

Stenographic Transcript
Before the

COMMITTEE ON
ARMED SERVICES

UNITED STATES SENATE

TO CONSIDER THE NOMINATIONS OF: MR. JOHN NOH TO BE ASSISTANT SECRETARY OF DEFENSE FOR INDO-PACIFIC SECURITY AFFAIRS; MR. CHARLES L. YOUNG III TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY; MR. WILLIAM K. LANE III TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE; AND MR. DAVID E. BECK TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION

Tuesday, October 7, 2025

Washington, D.C.

ALDERSON COURT REPORTING
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1 TO CONSIDER THE NOMINATIONS OF: MR. JOHN NOH TO BE ASSISTANT
2 SECRETARY OF DEFENSE FOR INDO-PACIFIC SECURITY AFFAIRS; MR.
3 CHARLES L. YOUNG III TO BE GENERAL COUNSEL OF THE DEPARTMENT
4 OF THE ARMY; MR. WILLIAM K. LANE III TO BE GENERAL COUNSEL
5 OF THE DEPARTMENT OF THE AIR FORCE; AND MR. DAVID E. BECK TO
6 BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL
7 NUCLEAR SECURITY ADMINISTRATION

8
9 Tuesday, October 7, 2025

10
11 U.S. Senate

12 Committee on Armed Services

13 Washington, D.C.
14

15 The committee met, pursuant to notice, at 9:30 a.m. in
16 Room SD-G50, Dirksen Senate Office Building, Hon. Roger
17 Wicker, chairman of the committee, presiding.

18 Committee Members Present: Senators Wicker
19 [presiding], Fischer, Cotton, Rounds, Ernst, Scott, Budd,
20 Sheehy, Reed, Shaheen, Gillibrand, Blumenthal, Kaine, King,
21 Warren, Peters, Duckworth, Rosen, Kelly, and Slotkin.
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1 OPENING STATEMENT OF HON. ROGER F. WICKER, U.S. SENATOR
2 FROM MISSISSIPPI

3 Chairman Wicker: The hearing will come to order.
4 Today, the committee will hear from and speak with four
5 nominees. Before we do, I want to mark this date, the
6 second anniversary of the attacks of October 7th, 2023. We
7 know well the horrors of that day when Hamas terrorist
8 attacked Israel in acts of unspeakable brutality. The
9 terrorists killed 1,195 people, including 40 American
10 citizens. They took hostage 251 innocent people, among them
11 12 Americans. It's my sincere hope that the President's
12 peace efforts will bring the hostages home very soon and
13 lead to a lasting peace. And for my part, we stand fast
14 with our ally, Israel.

15 I welcome our witnesses and their families today, and I
16 thank them for being with us. I'm grateful that these
17 individuals have stepped up to serve. We need people like
18 them because we face an increasingly dangerous threat
19 environment, the most dangerous we've faced since World War
20 II.

21 Mr. John Noh has been nominated to serve as the
22 Assistant Secretary of Defense for Indo-Pacific Security
23 Affairs. We must do what it takes to ensure continued
24 deterrence against the People's Republic of China, because



1 we are not where we need to be.

2 In that respect, President Trump has rightly focused on
3 achieving peace in Europe and the Middle East. The U.S. and
4 our allies must also maintain a favorable balance of power
5 in the Indo-Pacific, and the Trump Administration must have
6 the tools it takes to do that job. It will be Mr. Noh's
7 responsibility working alongside Congress to ensure that the
8 administration does have those tools.

9 The Chinese Communist Party, along with the nuclear-
10 armed Russia and North Korea pose a significant threat to
11 the United States. The scale and scope of that threat put a
12 premium on our alliance. In light of that, I'm disappointed
13 with some of the decisions the department has made with
14 respect to our allies in Japan, South Korea, Australia, and
15 Taiwan.

16 A few of these choices have left me scratching my head.
17 Perhaps we will talk through some of those today. I hope to
18 hear how Mr. Noh will inject more diplomatic skill and
19 mutually beneficial approaches into our conversations with
20 our close allies.

21 Mr. Charles Young has been nominated to be the general
22 counsel of the Department of the Army. He is currently
23 serving as the DOD's principal deputy general counsel,
24 having been appointed by President Trump. He previously



1 served as the DOD acting general counsel.

2 In Mr. Young's long history of public and military
3 service, he has served as the general counsel of the
4 National Guard Bureau, and as the Bureau's Litigation and
5 Employment Law Chief. Mr. Young served in the Army and in
6 the National Guard, both as an Apache attack helicopter
7 pilot, and later as a judge advocate.

8 He retired from the military service in 2009, and I
9 commend Mr. Young for his lifelong commitment to public
10 service. I have no doubt that if confirmed he will be of
11 great benefit to the United States.

12 Mr. William Lane has been nominated to be the general
13 counsel of the Department of the Air Force. He is a
14 graduate of Harvard Law School, and a partner in the Wiley
15 Law Firm, where he practices administrative and
16 constitutional law. He has represented clients in matters
17 before the United States Supreme Court.

18 In addition to his work in the private sector, Mr. Lane
19 served in the Department of Justice and as special counsel
20 on the Senate Judiciary Committee. Notably, Mr. Lane is an
21 Army veteran. If he's confirmed, all these experiences,
22 will aid him in his position as the Air Force general
23 counsel. I look forward to hearing from both Mr. Young and
24 Mr. Lane. I'd like to hear their views on what their



1 respective offices are doing right and what those offices
2 might do differently.

3 And then, Mr. David Beck, has been nominated to be the
4 deputy administrator for defense programs for the National
5 Nuclear Security Administration. If confirmed, he will be
6 responsible for the essential task of rebuilding and
7 modernizing our long, neglected nuclear weapons stockpile.

8 Over the past several years, we have watched as Russia,
9 China, and North Korea, have rapidly expanded their nuclear
10 arsenals and develop new types of weapons, weapons for which
11 we are solely unprepared. These advances and our absurdly
12 low progress in updating our own forces threaten the very
13 foundation of our strategic deterrent. They expose the
14 American people to existential dangers. We have not seen
15 dangers like that since the Soviet Union could threaten us
16 with annihilation every day during the Cold War.

17 The Congressional Strategic Posture Commission made
18 clear that modernizing our country's nuclear deterrent is an
19 absolute national imperative. This position requires
20 leadership, and skill, and a clear unmistakable commitment
21 to pursue results relentlessly, and to deliver the stockpile
22 we need to defend our nation and our allies.

23 With that, I turn to my friend and colleague, Ranking
24 Member Reed.



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

3 Senator Reed: Thank you very much, Mr. Chairman. And
4 like you, I want to recognize the two years since October
5 7th, 2023. Just a few days after that, I was in Jerusalem,
6 had a chance to personally witness the heartache, the
7 trauma, the damage that was done on that day. And I hope
8 like the chairman, that the President's actions will lead to
9 a lasting peace.

10 Good morning to our witnesses, and congratulations on
11 your nominations. And I'd like to welcome the family
12 members that are here in the competition for best behaved
13 child under 10. So, thank you very much. Mr. Noh, you are
14 nominated to be Assistant Secretary of Defense for Indo-
15 Pacific Security Affairs. You currently serve as Deputy
16 Assistant Secretary of Defense for East Asia, and previously
17 served on the House Select Committee on the Chinese
18 Communist Party, and as an Army infantry officer. I trust
19 your experience gives you a clear understanding of the
20 strategic challenges that we faced in the Indo-Pacific.

21 Over the past decade, China has aggressively expanded
22 its military economic and political influence, while testing
23 American resolve across the region. The United States does
24 not seek conflict with China, but we have vital interest



1 that must be protected through credible deterrence and
2 strong alliances. Our partnerships with Taiwan, Japan,
3 South Korea, Australia, and the Philippines, among others,
4 remain the cornerstone of regional stability.

5 I'm concerned however, that the Trump Administration
6 has undermined years of progress with these allies,
7 threatening troop withdrawals, scaling back joint exercises,
8 imposing erratic tariffs, and diverting on strategic forces
9 to unrelated regions, and even domestic military
10 deployments. These actions weaken our deterrence and damage
11 trusts with our allies. Mr. Noh, I would like to know how
12 you would work to repair these relationships and strengthen
13 America's position in the Indo-Pacific.

14 Mr. Young, are nominated to be General Counsel of the
15 Department of the Army after having served as the acting
16 General Counsel of the Department of Defense during the
17 first six months of the Trump Administration. In that
18 position, you advised on several controversial and
19 potentially in the view of several courts, unlawful
20 decisions that this committee must consider.

21 In June, the administration deployed U.S. Marine Corps
22 and National Guard forces to Los Angeles against the
23 governor's wishes, a decision that a federal district court
24 has determined to be a violation of federal law and the



1 Constitution. We understand that as acting General Counsel,
2 you asserted no legal objection to this deployment, nor did
3 you produce a written opinion on it.

4 You also gave the approval for a March 30th U.S.
5 military flight that transported migrants from Guantanamo
6 Bay to El Salvador without any civilian law enforcement
7 officers or DHS officials present, a violation of
8 immigration law and explicit judicial orders, and I've asked
9 the Defense Department's Inspector General to investigate
10 this incident.

11 Finally, I'm deeply concerned about any role you played
12 in advising on the legality of recent military strikes off
13 Venezuela's coast. I have made my skepticism of this
14 operation clear, and I do not believe it comports with
15 international law.

16 Mr. Young, if you're confirmed, you'll confront serious
17 questions about the role of rule of law, civilian control of
18 the military, and the limits of executive power, and I know
19 you'll provide full and forthcoming testimony on these
20 matters today.

21 Mr. Lane, you are nominated to be General Counsel
22 Department of the Air Force. This position has a broad
23 scope of responsibilities, including serving as a legal
24 advisor to the Secretary of the Air Force and other officers



1 within the department, as well as the chiefs of the Air
2 Force, and Space Force, and their staffs. If confirmed,
3 you'll be tasked with providing legal services throughout
4 the entire department in a variety of disciplines, including
5 fiscal law, ethics, dispute resolution, environmental law,
6 labor law, and litigation.

7 In addition, the general counsel exercises oversight of
8 intelligence and other sensitive activities and
9 investigations. These are wide ranging and complex
10 challenges that will require astute legal guidance. I would
11 ask that you share how you plan to approach these issues and
12 what objectives you have for this important position.

13 Finally, Mr. Beck, you are nominated to be Deputy
14 Administrator for Defense Programs of the National Nuclear
15 Security Administration. If confirmed, you will help lead
16 the effort to modernize the warheads that form our nuclear
17 triad. This modernization is one of the most complex and
18 consequential undertakings in our national defense. The
19 NNSA faces enormous pressure as it simultaneously updates
20 aging warhead programs and rebuilds infrastructure that, in
21 some cases, dates back to the Manhattan Project.

22 Central to the mission is the NNSA's highly skilled
23 workforce of nuclear scientists and engineers. Yet, morale
24 across the agency has suffered in recent months as hundreds



1 of employees have been fired, threatened with termination,
2 or rehired in a disorganized manner. These disruptions have
3 undermined confidence and stability at a time when
4 continuity is essential.

5 If confirmed, you'll bear responsibly not only for the
6 technical success of these programs, but for the people who
7 make them possible. Mr. Beck, I would like to know how you
8 would work to restore trust, retain experts, and ensure that
9 political interference does not compromise the integrity of
10 this critical mission.

