 intensity conflict office and the joint status.

16 Senator Kaine: That's not the question I asked you. I  
17 asked you sitting here today, are you aware of the targeting  
18 criteria that render a craft eligible to be stricken by  
19 kinetic activity?

20 Mr. Ditlevson: Yes, your honor, I'm aware of the  
21 criteria that would constitute a threat that allows for  
22 engagement under constructs that the Office of General  
23 Counsel has reviewed and provided to the Secretary.

24 Senator Kaine: Is one of those criteria demonstrable  
25 evidence that a craft contained narcotics?



1 Mr. Ditlevson: Senator, I want to make sure that I  
2 provide you the absolute correct answer. And so, if  
3 confirmed, I will make sure to answer that question, but  
4 that's one that I'd like to take back to get you the exact.

5 Chairman Wicker: And how long will that take?

6 Mr. Ditlevson: ASAP, Mr. Chairman.

7 Senator Kaine: And as I hand it back to the chair, I  
8 have been given the answer to that question in a classified  
9 setting and have some significant concerns about it. But  
10 that concerned operations that had happened before January  
11 one, September to January one.

12 And I'm asking for a classified briefing on each  
13 operation since January one to see if the criteria may have  
14 changed. But we'll pose the question in a very precise way  
15 in a written QFR and we would love to get a prompt response.  
16 Thank you, Mr. Chair.

17 Chairman Wicker: And again, Mr. Ditlevson, that's not  
18 exactly your call?

19 Mr. Ditlevson: That's correct, Mr. Chairman.

20 Chairman Wicker: But you're the one sitting here in  
21 front of this committee. Thank you very much Senator Kaine.  
22 Senator Gillibrand, welcome.

23 Senator Gillibrand: Thank you, Mr. Chairman.

24 Chairman Wicker: Catch your breath.

25 Senator Gillibrand: I want to pronounce your name



1 right. Could you pronounce your name for me?

2 Senator Gillibrand: Mr. Ditlevson, while the AHI  
3 cross-functional team now falls under the Under Secretary,  
4 Michael, during your time as Acting Assistant Secretary you  
5 were the DOD Inter-Agency lead for AHI and responsible for  
6 overseeing the CFT.

7 In your conversations within the Department about the  
8 future of AHI CFT, what role did care for victim cohort play  
9 in your discussions and how are you ensuring a smooth  
10 transition for the cohort in the new structure?

11 Mr. Ditlevson: Senator, I'm happy to discuss this  
12 topic because our war fighters that have been affected by  
13 anomalous health incidents absolutely deserve care and  
14 treatment for this particular issue. And care for veterans  
15 is one of the pillars of the AHI CFT. It's, part of their  
16 mandate.

17 And so, I would say a large part of their work has to  
18 do with healthcare concerns and how we can better treat  
19 folks that have been affected, and during their day to day,  
20 that's something that they focus on. And what I saw in my  
21 purview when I was over the top of the AHICFT.

22 To ensure continuity during this transition period, we  
23 have made sure to have a robust coordination effort with the  
24 Research and engineering office, and we've transferred  
25 employees so that they have all of that experience and



1 expertise continuing on in its new form with Under Secretary  
2 Michael.

3 Senator Gillibrand: Thank you. If confirmed, will you  
4 resume your role as DOD Interagency lead for AHI or will  
5 that be moved to research and engineering?

6 Mr. Ditlevson: Senator it's my understanding that  
7 it'll be transferred to research and engineering.

8 Senator Gillibrand: What do you see as the most  
9 important AHI related work over the next year,

10 Mr. Ditlevson: Senator, I believe taking care of our  
11 war fighters and making sure that they are getting the  
12 healthcare they deserve and that they need. I think that  
13 would be the principal focus.