11 Thank you again to our nominees, and I look forward to
12 testimonies. Thank you, Mr. Chairman.

13 Chairman Wicker: Thank you, Mr. Ranking Member. We
14 have a distinguished guest with us today, Senator Blackburn.
15 I understand that you will be introducing Mr. Lane, and I
16 turn to you for your comments at this point.

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1 STATEMENT OF HON. MARSHA BLACKBURN, U.S. SENATOR FROM
2 TENNESSEE

3 Senator Blackburn: Thank you, Mr. Chairman, and I
4 thank you and the ranking member for your remembrances of
5 October 7th. We appreciate that. And it is indeed an honor
6 for me to be here this morning to introduce Mr. William
7 Lane. We call him Bill in our office because he is married
8 to our Chief of Staff, Katie Lane, and of course, he is the
9 nominee to serve as General Counsel for the Department of
10 the Air Force.

11 Before entering the legal profession, he served on
12 active duty as a cavalry officer in the U.S. Army. He
13 deployed to Diyala Province, Iraq, from 2010 to 2011 as a
14 platoon leader, and later, a troop executive officer with
15 the Second Brigade 25th Infantry Division overseeing combat
16 patrols coordination with the Rocky Military and civilian
17 officials and the readiness of over \$53 million in
18 equipment. After his military service, he attended Harvard
19 Law School where he graduated Magna Law.

20 His record of public service reflects a career marked
21 by distinction and dedication. He served in the Department
22 of Justice during the first Trump Administration as a
23 Presidential appointee where he advised federal agencies and
24 represented the U.S. in courts across the country. He



1 completed clerkships on both the U.S. Court of Appeals for
2 the Ninth Circuit and the U.S. Court of Appeals for the DC
3 Circuit, and served as special counsel to the Senate
4 Judiciary Committee during the confirmation of Justice Neil
5 Gorsuch to the Supreme Court.

6 Currently he's a partner at Wiley Ryan LLP, here in DC,
7 where he practices appellate and general commercial
8 litigation. He is a dedicated husband and father. They
9 live in Alexandria, Virginia. Katie is his wife, and they
10 have three precious well-behaved children that are right
11 behind me over here; Catherine, Elizabeth, and William. And
12 I think that they're going to deserve a treat when this day
13 is over.

14 I will say that for the record, with Bill's
15 distinguished military service, his deep legal expertise,
16 his proven dedication to advancing constitutional
17 principles, I am confident that he will serve with
18 integrity, discipline, and an unwavering commitment to the
19 American people. Thank you, Mr. Chairman.

20 Chairman Wicker: Thank you very much, Senator
21 Blackburn. And as you know, you're welcome to stay
22 throughout the entire hearing, or you may leave at your --
23 Senator Blackburn. I got to go to Judiciary.

24 Chairman Wicker: Yes, I understand that. Your very



1 generous and excellent opening statement on behalf of Mr.
2 Lane entitles him to go first in making an opening
3 statement. So, Mr. Lane, you are now recognized.

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1 STATEMENT OF MR. WILLIAM K. LANE III, TO BE GENERAL
2 COUNSEL OF THE DEPARTMENT OF THE AIR FORCE

3 Mr. Lane: Thank you, sir. Chairman Wicker, Ranking
4 Member Reed, and distinguished members of this committee,
5 thank you for the chance to appear here today as the
6 President's nominee to be General Counsel of the Department
7 of the Air Force.

8 I'm profoundly grateful to President Trump for the
9 trust he placed in me when he chose to put my name forward
10 to be considered by the Senate. I thank Secretary Hegseth
11 and Secretary Meink for the opportunity to serve, as well as
12 Senator Blackburn, for supporting my nomination and for her
13 kind remarks today.

14 And I thank my family, some of whom are here today and
15 my mother watching from home. But above all else, I owe my
16 gratitude to our Lord Jesus Christ for the countless
17 blessings he has bestowed on me throughout my life. Chief
18 among them has been my wife, Katie. She and I met in 2017
19 when we were working as special counsels for Chairman
20 Grassley on the Judiciary Committee.

21 Although Katie has an especially impressive career as
22 an attorney, both in government and in private practice, she
23 always places our family first. I would not be here today
24 without her steadfast support and love of all her



1 accomplishments. However, I think she would agree that her
2 greatest is our three children; Catherine, Elizabeth, and
3 William who are here with us today.

4 For centuries, my ancestors took up arms to defend our
5 great republic. Both of my grandfathers served at sea in
6 the United States Navy during the Second World War. My
7 father volunteered for Vietnam as a Green Beret with the 5th
8 Special Forces Group, during which time he fought in the Tet
9 Offensive. My uncle followed him to Vietnam soon after as a
10 United States Marine.

11 One of the greatest honors of my life was to continue
12 that tradition as a cavalry officer in Iraq. I got to see
13 firsthand why the American military is the pride of our
14 nation and the envy of the world. As I learned during my
15 time in service, perhaps the greatest bulwark standing
16 between our nation's prosperity and those who would do us
17 harm is the United States Air Force.

18 Although while deployed, we had to be ever vigilant of
19 the threat Al-Qaeda in Iraq posed to our soldiers on the
20 ground. We could always be confident that our airmen owned
21 the skies. There was nothing more terrifying to an
22 insurgent fighter and nothing more reassuring to our
23 soldiers than the sound of an American fighter jet. As
24 we've seen this year, America's ability to project lethal



1 force to any spot on the globe is unparalleled. We owe a
2 great debt of gratitude to the airmen who make that
3 possible.

4 As our Union nears its 250th birthday, however, owning
5 the skies is not enough. Space is the next battlefield.
6 Yielding hegemony over that theater to our adversaries would
7 end the primacy of the American military, squandering what
8 thousands of soldiers, sailors, airmen, and marines have
9 fought to secure as a birthright for the American people.

10 President Trump's decision to create the Space Force in
11 2019 may prove to be the greatest strategic military
12 decision in generations. In the 21st century, American
13 security depends on owning not only the skies but the
14 heavens. We must be prepared to dominate space if
15 confirmed.

16 As General Counsel of the Department of the Air Force,
17 I would serve as chief legal Officer to the United States
18 Air Force and Space Force. In that capacity, it would be my
19 duty to ensure that those leading our airmen and guardians
20 receive the highest caliber advice and counsel. That means
21 ensuring that the directives of the President are executed,
22 and statutes passed by Congress are obeyed. Above all else,
23 my task would be to support and defend the Constitution, an
24 oath I have taken on many occasions throughout my career.



1 As President Trump made clear our country's greatness
2 depends on the strength of our military, and a strong
3 military depends on recruiting and retaining the very best,
4 those who are most capable of destroying the enemy with
5 overwhelming force. As general counsel, I will commit to
6 ensuring that airmen and guardians are evaluated solely on
7 their ability to execute this fundamental task. That is
8 precisely what the law and our Constitution require.

9 Finally, to accomplish its mission, our military
10 deserves the greatest weapons and equipment in the world.
11 If confirmed, I pledge to provide Air Force and Space Force
12 leaders with the legal tools they need to acquire the very
13 best for our warfighters.

14 It was a privilege representing the United States as an
15 attorney in the Department of Justice during President
16 Trump's first term. It would be an honor to serve the
17 President and my country once again as General Counsel of
18 the Department of the Air Force.

19 I thank the committee for its time this morning, and I
20 look forward to your questions.

21 [The prepared statement of Mr. Lane follows:]

22 [COMMITTEE INSERT]

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1 Chairman Wicker: Thank you very much, Mr. Lane. Now,
2 Mr. Noh, your opening statement, sir.

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1 STATEMENT OF MR. JOHN NOH, TO BE ASSISTANT SECRETARY OF
2 DEFENSE FOR INDO-PACIFIC SECURITY AFFAIRS

3 Mr. Noh: Mr. Chairman, Ranking Member Reed and
4 distinguished members of the Armed Services Committee, it is
5 a great honor to appear before you today and to be
6 considered for the position of Assistant Secretary of War
7 for Indo-Pacific Security Affairs.

8 I'm deeply grateful to President Trump for nominating
9 me for this role. I would also like to express my sincere
10 gratitude to Secretary of War Hegseth, Deputy Secretary of
11 War Feinberg, and Undersecretary of War for Policy Colby,
12 for their leadership and support.

13 I am fully committed to implementing the President's
14 policy of putting American's interest first in achieving
15 peace through strength and thank you members of this
16 committee for your consideration. I'm grateful for the
17 opportunity I had to meet with you and your staffs over the
18 past several weeks.

19 Finally, I'm very fortunate to have my wife, Isela, and
20 our children; Jaku, John, and Nina, sitting behind me today.
21 The love, understanding and support I've received from them
22 have made everything possible. I cannot thank them enough.
23 I also want to thank my parents who are not here but have
24 supported me throughout my life.



1 I joined the Army right after college. Our country was
2 at war, and I wanted to do my part and serve. I was
3 fortunate enough to deploy to Afghanistan and lead soldiers
4 in combat. To this day, my military service fundamentally
5 shapes how I think, including about the role for which I've
6 been nominated.

7 Defense policy is deeply personal to me because
8 ultimately it has to do with the well-being of our men and
9 women in uniform who might one day be put in harm's way.
10 For me, there's no more important mission than doing
11 everything I can to prevent war, to deter conflict, but if
12 they're called upon to fight, ensuring that our service
13 members can execute the mission and come back home safely.

14 My nomination for the position of Assistant Secretary
15 of War for Indo-Pacific Security Affairs comes at a perilous
16 moment for the Indo-Pacific. It was my time as a
17 Congressional staffer working for the House Select Committee
18 on China that helped me understand and appreciate many of
19 the challenges we face in the region today.

20 I do not believe conflict is inevitable, but I also do
21 not believe that peace can be assumed. If confirmed, I will
22 do everything in my power to ensure we achieve peace and
23 prevent war in the region with the utmost urgency and focus.

24 Since January of this year, I've had the privilege of



1 serving in various roles within the Indo-Pacific Security
2 Affairs Team of OSW Policy, and over those months, I was
3 able to conduct numerous engagements with counterparts from
4 various countries. I know that America First does not mean
5 America alone. I value greatly the alliances and
6 partnerships we have throughout the region.

7 Members of the committee, it truly is an honor of a
8 lifetime to be given an opportunity to earn your trust and
9 continue serving our great country. If confirmed, I pledge
10 to work closely with you and your teams through the numerous
11 issues and challenges the United States faces in the Indo-
12 Pacific.

13 Thank you, and I look forward to your questions.

14 [The prepared statement of Mr. Noh follows:]

15 [COMMITTEE INSERT]

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1 Chairman Wicker: Thank you very much, Mr. Noh. Now,
2 Mr. Young, your opening statement, sir.

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1 STATEMENT OF MR. CHARLES L. YOUNG III, TO BE GENERAL
2 COUNSEL OF THE DEPARTMENT OF THE ARMY

3 Mr. Young: Chairman Wicker, Ranking Member Reed, and
4 distinguished members of the committee, good morning. Thank
5 you for the opportunity to appear before you today. I'm
6 deeply honored by President Trump's nomination, and grateful
7 for the President's and Secretary Hegseth's trust and
8 confidence. Above all, I am thankful for the many blessings
9 that God has bestowed upon our nation, our military, and my
10 family.