14 Senator Gillibrand: Earlier this month, the FAA shut  
15 down airspace in Texas, after a DOD provided counter UAS  
16 system was operationalized without completed FAA  
17 coordination, creating potential risks to civil aviation.  
18 Reporting indicates that the FAA coordination under Section  
19 130i and Section 124n had not been completed. And that DOD  
20 proceeded despite FAA objections. DOD has not yet briefed  
21 members of this committee or provided detailed information  
22 about this incident to our offices. When can we expect this  
23 information?

24 Mr. Ditlevson: Senator, first, I want to say that if  
25 confirmed, I commit to a policy of transparency and I



1 believe that some of our staff members briefed earlier this  
2 week with staff members of the committee. And if confirmed,  
3 I look forward to engaging, to make sure that you get all  
4 the information from this incident.

5 Senator Gillibrand: Given that the 130i package was  
6 not completed with the FAA. Why did you write that DOD felt  
7 it had met statutory requirements to coordinate with the FAA

8 Mr. Ditlevson: Senator in this particular situation in  
9 National Defense area one, they had been issued 130i  
10 protections. And as per the statute, it requires  
11 coordination with the FAA, but not the approval of the FAA  
12 to fire these systems.

13 Senator Gillibrand: Who made the final decision to  
14 proceed with operationalizing the system prior to the FAA  
15 coordination? Are you saying you did do FAA coordination  
16 just not FAA approval? Is that what you're saying?

17 Mr. Ditlevson: That's correct, Senator. We've been  
18 coordinating over a period of 14 months prior to this  
19 incident.

20 Senator Gillibrand: Okay. And was that decision made  
21 by your office under Secretary Colby, NORTHCOM, DHS or  
22 another entity?

23 Mr. Ditlevson: We provided this decision up the chain  
24 of command giving our best policy recommendation and making  
25 sure that we maintain coordination with the FAA for senior



1 leadership's decision.

2 Senator Gillibrand: Understood. Does DOD believe that  
3 it has the authority to operationalize counter UAS systems  
4 in domestic airspace without FAA concurrence, so long as DOD  
5 believes coordination requirements have been met?

6 Mr. Ditlevson: Senator, I want to emphasize that we  
7 want to protect American citizens, includes our troops, but  
8 includes civilians as well, so we always take that into  
9 consideration. I can assure you these systems are safe.  
10 They've gone through a robust testing process, and we're  
11 still working through testing processes with the FAA to make  
12 sure the standards are even higher, just because we want to  
13 make sure, we are staying true to our mission of protecting  
14 American citizens.

15 Senator Gillibrand: When you allow DHS to use DOD  
16 equipment, what requirements does DOD place on its  
17 operational use? Does DOD require affirmative confirmation  
18 that DHS has completed all statutory coordination  
19 requirements, including FAA, a coordination before allowing  
20 DOD counter UAS systems to be transferred, activated or  
21 used?

22 Mr. Ditlevson: Senator in that particular situation.  
23 When the transfer of equipment happens, I'd have to defer to  
24 the folks that actually own the equipment and whether they  
25 had done the proper coordination process with the Department



1 of Homeland Security. So, I'd turn that question to  
2 NORTHCOM and JTF Southern Border. Thank you.

3 Senator Gillibrand: Thank you, Mr. Chairman.

4 Chairman Wicker: Thank you very much. Senator  
5 Duckworth.

6 Senator Duckworth: Thank you, Mr. Chairman.

7 Gentlemen, thank you for being here. As someone who bled  
8 for this country, I'm horrified that President Trump  
9 continues to thrust out troops into irresponsible open-ended  
10 campaigns with no clear authorities, no set timeline, no  
11 transparent end state, and that extends to President Trump's  
12 misuse of the military on American soil.

13 In December, this committee held the hearing that I  
14 push for on this administration's misuse of the National  
15 Guard and American Cities. Mr. Ditlevson, our exchange  
16 during that hearing was very worrisome to me. I gave you  
17 the opportunity to clarify to the American people that this  
18 administration would not deploy troops across state lines,  
19 contrary to the desires of that state for any mission beyond  
20 protection of Federal property.

21 You said, and I quote, "I can't commit to that." So,  
22 you would not commit to not deploying troops across state  
23 lines for anything mission other than to protect Federal  
24 property.