11 I'm thankful for my parents; Charles, and Florence
12 Young, who instilled in our family the values of God,
13 family, country, duty, and honor. They will be long
14 remembered and cherished. For Laurie, my beautiful wife of
15 34 years, our daughter Madison Young, and her fiancé
16 Richard, our daughter, Dr. Darby Schauss, and her husband
17 Derek, and our 1-year-old grandson Kenneth, and our son,
18 Captain Charles Lee Young IV, and his wife Holly. Their
19 undeniable love and support sustain me. I'm also thankful
20 for the many friends and colleagues who are supporting me
21 here today. I appreciate and value your friendship.

22 I come from a small coal mining town of Berwind, West
23 Virginia, in the heart of Appalachia where patriotism and
24 public service run deep. The Young family has four



1 generations of Army service. My grandfather served in the
2 artillery in World War I. My father served in the infantry
3 in World War II. I had the privilege to serve in the Army
4 as an Apache attack helicopter pilot and a judge advocate in
5 Iraq, and that spirit of service continues with our son,
6 Charles, who is currently at ariel gunnery at Joint Base
7 Lewis McCord today and can't be here.

8 I'm very grateful for the opportunities that the Army
9 has provided to our family. Through the Army, I earned an
10 undergraduate degree, a master's degree, and a law degree.
11 It's provided similar opportunities for our son to us and
12 our family. The Army really is a place where you can be all
13 that you can be.

14 My 15 years of Army service ultimately laid the
15 foundation for another 15 years of active duty as an Air
16 National Guard Service as a judge advocate and a civilian
17 attorney, followed by another five years as the General
18 Counsel for the National Guard Bureau. In these roles, I've
19 advised military and civilian leaders from the company level
20 to the cabinet level on the full spectrum of complex and
21 multifaceted legal issues facing the Department of War.

22 In recent months, I had the privilege to serve as the
23 acting General Counsel and Principal Deputy General Counsel
24 of the Department of War, an experience that has further



1 deepened my respect for our exceptionally competent and
2 dedicated service members, and for the complexity of the
3 operations and administration of the vast Department of war.

4 I'm truly proud of the amazing legal teammates across
5 the office of the General Counsel and the various military
6 legal departments. It has been a privilege of a lifetime to
7 serve alongside so many dedicated professionals over the
8 past 36 years of federal, military, and civilian service.

9 I believe that under Secretary Driscoll's leadership,
10 the Army is moving boldly to meet growing demands and deter
11 rising threats from restoring the warrior ethos, modernizing
12 the force, and accelerating innovation to strengthening
13 readiness and improving the quality of life of our soldiers
14 and families. To that end, I am committed emphatically to
15 deliver clear, constructive legal advice, anchored in the
16 law, and aligned with the Secretary's priorities.

17 If confirmed, I will work closely and collaboratively
18 with the Army Judge Advocate General, and will commit to
19 undertake a comprehensive review of the provision of legal
20 services within the Department of the Army to ensure that we
21 have the most efficient and effective delineation of legal
22 functions, responsibilities, and allocations of legal
23 resources to best support Army leaders at every echelon.
24 This is an area in need of significant reform.



1 Above all, I remain committed to our Army warfighters
2 and their families. Everything we do as legal advisors must
3 enable soldiers to excel in training, in combat whenever the
4 nation calls, wherever they may serve or fight.

5 Thank you again for the opportunity to appear before
6 you today. I look forward to answering your questions.

7 [The prepared statement of Mr. Young follows:]

8 [COMMITTEE INSERT]

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1 Chairman Wicker. Thank you, Mr. Young. Now, Mr. Beck,
2 your opening statement, sir.

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1 STATEMENT OF MR. DAVID E. BECK, TO BE DEPUTY
2 ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR
3 SECURITY ADMINISTRATION

4 Mr. Beck: Chairman Wicker, Ranking Member Reed,
5 distinguished members of the committee, it's an honor to
6 appear before you today.

7 I'm deeply grateful for the opportunity to serve our
8 nation, and humbled by President Trump's trust in nominating
9 me for the role of Deputy Administrator for Defense Programs
10 within the Department of Energy's National Nuclear Security
11 Administration, NNSA. If confirmed, I look forward to
12 working with Secretary Wright, Administrator Williams, and
13 the entire department in advancing NNSA's critical national
14 security missions.

15 My wife, Jane, and our three children; Kara, David, and
16 Jaxson, are here are with me today. Jane's unwavering
17 support has been a cornerstone of my personal and
18 professional journey, and I thank you for making this a
19 meaningful learning experience for our children.

20 The NNSA's nuclear security mission is crucial to our
21 national defense. Ensuring the safety, security, and
22 reliability of our nuclear stockpile is a strategic
23 imperative. This mission requires steadfast commitment to
24 our personnel, the modernization of our production and



1 laboratory infrastructure, and the ongoing advancement of
2 science, engineering, and technology to address evolving
3 threats.

4 The NNSA enterprise is filled with the most talented
5 and dedicated professionals I have ever worked with;
6 scientists, engineers, production experts, support
7 personnel, and security professionals. Having had the
8 privilege of working alongside many of them throughout my
9 career, I know firsthand the caliber of this workforce.
10 Aligning incentives of all individuals and organizations to
11 the mission is central to achieving our shared objectives.

12 If confirmed, I will work tirelessly to enhance our
13 strategic deterrence capability and strengthen the
14 capability and alignment of the NNSA's efforts with the
15 Department of War and other national stakeholders. I'm
16 committed to delivering timely, mission-focused outcomes
17 while ensuring enterprise transparency, accountability, and
18 collaboration.

19 We face a rapidly evolving threat landscape. Our
20 adversaries are acting with increasing speed and boldness,
21 seeking to challenge our security and undermine our defense
22 or deterrence posture. In response, we must act with
23 urgency and precision. Our mission cannot fail. Therefore,
24 we must lead with discipline, innovation, and an unwavering



1 focus on results.

2 With over 40 years of experience in a nuclear weapons
3 complex, I offer a broad and integrated perspective from
4 laboratories to production sites, and from program execution
5 to executive leadership. During my previous tenure as NNSA
6 Assistant Deputy Administrator for Stockpile Operations and
7 Military Applications, 1999 through 2004, I helped guide the
8 organization through pivotal moments, including its
9 formation, the post 9/11 national security transition, and
10 the launch of life extension programs for our legacy
11 stockpile. I also spent seven years at Los Alamos National
12 Laboratory, serving as Associate Director for Weapons and
13 Engineering, and as Principal Deputy for Weapons Programs.

14 I'm proud of the progress made by our enterprise and
15 optimistic about our ability to take our performance to the
16 next level, to surpass our adversary through the strength of
17 our people, the integration of our laboratories and
18 production sites, and a shared commitment to operational
19 excellence.

20 If confirmed, I will bring to this role the same
21 dedication and sense of purpose that have guided me through
22 my career. I will lead with clarity, urgency, and
23 accountability, ensuring that NNSA continues to deliver on
24 its vital mission with excellence and integrity.



1 Thank you once more for this opportunity to appear
2 before the committee. I welcome your questions, and if
3 confirmed, I look forward to working closely with you.

4 [The prepared statement of Mr. Beck follows:]

5 [COMMITTEE INSERT]

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1 Chairman Wicker: Thank you very much for your opening
2 statement, and thank you-all.

3 I now will ask you a series of standard questions.
4 This committee poses to all civilian nominees, and the best
5 way to proceed is for all of you simply to answer at the
6 same time either yes or no.

7 Have you adhered to applicable laws and regulations
8 governing conflicts of interest?

9 [Witnesses answer in the affirmative.]

10 Chairman Wicker: A simple yes or a simple no. Have
11 you assumed any duties or taken any actions that would
12 appear to presume the outcome of the confirmation process?

13 [Witnesses answer in the negative.]

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

21 [Witnesses answer in the affirmative.]

22 Chairman Wicker: Do you agree to provide records,
23 documents, and electronic communications in a timely manner
24 when requested by this committee, its subcommittees, or



1 other appropriate committees of Congress, and to consult
2 with the requester regarding the basis for any good faith
3 delay or denial in providing such records?

4 [Witnesses answer in the affirmative.]

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

10 [Witnesses answer in the affirmative.]

11 Chairman Wicker: Will you cooperate in providing
12 witnesses and briefers in response to congressional
13 requests?

14 [Witnesses answer in the affirmative.]

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

17 [Witnesses answer in the affirmative.]

18 Chairman Wicker: So, now, let me begin. We'll now
19 begin a round of five-minute questions by members of the
20 committee.

21 Much of the funding for the Defense reconciliation bill
22 in the One Big Beautiful Bill, is unspecific and will
23 technically be at the discretion of the department, though,
24 we will write recommendations for them. A quick yes or no



1 from each of you, and we will go separately. I have heard a
2 lot of rumors regarding some bureaucrats at the Pentagon
3 intending to reject Congressional intent for reconciliation
4 funding. Do you commit to follow the Congress's spending
5 recommendations in Defense reconciliation legislation
6 unequivocally? Mr. Lane?

7 Mr. Lane: Yes, Senator.

8 Chairman Wicker: Mr. Noh?

9 Mr. Noh: I do.

10 Chairman Wicker: Mr. Young?

11 Mr. Young: Yes.

12 Chairman Wicker: Mr. Beck?

13 Mr. Beck: Yes.

14 Chairman Wicker: Okay. Now, let me go then to Mr.
15 Noh. Taipei this year will spend about 3.3 percent of its
16 gross domestic product on defense, which is similar to the
17 level of effort of our defense spending. President Lai, who
18 Senator Fischer and I met with just a few weeks ago, has
19 agreed to get to 5 percent of GDP given these advances in
20 the Taiwanese position in concert with their defense
21 reforms.

22 How important is it to continue using U.S. security
23 assistance to outfit the Taiwanese forces key capabilities?
24 And let me give you some context, Mr. Noh. A number of us



1 are concerned that DOD may be using the Ukraine playbook
2 with Taiwan by taking defense items procured with
3 Presidential Drawdown Authority and returning it to the
4 defense stockpile. This would be contrary to Congressional
5 intent, and would require Taiwan to purchase these items
6 that have already been authorized as PDA. Would you comment
7 on that, Mr. Noh?

8 Mr. Noh: Mr. Chairman, thank you for this opportunity
9 to talk about the extremely important issue of Taiwan, and
10 I'm personally grateful for your personal leadership on this
11 issue. The actions that you just discussed of President
12 Lai, the progress that Taiwan is making to increase defense
13 spending, it's all promising.

14 It was Admiral Paparo who explained that actions that
15 Taiwan takes to strengthen itself, the defenses have a 3 to
16 1 leverage against aggression. He explained that that's the
17 doctrine on assault ratios. So, everything that Taiwan
18 does, every extra dollar it spends, every capability it
19 acquires, these are extremely important for the defense of
20 Taiwan, and I certainly applaud the leadership and Taipei
21 for taking those actions.

22 In terms of security assistance, Mr. Chairman, to
23 Taiwan, if confirmed, I will provide my best advice and
24 recommendations on the different tools we have at our



1 disposal, whether that's FMS, PDA, or TSCI, Taiwan Security
2 Cooperation Initiative, to expedite to the extent possible
3 deliveries of weapons sales to Taiwan, Mr. Chairman.

4 Chairman Wicker: Well, okay. And I'm glad you
5 mentioned Admiral Paparo because he's certainly someone that
6 not only the administration looks to, but this committee
7 looks to, as a very sensible and steady voice in the
8 Pacific. But with regard to the PDA and TSCI, do you agree
9 that it would not be good policy to return them to defense
10 stock and then require our ally to pay for them having
11 already been authorized in PDA

12 Mr. Noh: Mr. Chairman, I strongly believe that Taiwan
13 needs to do its part and to pay, and to increase its defense
14 spending. President Trump said that Taiwan, which is an
15 island that faces an existential threat from the People's
16 Liberation Army, from the Chinese military, that Taiwan
17 should spend upwards to 10 percent of his GDP on defense. I
18 strongly support that.

19 Again, the actions that you outlined of Taiwan
20 leadership making progress on defense spending and actions
21 that President Lai has taken, I applaud those efforts. But
22 Taiwan absolutely needs to do its part and spend more, and
23 increase its defense spending, and acquire the kind of
24 asymmetric capabilities that will be most relevant for an



1 invasion scenario.

2 Chairman Wicker: Well, you're declining to answer my
3 question with regard to PDA.

4 Mr. Noh: Mr. Chairman, if confirmed, I'll provide my
5 best advice and recommendations on how we can continue to
6 deliver weapons to Taiwan consistent with the President's
7 intent, including using PDA, and TSCI, and FMS

8 Chairman Wicker: And consistent with statutory
9 language?

10 Mr. Noh: Yes, Mr. Chairman

11 Chairman Wicker: Senator Reed.

12 Senator Reed: Well, thank you very much, Mr. Chairman.

13 Mr. Young, as acting General Counsel for the first six
14 months of the administration to the Department of Defense,
15 you were the chief legal officer of the department, and in
16 that period, DOD support included controversial use of
17 military aircraft and personnel to transport people in DHS
18 custody from Guantanamo Bay to El Salvador among other
19 places.

20 And you are a lawyer, you understand that the Fifth
21 Amendment applies to people in the United States, not just
22 citizens. And you are also aware of the constant number of
23 cases being pursued on behalf of people who were identified.
24 As a chief legal officer of the Department, did you ensure



1 for each removal operation supported by DOD military
2 personnel and planes, that the removal of the manifested
3 individuals complied with the Fifth Amendment and applicable
4 court orders?

5 Mr. Young: Senator, as we evaluated each one of those
6 removal flights, we worked very closely with the judge
7 advocates and chairman's legal to look at the nature of the
8 flight, what was being questioned. We coordinated with the
9 Department of Homeland Security to ensure that the people
10 who were manifested on that flight we're not subject to any
11 federal court order or restraining order for their movement.
12 And we also worked to make sure that we had a manifest that
13 had that documentation on there, sir.

14 Senator Reed: Did the Department of Defense or its
15 personnel ever take custody of the individuals transferred?

16 Mr. Young: Sir, it's when we conducted one flight, as
17 I understand, sometime I think in March, in that flight, the
18 Department of Defense provided support to the Department of
19 Homeland Security under Chapter 15 which is our typical
20 method for providing support to the Department of Homeland
21 Security on these removal flights, sir.

22 Senator Reed: Interesting. But the situation is I
23 think, more complicated. Secretary Rubio boasted publicly
24 on March 31st that the March 30th flight, I think you're



1 referring to, from Guantanamo Bay to El Salvador, had
2 transferred to El Salvador 17 people who had been in the
3 United States. It appears by all public information that
4 the transfer was in violation of at least three court
5 orders, but yet you say that you've pursued every flight has
6 been verified to ensure that there was no violation of court
7 orders.

8 Mr. Young: Sir, within the Department of War, we did
9 our -- we tried to do our best due diligence to determine
10 whether or not the personnel who were requested for
11 transport had been cleared by the Department of Homeland
12 Security, and that they were not subject to any court order
13 or restraining order on their transportation.

14 Each individual has numerous cases across the United
15 States. There are thousands of people who are in the
16 process of post removal order actions, and each one has
17 their own. The Department of Homeland Security would
18 develop a manifest based off of people who are post removal
19 order, and would then provide them to the Department of
20 Defense with a request for transportation under Chapter 15,
21 sir,

22 Senator Reed: Well, before you approved that
23 flight, and it was a DOD flight requiring approval by the
24 Department, presumably the Secretary of Defense, with your



1 advice, did you confirm or obtain from DHS or anyone else
2 that all due process has been exhausted for these
3 individuals, and that no court orders were implicated.

4 Mr. Young: Senator, I did. And again, as you
5 mentioned, this matter is in under investigation by the
6 Inspector General at your request, so it would probably not
7 be appropriate me for me to comment further on that matter.

8 Senator Reed: Well, I think your comments would be
9 important because you are suggesting, I think, that
10 everything was cleared by DHS, when in fact in court, Unit
11 Chief of ICE Enforcement and Removal Operations testified
12 that those individuals were removed by DOD on a flight with
13 no DHS personnel on board. DHS did not direct DOD to remove
14 them.

15 So, your counterpart, or one of your counterparts in
16 DHS is saying it was all DOD, they received no clearance
17 from us or information about legal status, and that is
18 completely illegal. Department of Defense personnel cannot
19 act as law enforcement officers and violate the Fifth
20 Amendment of the United States. Thank you.

21 Chairman Wicker: Thank you, Mr. Ranking Member.
22 Senator Fischer.

23 Senator Fischer: Thank you, Mr. Chairman.

24 Mr. Beck, welcome, today. I appreciated our



1 conversations earlier this year about how best to instill a
2 sense of urgency within NNSA so that they can achieve the
3 goals of their enterprise blueprint, especially to ensure
4 the recapitalization efforts that they're coordinated also
5 with the weapons production programs.

6 Briefly, are there any practices that you would suggest
7 from commercial industry, particularly with respect to
8 building new facilities safely, but on a more, what I would
9 say, reasonable schedule, so that NNSA could consider
10 possibly adopting some of those?

11 Mr. Beck: Senator, thank you for the question. The
12 system that we've devised has, for acquisition and oversight
13 strategy, created an unaffordable schedule and cost
14 environment, and we need to move towards a commercial
15 approach, much like there's some good examples that have
16 occurred in Space Force and naval reactors to use other
17 transactional authority to speed up the building of some of
18 the things.

19 About 70 percent of what NNSA does is commercial,
20 including standard industrial work like high explosives, and
21 lithium, and depleted uranium, and I believe we could move
22 very quickly to improve urgency on that.

23 Senator Fischer: If you are confirmed to this
24 position, will you enter with a sense of urgency?



1 Mr. Beck: Absolutely.

2 Senator Fischer: Thank you, sir.

3 Mr. Noh, welcome. China's developing and they're
4 integrating technologies such as AI and hypersonic space
5 capabilities at a really rapid pace, and I would say they
6 are doing so looking at breathtaking growth as well with
7 their nuclear arsenal. This is a huge threat to the United
8 States and also to the world.

9 As you look at what's developing between China and the
10 cooperation they're exhibiting with Russia and North Korea
11 right now, what do you think would be some of the most
12 significant consequences of that deepening relationship that
13 they have with those countries?

14 Mr. Noh: Senator, thank you for this opportunity to
15 talk about the very alarming issue of the development and
16 growth of the Chinese military. As you mentioned, Senator,
17 China is undergoing really historic and unprecedented
18 military buildup. It is the most rapid military buildup in
19 history and the largest since World War II, and it spans
20 both conventional and nuclear, as well as cyber and space
21 capabilities.

22 Senator Fischer: Right. Are you concerned about that
23 and the ability that they will have to deny any kind of
24 access or capabilities to the United States military from



1 operating within that first and second island chain?

2 Mr. Noh: This is an enormous concern of mine, and if
3 confirmed, Senator, I will do everything in my power to make
4 sure that we have combat credible forces postured forward in
5 the Western Pacific along, as you mentioned, the first
6 island chain, second island chain, with the right
7 capabilities at the right places.

8 Senator Fischer: Do you believe we have a strong
9 commitment and should honor that commitment in the Indo-
10 Pacific?

11 Mr. Noh: Yes, Senator, my understanding having worked
12 at the Department since January of this year the department
13 absolutely takes its commitments seriously, and if
14 confirmed, Senator I'll do everything I can to advance the
15 important alliances and partnerships we have throughout the
16 region.

17 Senator Fischer: What other countries would you
18 suggest that the United States look toward in that area to
19 also form partnerships allegiances with in order to face
20 that breathtaking growth of a nuclear arsenal that China
21 has?

22 Mr. Noh: Senator, we have a number of extremely
23 important alliances in that region; Japan, the Republic of
24 Korea, Australia, and Philippines. These are countries with



1 whom we have alliances. And if confirmed, Senator, I'll do
2 everything I can to continue to advance those relationships.

3 Senator Fischer: Thank you, sir. Thank you, Mr.
4 Chairman.

5 Chairman Wicker: Senator Kaine.

6 Senator Kaine: Thank you, Mr. Chair. Congratulations
7 to the nominees.

8 Mr. Noh, I'm going to pick up right where you were with
9 Senator Fischer. I was very pleased to hear in your opening
10 statement you say that, "America First does not mean America
11 alone." I think that's a very important recognition given
12 the current global security environment.

13 What's your assessment of the U.S. continued engagement
14 in the AUKUS security cooperation initiative, which has
15 strong bipartisan support in this committee and on the Hill,
16 generally?

17 Mr. Noh: Senator Kaine, thank you for your personal
18 leadership on AUKUS. The department is conducting a review
19 of AUKUS to make sure that it is fully aligned with
20 President Trump's America First foreign policy. It is a
21 brass-tacks common sense look at the realities facing AUKUS,
22 including the state of our submarine industrial base.

23 My understanding is our submarine industrial base
24 produces 1.2 Virginia class submarines a year. That number



1 needs to go up to 2.33 Virginia class submarines a year for
2 us to be able to meet both U.S. requirements and fulfill our
3 obligations under AUKUS Pillar 1. I believe Admiral Caudle
4 who testified before this committee several weeks ago, now
5 Chief of Naval Operations, who said that our submarine
6 industrial base will need to go through a transformational
7 improvement in production capacity. Not a 10 percent, not a
8 20 percent, but 100 percent improvement in production
9 capacity.

10 These are the issues, Senator, that we are looking into
11 as part of AUKUS review as well as whether it's properly
12 funded. And I know there are significant investments that
13 have been made from both the U.S. side and in addition to
14 the contributions that Australia has made as part of Pillar
15 1, so the department continues to conduct review of AUKUS to
16 --

17 Senator Kaine: I'm aware that the department is doing
18 it, but the question I asked you is what do you think about
19 the AUKUS security agreement? Because I suspect that you've
20 been pretty involved in those discussions. What value do
21 you see in the security cooperation initiative?