25 So, this is where I want to pick up. Because I think



1 the American people deserve to know this administration's  
2 plans for using the military in their backyards. And in  
3 fact, when you try to activate the Illinois National Guard  
4 for law enforcement functions and were denied by our  
5 governor, whom the people of Illinois elected and have the  
6 opportunity to kick out of office if we want to, you sent in  
7 the Texas National Guard to try to do law enforcement  
8 functions and were stopped by the courts.

9 Mr. Ditlevson, you are nominated to be the Senior  
10 Defense Official who will approve use of the military within  
11 the United States territory. And during this hearing,  
12 you've indicated to my colleagues that there are  
13 circumstances that you would advise deploying forces near  
14 polling places. And I want to read to you 18 U.S. code 593  
15 interference by Armed Forces.

16 "Whoever being such officer or member," and this is of  
17 the Armed Forces of the United States, "prevents or attempts  
18 to prevent by force, threat, intimidation, advice, or  
19 otherwise any qualified voter of any state from fully  
20 exercising their right of suffrage at any general or special  
21 election." So, in light of 18 U.S. Code 593 please consider  
22 that as you're answering my questions.

23 In answering Senator Peters, you said you could see  
24 troops deployed in logistic support capacities near election  
25 sites. What distance from a polling place would make you



1 feel comfortable advising the Secretary of Defense to deploy  
2 forces near sites, to stay consistent with not intimidating  
3 voters?

4 I also would like to know if you would be advising that  
5 those military troops be in full battle dress uniform, would  
6 they be wearing body armor? Would they be carrying their  
7 rifles? Would they be carrying their sidearms? Would they  
8 be carrying ammunition? Because are you expecting  
9 logistical functions to be like those being encountered in  
10 Iraq where you actually have to fight your way in and fight  
11 your way out? Or are you just talking about logistical  
12 support? Maybe you can define what you mean by that.

13 So how far from the polling places, what are they going  
14 to be doing? Would they be wearing battle dress uniform  
15 body armor, Kevlar, side arms, and have ammunition nearby?

16 Mr. Ditlevson: Senator, thank you for the chance to  
17 address this and appreciate our exchange in December and  
18 your concern for this issue. It's very important that we do  
19 it right. And my commitment to you is if confirmed,  
20 whatever we advise to the Secretary is always going to be  
21 through the Office of General Counsel to make sure that is a  
22 lawful recommendation going up to him, for any deployment of  
23 National Guard.

24 As per your questions for the specific distance and  
25 what equipment people would wear on any deployment, we



1 always look at what the threat scenario may be, and tailor  
2 that for whatever they may have to deal with. And so, as  
3 you pointed out for logistics, it'd be a very different  
4 footprint than some other type of mission.

5 But we always want to make sure we tailor -- we provide  
6 everything that a soldier may need before they would go out  
7 and do a mission. That's just across the board for the  
8 Department and we always want to make sure that whatever  
9 they go do is lawful by having an office of General Counsel,  
10 thorough review of our recommendation to the Secretary.

11 Senator Duckworth: So, you're saying that there's the  
12 mission other than logistics, so you can see deploying  
13 troops for polling places in a capacity other than the  
14 logistics mission that you just at this hearing said that  
15 that would be why you would put them there?

16 Mr. Ditlevson: Senator, I was speaking more broadly  
17 for National Guard deployments in general. This is a normal  
18 routine process that we do for any mission that the National  
19 Guard would go out and do and it would apply to --

20 Senator Duckworth: Do you think it's normal routine to  
21 activate the National Guard against the governor's wishes to  
22 go man polling places?

23 Mr. Ditlevson: Senator, I wouldn't characterize  
24 routine or not. What I'm saying is that the National Guard  
25 --



1           Senator Duckworth: You just said those are your words,  
2 not mine. You just said routine.

3           Mr. Ditlevson: In the routine process of deploying  
4 National Guards, something that we always do is the course  
5 of business because we want to make sure that our service  
6 members are safe no matter what mission they're going to be  
7 faced with.