22 Mr. Noh: Senator, I don't want to get ahead of both
23 Undersecretary Colby and Secretary Hegseth because the
24 review is ongoing. My personal view, Senator, is that there



1 are things that I believe common sense things that we can do
2 to strengthen AUKUS to strengthen Pillar 1, to ensure that
3 it is more sustainable. As the review, as the findings of
4 the review come out, I believe Undersecretary Colby and
5 Secretary Hegseth will have an opportunity to discuss
6 specific recommendations as to how to strengthen pillar one
7 and make it more sustainable.

8 But my personal view is that there are things that we
9 as in both the United States and Australia, what the United
10 Kingdom can do to strengthen pillar one and make it more
11 sustainable.

12 Senator Kaine: You volunteered Australia as an example
13 of the kind of nation that we really need to partner with,
14 in your response to Senator Fischer's question, and I do
15 think the committee is watching this very closely. The
16 committee in a bipartisan way has expressed strong support
17 for this framework, not only in words, but in investments.
18 And the Australian government has done the same. We look
19 forward to the completion and the report out of the Pentagon
20 on this.

21 I have a question for Mr. Young and Mr. Lane.
22 Secretary Hegseth did a recent directive that included a
23 reform of the military equal opportunity and equal
24 employment opportunity process. One of the things in that



1 reform was a shift from anonymous to confidential reporting
2 as well as expedited case handling.

3 How will you ensure that the shift from anonymous to
4 confidential reporting doesn't deter service members,
5 particularly women, from coming forward with legitimate
6 complaints, especially in environments where retaliation
7 remains a concern, to both Mr. Lane and Mr. Young?

8 Mr. Lane: Senator, Thank you for that question. I
9 haven't -- I'm not privy to that legal analysis, and I
10 haven't been briefed on that issue. I can give you my
11 commitment, Senator, that anyone making complaints should be
12 treated seriously, and with dignity, and with respect.

13 My primary concern, if I'm honored enough to be
14 confirmed as general counsel, is to make sure the rule of
15 law reins. So, I would take a close look at applicable
16 statutes, regulations, and make sure that the appropriate
17 protections are in place.

18 Senator Kaine: Thank you. Can I have Mr. Young take
19 my last 15 seconds to answer?

20 Mr. Young: Yes, Senator, I would say that that review
21 will ensure that whatever policy comes out on the backend
22 will be in conformance with federal law, dealing with equal
23 opportunity processing and complaints process, as well as
24 the expectations of the committee that members will be able



1 to come forward and make complaints under the military equal
2 opportunity process when needed.

3 Senator Kaine: And you would both agree that folks
4 should be able to make complaints without fear of
5 retaliation?

6 Mr. Lane: Yes, Senator.

7 Mr. Young: Yes, Senator.

8 Senator Kaine: Thank you.

9 Chairman Wicker: Senator Scott.

10 Senator Scott: Thank you, Chairman.

11 First off, congratulations, each of you. This is going
12 to be a great opportunity for each of you to do something
13 great for our country. Let me follow-up with what Senator
14 Kaine had said. I think AUKUS is really important to our
15 country. I think it's really important to the security of
16 our country, and I think I look forward to hearing what
17 comes out of your review. But I personally can't imagine
18 that we would not want to continue to build our relationship
19 with Australia and continue to have this -- you know,
20 continue to use AUKUS to build our security.

21 Second, I just got back from the Philippines and Japan.
22 I've been all through Asia talking to our military leaders.
23 Every one of them is focused on China, China, China, China.
24 That's all what their whole focus is. Probably got one of



1 the best briefings I've ever had when we were recently back
2 in August, out in the Philippines. So, Mr. Noh, do you
3 think China's elected to be -- they made the decision to be
4 our enemy?

5 Mr. Noh: Senator, I would just look at the facts, the
6 realities of what they're doing with the military. As I
7 mentioned, looking at their historic, unprecedented military
8 growth, the actions that they're taking also in the Taiwan
9 Strait, South China Sea, I think really those actions really
10 speak for themselves.

11 Senator Scott: So, as a result, I think it's important
12 that we stop doing business with them, especially with our
13 military. We shouldn't be buying food from them for our
14 military. We shouldn't be buying drugs from them for our
15 military. We shouldn't be buying computers and printers
16 from them. We shouldn't be buying drones from them.

17 I can't imagine almost anything that we ought to be
18 buying from Communist China. Everything we buy from them,
19 every time we become dependent on them it reduces our
20 ability to defend ourselves. So, what are your thoughts
21 about doing any business with companies controlled by the
22 Communist Party of China?

23 Mr. Noh: Senator, as the nominee for Assistant
24 Secretary of War for Indo-Pacific Security Affairs, if



1 confirmed, I'll offer my best advice and recommendations on
2 what we can do to strengthen deterrents to make sure there's
3 no conflict with China in the future.

4 Senator Scott: But what do you think about stopping
5 our military from being dependent on them for printers,
6 computers, drones, on drugs? Do you think we ought to be
7 dependent on somebody that might be our adversary?

8 Mr. Noh: Senator, my personal view, and this is not
9 something I've had a lot of opportunities to work on at the
10 Pentagon, but my personal view is that to the extent we can
11 reduce critical dependencies on China, especially as it
12 relates to our military equipment and weapons, I believe
13 those are common sense.

14 Senator Scott: What about drugs of over -- oh, I think
15 it's over half the drugs we buy for our military members
16 come out of Communist China.

17 Mr. Noh: Senator, from my time working as a staffer on
18 the House Select Committee on China, I know the United
19 States continues to have critical dependencies in
20 pharmaceuticals, as well as in critical minerals and rare
21 earths. These are alarming issues. And if confirmed,
22 Senator, I'll make sure to work closely with my colleagues,
23 both within the Department and throughout the interagency to
24 tackle these issues.



1 Senator Scott: So, in my last six years, I have not
2 seen the Department do one thing to reduce its reliance,
3 other than things that we passed through the National
4 Defense Authorization Act. We worked to get garlic out of
5 the commissaries. We worked to get drones. We've worked to
6 get computers and printers. But if it's not directed
7 through the NDAA, the Department has done, as far as I can
8 tell, absolutely nothing. I mean, have you seen any actions
9 by the Department that's reduced our reliance on Communist
10 China?

11 Mr. Noh: Senator, supply chain issues, it's just not
12 something that I, in my personal capacity, have had an
13 opportunity to work with. I'd be happy to take your
14 question back for the record and follow-up with you with a
15 more fulsome response on what the Department has been doing.

16 Senator Scott: All right. Thank you.

17 Chairman Wicker: Senator King.

18 Senator King: Thank you, Mr. Chairman.

19 Mr. Young, I'm a little confused. You referred to a
20 department that doesn't exist. What's the name of the
21 department that you're going to work for?

22 Mr. Young: Sure. The name of the department is the
23 Department of Defense.

24 Senator King: Correct. Thank you. I appreciate that.



1 And I think you must have slipped before in using that other
2 name that that has no legal basis.

3 Mr. Young, you were the general counsel during the
4 deployment of the troops of the National Guard to Los
5 Angeles. What was the legal basis of that utilization of
6 the National Guard?

7 Mr. Young: Sure. The legal basis for that deployment
8 of the National Guard is the President's Article II
9 authority to protect federal functions and property, as well
10 as the President's statutory authority under 10 U.S.C.
11 12406, sir.

12 Senator King: And should there be a factual predicate
13 for such a deployment, such a use of military force? And if
14 so, who decides that the factual predicate has been met?

15 Mr. Young: Sir, I would say that the statute is what
16 the statute is, and it's written the way that it's written.
17 That statute's been in existence and been utilized going
18 back to the first President of the United States, George
19 Washington, who mustered 19,000 National Guard personnel to
20 march to Pennsylvania, to suppress what was then Shays's
21 Rebellion considered the Whiskey Rebellion where 500 people
22 were feathering tax collectors.

23 And so, the President, the first President of the
24 United States, as he looked at those set of circumstances,



1 thought that the assault on the imposition of federal law
2 and the execution of federal law was sufficient to muster
3 thousands of National Guard personnel from all over the
4 United States.

5 Senator King: Is there any review of the President's
6 decision in a case such as this to deploy troops? You cite
7 the statutory basis. Is there any appropriate review of
8 that decision, or is it a completely unilateral,
9 unreviewable decision of the President?

10 Mr. Young: Sir, I would say that matters in litigation
11 before the Ninth Circuit Court of Appeals -- the Ninth
12 Circuit has issued a determination regarding the standard
13 under which it would look at the President's factual
14 determinations, and gives a significant deference based off
15 of prior Supreme Court deference to the President in being
16 able to ensure the execution of federal functions, the
17 protection of federal property, and the protection of
18 federal personnel as their executing their duties.

19 Senator King: Yesterday, Mr. Miller, counsel to the
20 President announced stated that the judge who ruled the
21 deployment to Portland illegal and unconstitutional, was an
22 "insurrectionist." Do you believe that a federal judge
23 interpreting federal law as applied to a particular set of
24 facts should be or could be declared an insurrectionist?



1 That was the term he used.

2 Mr. Young: Senator, I would say that a federal judge
3 interpreting federal law as it relates to the execution of
4 an Article II authority, is exactly what our Constitution
5 was founded on, and that's what we expect.

6 Senator King: I agree with that, and I hope you'll
7 convey that sound opinion to Mr. Miller. Turning to the
8 recent strikes in the Caribbean, and I realize you're
9 nominee to the Army, but you've been involved in these legal
10 decisions. What's the legal justification for a kinetic
11 strike against civilians in international waters?

12 Mr. Young: Sir, the President acting under his Article
13 II authority consistent with the powers that the
14 Constitution has given him, has looked at the facts and
15 circumstances regarding these drug cartels. The President
16 considers these drug cartels to be non-state armed groups,
17 which is what the President has designated them. He's
18 designated them as terrorist organizations. He's looked at
19 the facts and circumstances surrounding the manner in which
20 the provision of narcotics and illicit narcotics have killed
21 more people in the United States over the last four years
22 than all of our conflicts

23 Senator King: But Mr. Young, doesn't the Constitution
24 specifically delegate the power to declare war as opposed to



1 be the commander-in-chief during a war to the Congress? And
2 historically, we haven't been very good about declaring
3 wars, but we at least have done authorizations of use of
4 military force. Has there been such an authorization or any
5 authorization by Congress whatsoever in this particular
6 situation?

7 Mr. Young: Senator, there has not been an
8 authorization to my knowledge. I would say that the nature,
9 scope, and duration of these activities do not rise to the
10 level of war in the constitutional sense, and that the
11 manner in which the President has authorized these strikes
12 is consistent with both domestic and international law.

13 Senator King: Does it raise any concerns with you that
14 the President seems -- you're asserting that the President
15 has the power unilaterally to decide who's an enemy, to
16 decide unilaterally that they can be killed without
17 reference to any authority of Congress or any other
18 restraint where, how, if the President can designate
19 somebody as an enemy combatant and then take that action,
20 where does that stop?

21 Mr. Young: Senator, that's a good question. I think
22 those questions have been around since the beginning of
23 drone warfare. I know in the Obama Administration, there
24 were over 570 strikes that killed 3,700 people, many of whom



1 were U.S. citizens abroad, and there were many questions.

2 Senator King: I'm out of time. I believe that was
3 subject to an authorization by the Congress of the 2001
4 AUMF. Thank you, Mr. Chairman, for the time.

5 Chairman Wicker: Senator Sheehy.

6 Senator Sheehy: Thank you, Chairman.

7 Gentlemen, a number of different departments here, so
8 I'll kind of -- I want to ask one of each, given that each
9 of you have focus areas that are critical to the next 20
10 years of our defense policy.

11 Mr. Lane, I'll just go down the table. The Air Force
12 is plagued with weapons programs, platform programs that are
13 decades over schedule, billions of dollars over budget. We
14 can't even get a new Air Force One built inside of a decade.
15 How are we going to reform our Air Force acquisition
16 pipeline to ensure that we are creating quantity? Quality's
17 great, exquisite weapons are great. But when they show up
18 30 years from now, we only make five of them, and we need a
19 thousand of them, that's not going to cut it.

20 As we're seeing in Ukraine right now, quantity matters,
21 speed matters, and iteration is key. How are you going to
22 help reform the legal basis for acquisition systems so we
23 don't have to be stuck in 10-, 20-, 30-year contractual
24 relationships with platforms that are obsolete by the time



1 they hit the battlefield? How are we going to fix that and
2 how are we going to fix it fast?

3 Mr. Lane: Senator, this is a concern of mine and will
4 be a top priority. We've got the most impressive industrial
5 base in the world. We need to be taking advantage of it.
6 We need to be getting equipment quickly. I remember on
7 active duty having a trailer full of equipment, some of
8 which we didn't use and didn't need, and then other
9 equipment we needed not arriving in time. So, that will be
10 a priority of mine, Senator.

11 It's looking at what's currently on the books and
12 seeing how we could take advantage of statutory provisions
13 and regulations to get things quickly. And I also know this
14 committee has been working very hard on improving our
15 acquisition system. I look forward some of those provisions
16 potentially being passed, and then working with the
17 committee to think of more ideas.

18 Senator Sheehy: Thank you. It's not an evolutionary
19 approach. It's got to be revolutionary from PEOs, PMOs.
20 The old system's got to get scrapped. It's got to happen
21 fast, and you can have about three years to do it, so let's
22 get after it.

23 Mr. Noh, INDOPACOM, obviously, that's going to be the
24 front line of our next potential great power conflict. As



1 you said, we hope it never comes, but we have to be prepared
2 for it. If it does, how are you going to ensure that our
3 structure in the Pacific, we've heard from about our allies,
4 from, obviously, Australia, which is probably our more
5 stalwart in the South Pacific, all the way up to South Korea
6 and Japan, which are undergoing political changes right now.
7 They have internal political, I'd say, earthquakes happening
8 as far as what their foreign policy identity is going to be.
9 How are you going to ensure that we are still interlocking
10 with their armed forces in a way that our alliance will be
11 strong when the conflict comes?

12 Mr. Noh: Senator, thank you for the question. Since
13 joining the Department in January of this year, I've had
14 multiple opportunities to do engagements with counterparts
15 from Australia, Japan, Korea, Philippines. I accompanied
16 Secretary Hegseth in his trips to the region as he conducted
17 his engagements.

18 I fully understand and appreciate how important those
19 relationships are, how important, how vital those alliances
20 are to what we're trying to do in the Indo-Pacific to
21 strengthen our posture and bolster our collective defense.
22 So, if confirmed, Senator, I'll do everything I can to
23 continue to advance those relationships and make sure that
24 they serve American interests



1 Senator Sheehy: Important to keep in mind that the
2 only scenario in which we have rough vessel to vessel parody
3 with China is when all of our allies are included, and we're
4 not going to be able to close that vessel gap quick enough.
5 So, we're going to need them. And we can't build alliances
6 after we need them. We have to have them beforehand.

7 Mr. Young, with the Army, thanks for your comments on
8 the strikes. My distinguished partner is Senator King. I
9 appreciate his questions, but when we have a boat heading
10 towards our nation with enough fentanyl on board to kill
11 hundreds of thousands of Americans, I see that as no
12 different than taking out a terrorist cell overseas that is
13 plotting to attack us with airliners flying into
14 skyscrapers.

15 So, how are you going to continue to defend our ability
16 to project our kinetic strike capability to strike these
17 foreign terrorist organizations that have killed more
18 Americans than every war in our history combined?

19 Mr. Young: Senator, I think the key to that is
20 excellent drone technology, and being able to field it
21 immediately and quickly in ways that have not historically
22 been utilized before. And to that end, we are working --
23 the Secretary of the Army has been designated by the
24 Department of Defense as the executive agent for drone



1 warfare and counter-UAS.

2 And we are working very carefully and quickly to try
3 and innovate the acquisition cycle, because as you can tell
4 from looking at the Ukraine conflict, that drone warfare,
5 drone technology has not only an impact on the individual
6 soldier, but also on the strategic aspect of the projection
7 of power. So, that to us, is the key ability to continue to
8 project force across the world.

9 Senator Sheehy: So, well, and like Mr. Lane, you're
10 going to have a huge ball to untangle here regarding
11 attacking the acquisition system. I know that the Secretary
12 of the Army's on this very aggressively, but untangling the
13 acquisition system so we can get quantity and iteration into
14 the acquisition system quickly.

15 Mr. Beck, I'm out of time, but we got a lot of work to
16 do to modernize the nuclear portfolio. So, good luck.

17 Mr. Beck: Thank you.

18 Chairman Wicker: Well said. Senator Warren.

19 Senator Warren: Thank you, Mr. Chairman.

20 A free press is right there in the First Amendment to
21 the Constitution, but when Trump's Federal Communications
22 chair was unhappy with some of Jimmy Kimmel's remarks, he
23 said, media companies, "can find ways to take action on
24 Kimmel, or there's going to be additional work for the FCC."



1 The next day, Secretary Hegseth announced that
2 journalists at the Pentagon needed to sign a pledge not to
3 report information DOD hasn't approved for release,
4 including unclassified information. DOD reportedly rolled
5 those rules back, but it wasn't Hegseth's first crack down
6 on journalists, and I worry it may not be the last. It is
7 the job of a free press to uncover problems that DOD doesn't
8 want people to know about, like military families living in
9 mold infested homes, or Secretary Hegseth texting classified
10 war plans.

11 Mr. Young, you are acting General Counsel for DOD for
12 most of 2025, and now you're nominated to be the Army's top
13 lawyer. So, let me ask you, Mr. Young, do you consider your
14 oath to the Constitution to include the First Amendment?

15 Mr. Young: Yes, Senator, I do.

16 Senator Warren: Thank you. We need independent
17 journalists at DOD now more than ever. President Trump has
18 ignored locally elected leaders to deploy military forces to
19 Los Angeles, to DC, to Chicago, and he's told generals he
20 wants the military to use American cities as, "training
21 grounds," and to handle the "enemy from within."

22 Now, this is extremely dangerous, and we need
23 independent journalists reporting the truth, not just
24 whatever spin Pete Hegseth wants to put on it. So, Mr.



1 Young, would it be consistent with the First Amendment for
2 DOD to revoke press credentials of a reporter for publishing
3 a story that was critical of the Trump Administration?

4 Mr. Young: Senator, we're very cognizant and very
5 conscientious of the First Amendment, and the freedom of the
6 press to be able to report as needed. It was my
7 understanding that the policy was designed to inform the
8 members of the press the ability to access the Pentagon is a
9 bit different than a normal public forum.

10 Senator Warren: Well, so I got to stop you right
11 there, Mr. Young. I asked you a very straightforward
12 question. I think you can answer with a yes or no, and that
13 is, is it consistent with the First Amendment for DOD to
14 revoke press credentials of a reporter just because the
15 reporter published a story that was critical of President
16 Trump? That should be an easy one for a lawyer who has
17 served as you have for many years.

18 Mr. Young: Yes, Senator. I would say it would be
19 consistent with the First Amendment if the basis was that
20 the person published information that was not otherwise
21 approved for release by the Department --

22 Senator Warren: Whoa.

23 Mr. Young: They could still be critical. We're not
24 getting into their contents, Senator.



1 Senator Warren: Well, are you telling me that the new
2 regime is that Secretary Hegseth will decide what has been
3 released, and that reporters can only talk about what the
4 Secretary releases?

5 Mr. Young: No, Senator, I'm not.

6 Senator Warren: That's your view of the First
7 Amendment?

8 Mr. Young: No, Senator, I'm not saying that.

9 Senator Warren: Well, then, let me ask my question one
10 more time. If a reporter publishes a story critical of the
11 Trump Administration, is that grounds for revoking that
12 reporter's press credential?

13 Mr. Young: No, Senator, it's not.

14 Senator Warren: Great. Okay. Hard to get there, but
15 I'm glad we did. Let me ask you one more question, and that
16 is, if the courts rule any of the DOD's press restrictions
17 unconstitutional, will you stand by your oath to the
18 Constitution and tell the military leadership to comply with
19 court orders, or is your plan bend the knee to Donald Trump
20 and Pete Hegseth?

21 Mr. Young: Certainly, I would advise to comply with
22 court orders.

23 Senator Warren: Okay. You know, I appreciate this.
24 Freedom of the press is a core pillar of our democracy, and



1 the public needs to know if sending troops to war under
2 false pretenses, or if it's exposing our troops to toxic
3 water. This is a scary moment, but there is power in
4 raising our voices, and that is why Donald Trump and his
5 lackeys at the Pentagon want to shut down reporters and shut
6 down access to the truth. Thank you, Mr. Chairman.

7 Chairman Wicker: And Mr. Young, I would think that
8 your answers would be reassuring. Senator Budd.

9 Senator Budd: Thank you, Mr. Chairman. Thank you all
10 for being here. Thank you for your willingness to serve.

11 Mr. Noh, I was in Taiwan not too long ago, and I had an
12 opportunity to discuss the issues on the ground. I was very
13 impressed by Taiwan's willingness to take ownership of their
14 own security. So, what steps will you take to improve
15 cooperation, security cooperation, with Taiwan, particularly
16 when it comes to speed of delivery for defense articles?

17 Mr. Noh: Senator, I think there are a number of things
18 that the department can do to speed up delivery of security
19 assistance to Taiwan. As you know, Senator, there are
20 multiple tools at the department's disposal everything from
21 FMS, to PDA, to TSCI, Taiwan Security Cooperation
22 Initiative.

23 Actually, TSCI was modeled after USAI, Ukraine Security
24 Assistance Initiative, as a way of coming up with creative



1 ways to speed up deliveries of weapons to Taiwan. Senator,
2 if confirmed, I would provide my best advice and
3 recommendations as to all those different tools that my
4 leadership can use to speed up deliveries to Taiwan.

5 In addition, Senator, I'll also mention that Taiwan
6 needs to make a significant number of reforms in training
7 mobilization, civil military integration, hardening its
8 infrastructure strengthening its cyber security practices.
9 So, in addition to the weapons portion, there are also a lot
10 of things that Taiwan can and must do urgently to prepare
11 for a potential invasion scenario.

12 So, Senator, if confirmed, I'll work closely with my
13 team as well as with you and your team to ensure that we're
14 providing the best advice to our partners in Taipei.

15 Senator Budd: Thank you. The annual funding for the
16 Pacific Deterrence Initiative has steadily grown since it
17 started. It accounts for over \$42 billion in total. So,
18 how would you assess the initiative's effectiveness, and if
19 confirmed, what recommendations would you make for its
20 future direction?