8           Senator Duckworth: Okay. Now you're answering a  
9 different -- so going back to what Senator Peters asked you  
10 earlier, are you saying that you would deploy National Guard  
11 troops in some capacity other than logistics? Because you  
12 said you could see sending them there for logistics through  
13 to polling places. And now, are you saying that there are  
14 potentially other reasons to send them to polling stations  
15 beyond logistics, and that they may actually be fully up  
16 armored, fully combat equipped, depending on what you decide  
17 is the situation on the ground?

18           Mr. Ditlevson: Senator --

19           Senator Duckworth: In the United States of America at  
20 polling places?

21           Mr. Ditlevson: It's speculative, so I can't speak to  
22 that at this point.

23           Senator Duckworth: Let me give you another chance to  
24 reassure all of us. If the President labeled a United  
25 States organization, say the American Civil Liberties Union,



1 a domestic terrorist organization, which by the way is a  
2 list with no statutory basis in the United States or  
3 international law, would you consider that to be sufficient  
4 authority to use military force or resources against any  
5 American who affiliates with the ACLU on U.S. Soil?

6 Mr. Ditlevson: Senator, I can't speculate on that.  
7 Okay. What I can assure you is that anything --

8 Senator Duckworth: All of these should be easy  
9 commitments but apparently for you, they are not. And I  
10 just need to make something very clear on the record. If  
11 the administration was serious about working with Blue  
12 Governors to combat what courts have found to be baseless  
13 claims of lawlessness, President Trump would've given  
14 Governor Pritzker more than a two-hour window on Saturday,  
15 October 4th to respond to his official request to call up  
16 the Illinois National Guard Under Title 32, before he  
17 federalized those trips.

18 He gave the governor two hours to respond. That is not  
19 a serious effort to work without governors. That is using  
20 the military to intimidate political rivals. President  
21 Trump is diverting dramatic amounts of troops, military  
22 assets, and resources to support Federal law enforcement  
23 agencies, which are not always trained properly or prepared  
24 to use those resources, as the incident of the closing of  
25 the El Paso airspace shows.

1 I am concerned that you can't make basic reassurances  
2 to this committee as to how you would advise on the calling  
3 up of the National Guard to be there at polling places at an  
4 election on United States soil.

5 First you say, yes, I can see doing that for logistic  
6 purposes. So, when I ask you if they're doing logistical  
7 support, are they going to be in battle dress uniform with  
8 ammunition? You say, oh, well, we're going to let the  
9 lawyers decide that. I'm asking you, what would you advise?  
10 And you can't commit to your advice. You're just saying,  
11 we're going to let the lawyers decide that. And if they  
12 decide that we need to blow up the streets of Chicago or any  
13 other city of this great nation in order to provide  
14 logistical support, then we're going to do that.

15 That is not reassuring to the American people. You  
16 cannot intimidate Americans when they go out to vote. It is  
17 against the law. It's against code. I just read that code  
18 to you. I am at a loss.

19 The American people will not stand for this. I will  
20 not stand for it. And my colleagues in Congress should not  
21 stand for this Administration's attempts, to use our  
22 nation's military to intimidate Americans from exercising  
23 their fundamental right to cast a vote in elections.

24 Chairman Wicker: Thank you, Senator Duckworth. Your,  
25 your statements will be included on the record.



1 [The information referred to follows:]

2 [COMMITTEE INSERT]

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1 Chairman Wicker: Are there follow-up questions? If  
2 not, how long should we hold the record open, Mr. Clerk?

3 The Clerk: Two days.

4 Chairman Wicker: Two days for questions for the  
5 record.

6 [The information referred to follows:]

7 [COMMITTEE INSERT]

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1 Chairman Wicker: I want to thank our witnesses for  
2 their thoroughness today and express my appreciation. This  
3 hearing is adjourned.

4 [Whereupon, at 11:24 a.m., the hearing was adjourned.]

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