21 Mr. Noh: Senator, I believe PDI is an important
22 mechanism to measure the investments that are going into the
23 Indo-Pacific to strengthen our posture and make our
24 infrastructure and basis more resilient. If confirmed,



1 Senator, I'll work closely with you and members of this
2 committee to make sure that we're prioritizing all efforts,
3 including under PDI, to strengthen our posture and make sure
4 our forces are in the best possible place to deter conflict,
5 but, if necessary, to prevail in one.

6 Senator Budd: Thank you. So, switching to Japan, what
7 are your goals for our defense relationship with the
8 Japanese, and what steps would you take to shore up that
9 relationship?

10 Mr. Noh: Senator, since joining the department in
11 January, I've had multiple opportunities to travel to Tokyo
12 to engage with my counterparts at Ministry of Defense. I
13 accompanied Secretary Hegseth in his first trip to Japan as
14 well several months ago. This is an extremely important and
15 critical alliance we have with Japan.

16 There are a number of positive lines of efforts that
17 that we are working on with our Japanese counterparts. The
18 upgrade of USFJ comes to mind in terms of strengthening our
19 C2 structure. We're doing more in terms of having more
20 realistic exercises and training, which Japanese self-
21 defense forces we're strengthening our posture along Japan
22 Southwest Islands. And we're doing more in terms of
23 defense, industrial cooperation.

24 So, if confirmed, Senator, I look forward to further



1 strengthening the ties I've already built up with my
2 Japanese counterparts, and making sure that we are advancing
3 this important alliance.

4 Senator Budd: Thank you. Mr. Young, one of your
5 duties, if confirmed, will be to review promotion board
6 materials and safeguard integrity, fairness, and legal
7 compliance of the statutory officer selection process. So,
8 how do you rate the ability of the process right now to
9 promote the most qualified individuals based on merit?

10 Mr. Young: Thank you, Senator. It's my understanding,
11 I'm not completely familiar with the Army's promotion
12 process directly, and because I am only nominated for this
13 position at this point. But it's my understanding that
14 those come through the Army General Counsel for input and
15 advice, not only on this, the recommendations to the board,
16 but the guidance that goes to the board, gets a legal review
17 to ensure that the appropriate statutory criteria
18 identified, sir.

19 Senator Budd: Thank you. Thank you-all.

20 Chairman Wicker: Thank you very much. Senator Kelly.

21 Senator Kelly: Thank you, Mr. Chairman.

22 Mr. Young and Mr. Lane, we're living in unprecedented
23 times, and I think we can all agree, or we will have an
24 opinion on the legality and merits of the decision to



1 execute kinetic strikes on drug smugglers. And I think we'd
2 also debate the legality of the federalization of the
3 National Guard as a police force, but I think we can.

4 So, we might agree or disagree on those things, but I
5 think we can all agree that these are very polarizing topics
6 and put stress on military leaders. It also puts stress on
7 service members trying to figure out whether or not they are
8 in compliance with the law, with the Constitution. And I
9 think we'd all agree that these issues do divide us as a
10 country.

11 So, Mr. Young and Mr. Lane, I want to hear from both of
12 you. Do you both commit to following the Constitution and
13 giving your best legal advice, even if it is something that
14 the service secretaries may not want to hear? So, start
15 with Mr. Lane.

16 Mr. Lane: Senator, the short answer is yes. The
17 longer answer is that has always been my practice as an
18 attorney. I have an ethical obligation to provide candid
19 and clear advice that goes. That's the case in private
20 practice. It's the case when I was at the Department of
21 Justice. It'll be the same thing in the Department of War.

22 Senator Kelly: And are you are you prepared to debate
23 some of these issues? Have you thought through some of
24 these things that I've already mentioned?



1 Mr. Lane: Yes, Senator.

2 Senator Kelly: All right. And Mr. Young?

3 Mr. Young: Yes, Senator, the answer is yes. The
4 longer answer is in my office, I keep a copy of the United
5 States Constitution above my desk to remind me every day as
6 I sit down what I'm sworn to protect. Also, next to my desk
7 is a picture of Socrates drinking Hemlock to remind me to
8 speak truth to power, and to say that which I think is
9 right, even when other people may disagree with it, Senator.

10 Senator Kelly: Well, I appreciate both of your
11 answers. Thank you.

12 Mr. Noh, congratulations on your nomination. I want to
13 talk about the PRC for a second and how we are postured in
14 the Pacific. They are increasingly using gray zone tactics
15 to blur the line between competition and conflict, and
16 advanced their goal of becoming the preeminent global power.

17 I think that's pretty clear that they're accomplishing
18 this through trying to get around the law, through aid,
19 incursions in Taiwan through their Belt and Road Initiative,
20 through some security cooperation activities that give them
21 strategic access in Africa and South America.

22 These actions undermine our interests and threaten the
23 security of our allies. So, what steps will you recommend
24 to push back against the PRC's escalating gray zone



1 activities?

2 Mr. Noh: Senator, a few things come to mind. I
3 believe first and foremost, we need to ensure that we have
4 combat-credible forces postured forward in the Western
5 Pacific with the right capabilities and at the right places.
6 In conjunction, we need to make sure that our allies and
7 partners in the region are doing more, are spending more,
8 and are doing their part because of the challenges that you
9 just explained, Senator.

10 These are enormous difficulties, and these are not
11 threats that United States can or should address on its own.
12 We need our allies and partners in the region to do their
13 part including Japan, including Australia, Republic of
14 Korea, Taiwan, and others.

15 Senator Kelly: So, forces forward allies doing more in
16 the Western Pacific. However, there are some rumors, I
17 guess, circulating that the new National Defense Strategy is
18 going to shift priority away from the PRC, and away from the
19 Indo-Pacific, and instead focus on the Western Hemisphere.
20 We'll see what happens when that comes out.

21 I find if that's true, that this shift is alarming
22 because most of what is brief to this committee focuses on
23 how are we going to deter China. So, suddenly shifting away
24 from what I view is our biggest near-peer or peer adversary



1 might strategically leave us in a very vulnerable place with
2 regards to the Indo-Pacific.

3 So, if confirmed, how do you plan on reinforcing our
4 commitment to our partners and allies in the region if we
5 see an NDS that looks like a shift to the Western Hemisphere

6 Mr. Noh: Senator, if confirmed, I'll be the biggest
7 advocate to my leadership in the department to making sure
8 that we have all the resources we need to strengthen
9 deterrence in the Indo-Pacific. That's what I've been doing
10 since joining the department in January. And, if confirmed,
11 Senator, I will continue to do so.

12 Senator Kelly: All right. Thank you.

13 Chairman Wicker: Senator Slotkin.

14 Senator Slotkin: Thank you, Mr. Chairman.

15 Mr. Young, you are the acting General Counsel for DOD,
16 so you've been personally reviewing the decisions that have
17 gone on in the last nine months. My questions first are on
18 the cartel strikes. On September 4th, a letter was sent to
19 Congress from the President. I'm guessing you had a hand in
20 helping to write that. That we are now in non-international
21 armed conflict, and the department is authorized against
22 designated terrorist organizations.

23 How many new terrorist organizations are we currently
24 in armed conflict with, and could you name them?



1 Mr. Young: Senator, it may be more appropriate for me
2 to discuss that with you in a closed session.

3 Senator Slotkin: We couldn't get it in a closed
4 session when we met with the general counsel, the man who's
5 now confirmed as a general counsel. And I would offer, as
6 you mentioned before -- I mean, I was a CIA officer and
7 helped with targeting. I have no problem going after these
8 cartels. I have no problem designating terrorist
9 organizations, in general, but we've never had an instance
10 where there's a secret list of what I understand to be
11 dozens of now terrorist organizations that the American
12 public, and certainly, the oversight committees don't get to
13 know.

14 So, I would just offer, overseeing a secret list of
15 terrorist organizations is concerning in this context, but
16 much more concerning when we look at what's going on inside
17 our country. The same time that that letter was being sent
18 to this Congress, the President put out a new domestic
19 terrorism executive order and asked the Department of
20 Justice to designate a list of terrorist organizations who
21 do things like have anti-Christian values contradict
22 traditional views of a family.

23 Can you tell me what organizations have been designated
24 as domestic terrorist organizations?



1 Mr. Young: Senator, I'm not --

2 Senator Slotkin: Antifa, which was --

3 Mr. Young: I'm not aware of any designations under
4 that. The Department of War, to my knowledge, has not been
5 involved in that, that I'm aware of.

6 Senator Slotkin: If the list of domestic terrorist
7 organizations that were settled upon, would that authorize
8 the Department of Defense to take military action inside the
9 United States?

10 Mr. Young: Not to my knowledge, Senator.

11 Senator Slotkin: The decision to send troops into our
12 cities has been deeply controversial. We have the National
13 Guard, and the President turned down, I think twice or three
14 times, by a federal judge this just this past weekend and
15 setting National Guard troops from one state into another
16 state.

17 There is yet another leaked Signal conversation from
18 Secretary Hegseth about him considering sending in the 82nd
19 Airborne, that's an active-duty military unit, one of our
20 most elite units. Is there any city in America that's
21 currently in active insurrection against the government of
22 the United States?

23 Mr. Young: Senator, the President in his
24 determinations and the Presidential memorandums that were



1 issued to the Secretary of War has made determinations under
2 10 U.S.C. 12406.

3 Senator Slotkin: Right. But are they under just the
4 inward insurrection is important. And you know why? If we
5 declare in the 1807 Insurrection Act that there is a
6 community, a city, a whatever that's in active insurrection,
7 it allows the Department of Defense, and the Army included,
8 to now perform law enforcement functions, arrest, detention,
9 raids, inside the United States, like the very thing that
10 our country was founded upon in rejection of when we're
11 doing those things to us.

12 So, right now, by your legal determination, is any city
13 in America in active insurrection, yes or no?

14 Mr. Young: Senator, the President has not declared
15 that any insurrection is --

16 Senator Slotkin: Would you support the President in
17 the last administration asked then Secretary Esper to send
18 in the 82nd Airborne, the same unit, into the Washington,
19 DC, to try and quell peaceful protests here in the city.
20 And he said, if necessary, can't you just, "Shoot at their
21 legs." Do you support the 82nd Airborne active-duty
22 military troops being sent into American cities today?

23 Mr. Young: Senator, it's my understanding the
24 Department of Justice has looked at this issue going back to



1 the 1970s when the Pentagon was under duress as well as the
2 Washington, DC. And it was the opinion then that the
3 President would have the authority to use federal troops to
4 protect federal functions and property.

5 Senator Slotkin: We get that's -- I'm not disputing
6 that. Would you approve as a lawyer for the Army, would you
7 approve the 82nd Airborne and Army Unit shooting at the legs
8 of unarmed protestors, or would you push back against the
9 commander-in-chief against that order?

10 Mr. Young: Senator, I would say that the current rules
11 for the use of force that USNORTHCOM allows for service
12 members to use force --

13 Senator Slotkin: I mean, you said you were going to
14 speak truth to power. You literally just answered Senator
15 Kelly and said you would speak truth to power. If the
16 President of the United States asked you to, "Shoot at the
17 legs," of unarmed protestors, yes or no, would you speak
18 truth to power and say something in pushback to the
19 President?

20 Mr. Young: I would certainly make sure that the
21 President's directives would comply with Constitution and
22 law.

23 Senator Slotkin: Okay. I yield back

24 Chairman Wicker: Senator Shaheen and then Senator



1 Duckworth.

2 Senator Shaheen: Well, thank you, Mr. Chairman.

3 And Mr. Young, as you can see, there's a great deal of
4 concern about how this administration is complying with the
5 rule of law in this country. And that goes with respect to
6 how the military, how it is expecting the military to
7 operate. As you heard, we had a classified briefing on the
8 strikes in South America, and we requested two pieces of
9 information that we are still waiting to see.

10 One is the list of groups that the President claims
11 that we are in armed conflict with, and the other is a
12 decision by the Department of Justice that basically
13 authorizes the administration's basis to take those actions
14 in South America. Have you seen that DOJ opinion?

15 Mr. Young: Yes, Senator, I have.

16 Senator Shaheen: And is that consistent with the
17 opinion that has been provided to the Department of Defense?

18 Mr. Young: Senator, the Department of Justice Office
19 of Legal Counsel opinion was derived through an interagency
20 lawyer's working group with the CIA, the State Department,
21 White House Counsel, Department of Justice, Department of
22 Defense General Counsel, Judge Advocates were part of that
23 decision. And the Office of Legal Counsel has issued an
24 opinion on that, ma'am.



1 Senator Shaheen: Given that everybody seems to be very
2 comfortable with that, don't you think it would be a good
3 idea to share that with Congress

4 Mr. Young: Senator, that's not within my discretion to
5 share. I know that as that question has been asked before
6 in other context of other strikes. If you go back to the
7 Obama Administration, for nine years, they did not share
8 their legal basis --

9 Senator Shaheen: Yeah, I didn't support that either,
10 to be frank.

11 Mr. Young: -- for the manner in which they did the
12 strike, but -- yes, Senator.

13 Senator Shaheen: And I don't think the inappropriate
14 behavior of other administration should guide inappropriate
15 behavior in this administration.

16 Mr. Young: No, Senator, I don't disagree. It's a
17 matter of the discretion of the President under his Article
18 2 authority releasing that information to the Congress. At
19 this point in time, it's not within my control in the
20 current position that I'm in.

21 Senator Shaheen: Well, Mr. Chairman and Ranking Member
22 Reed, I would again ask that the committee officially
23 request both that legal opinion and the list of terrorist
24 organizations that we are supposed -- according to the



1 President's executive order, we are at war with.

2 Chairman Wicker: Your request is noted.

3 Senator Shaheen: Thank you.

4 Mr. Noh, I share the view that you just expressed that
5 I think has been pretty consistent on a bipartisan basis
6 among both Democrats and Republicans in Congress, that the
7 biggest threat to the United States, both militarily and
8 economically, is the People's Republic of China.

9 So, I am troubled by the fact that there appears to be
10 an inconsistent strategy that's coming out of this
11 administration with how to address that. So, for example
12 you talked about the importance of our allies and partners,
13 which I think we would all agree with.

14 And yet, what kind of message does it send to our ally
15 Australia that after they have committed significant
16 contributions to AUKUS, that we are still fooling around,
17 especially given the time constraints that you talked about
18 with respect to submarine production, that we are still
19 fiddling around with a review that should have been done
20 months ago?

21 Is it consistent to think that our allies can count on
22 us when that's how we behave? I would point to India, which
23 has been one of the strongest bulwarks against China in many
24 ways. And yet, the relationship with India has been



1 undermined by the tariff regime of this administration in
2 ways that question whether we can count on the partnership
3 of India to stand up on China when they are taking action in
4 the Indo-Pacific region.

5 So, how do you justify the inconsistencies in the
6 policy of this administration, and how that's making us
7 safer and more secure?

8 Mr. Noh: Senator, on the AUKUS review, I will just
9 note that both Australia and the United Kingdom also
10 conducted AUKUS reviews of their own. Right after Prime
11 Minister Starmer came into office, he ordered Sir Lovegrove
12 to conduct a review of AUKUS.

13 Senator Shaheen: And is it still ongoing --

14 Mr. Noh: It --

15 Senator Shaheen: -- the review that the United Kingdom
16 is doing?

17 Mr. Noh: No. They concluded the review.

18 Senator Shaheen: Yeah. And is Australia's review
19 still ongoing?

20 Mr. Noh: No, it is not, Senator.

21 Senator Shaheen: So, I guess my question is why is it
22 taking us so long, and what kind of message does that send?

23 Mr. Noh: Senator, the review started in July of this
24 year, and the department plans to concluded by this fall.



1 Senator Shaheen: Well, apropos -- and I know I've gone
2 over, Mr. Chairman, I appreciate your giving me the extra
3 time, but apropos the concerns that have been expressed on
4 both sides of the aisle about China doesn't not make sense
5 that we should have some urgency about how we're dealing
6 with some of these issues. And that urgency certainly seems
7 to be missing from the department. So, I hope that will
8 change if you are approved. Thank you, Mr. Chairman.

9 Chairman Wicker: I think it's fair to say that the
10 review came as a surprise to this committee, to the
11 Congress, and to the general public. And as a distressing
12 surprise to our steadfast ally, Australia. Senator
13 Duckworth, and then Senator Rosen.

14 Senator Duckworth: Thank you, Mr. Chairman.

15 President Trump has once again violated the
16 Constitution, states' rights, and Americans' rights by
17 federalizing Illinois National Guard, and deploying Texas
18 National Guard troops to Illinois. Against the wishes of
19 democratically elected officials, Trump insists on misusing
20 the military against his political opponents and people who
21 did not vote for him, not only in Illinois, but in Portland,
22 Los Angeles, DC, and Memphis. And it must be stopped.

23 Every Democratic member of this committee has called
24 for a hearing on military deployments to American cities.



1 This administration must justify to the American public why
2 it insists on using the military to confront Americans at
3 home.

4 This administration must answer why if DHS officials in
5 Broadview or LA or Portland were in fact so overwhelmed by
6 protestors as Trump claims that they needed military
7 protection, why these same DHS agents were able to shoot at
8 protestors, wounding civilians, incapacitate peaceful
9 protestors, as well as shooting tear gas over two dozen
10 Chicago police officers and propel agents from helicopter to
11 terrorize an apartment building in the middle of the night.

12 We know deploying the military is not about protecting
13 DHS officials or federal property because these same
14 officials are escalating their tactics every day to provoke
15 a manufactured crisis, to justify sending in the military
16 onto our peaceful city streets. We know this is not about
17 crime fighting because Trump has literally defunded the
18 police by slashing \$800 million in public safety programs.

19 So, what is this about? The President has been clear
20 he wants to use the military in American cities to crush
21 descent and erode our constitutional rights, instead of
22 protecting and defending them like his oath of office
23 requires. And I am concerned that the nominees testifying
24 here today have been complicit in this administration's



1 militarized assault on American cities, and will continue to
2 empower these irresponsible actions.

3 Mr. Young, you were acting General Counsel from 20th of
4 January until 31 July of this year, during which time you
5 advised on a series of dangers and unprecedented decisions
6 to deploy National Guard and active-duty troops to American
7 streets, convert military basis to support DHS and house
8 detainees, and appoint military judge advocates to service
9 immigration judges, despite them not having their relevant
10 immigration law experience.

11 Now, you are being considered to be general counsel for
12 the Army, where you will once again advise on consequential
13 decisions on how to train, equip, and deploy Army, National
14 Guard, or active-duty troops. Mr. Young, have you prepared
15 or approved any legal opinion about authorizing any state's
16 National Guard units to deploy across state lines without
17 the consent of the governor or other leaders in the
18 receiving state? And if so, will you provide it to us?

19 Mr. Young: Thank you, Senator. To answer the
20 question, we have the use of National Guard personnel --

21 Senator Duckworth: So, yes or no, have you provided
22 that type of an opinion, yes or no? And will you provide
23 that a copy of that of that advice to us?

24 Mr. Young: Senator, what I have advised my client in



1 the executive branch regarding the execution of executive
2 functions is privileged. And I would, unless my client
3 allows me to share that, I would consider it privileged.

4 Senator Duckworth: Well, we will work on that. There
5 has also been rhetoric from the President and senior
6 officials painting Democrats and people who disagree with
7 him as enemies. This is a slippery slope. Once you label
8 your fellow Americans as enemies, you can justify using
9 force against them.

10 Mr. Young, if the President or secretary asked you to
11 authorize the military to target civilians within American
12 soil based solely on their political affiliation, would you
13 support it? Yes or no?

14 Mr. Young: No.

15 Senator Duckworth: Thank you. The President wants to
16 use our military as his personal police force to send troops
17 into American cities, to detain civilians on our bases, to
18 intimidate people who dare to disagree with him. That is
19 not defense, that is repression. If we turn the world's
20 finest fighting force against its own people, who will win?
21 Not the American people, not our service members who did not
22 sign up to be used as political props to be pitted against
23 their fellow Americans, or to waste their precious time
24 patrolling American streets. Only Donald Trump and our



1 global enemies who will exploit our distraction win.

2 In this scenario, the United States military defends
3 Americans. It does not police them. It protects our
4 freedoms. It does not suppress them. Mr. Chair, I ask
5 unanimous consent that you, in consultation with the ranking
6 member, schedule an open hearing to receive testimony on
7 this abuse of the military from the Secretary of Defense,
8 the Chairman of the Joint Chiefs of Staff, and general
9 counsel of the department,

10 Chairman Wicker: That is not a proper unanimous
11 consent request.

12 Senator Duckworth: This administration has refused to
13 provide answers to Congress and the American public about
14 its militarization of our streets, refusing to put legal
15 opinions in writing, hiding the faces of DHS officials, and
16 running away when officials exercise their constitutional
17 duty to conduct oversight visits.

18 I've said it before, I'll say it again. Hiding is not
19 something you do when you're proud of your actions. Dodging
20 around direct questions from this oversight body like you
21 have done today, Mr. Young. It's also not something you do
22 when you're proud of your actions. It's what you do when
23 you know you are wrong.

24 The American people deserve answers. I urge you,



1 Chairman, and my Republican colleagues, to hold a meeting
2 immediately.

3 Chairman Wicker: Senator Cotton, are you prepared?

4 Senator Cotton: Always prepared.

5 Mr. Lane, as general counsel of the Air Force, I want
6 to talk to you about the military's role in defending our
7 homeland. I'm correct in assuming you believe the U.S.
8 military has a central role to play in ensuring our homeland
9 is secure.

10 Mr. Lane: Yes, Senator. Absolutely.

11 Senator Cotton: I'm also correct in assuming that you
12 believe terrorist organizations can pose a threat to the
13 U.S. homeland.

14 Mr. Lane: Yes, Senator.

15 Senator Cotton: So, it logically follows that you
16 believe that the military has a role to play in defending
17 the homeland from foreign terrorist organizations.

18 Mr. Lane: Yes, Senator. I would say it's among its
19 top duties of the military.

20 Senator Cotton: Good. I'm glad we agree on such
21 foundational principles. Unfortunately, we've seen in
22 recent weeks an outcry from the left because President Trump
23 ordered military strikes against the Tren de Aragua
24 terrorist organization's boats that are responsible for



1 trafficking drugs to our shores and destabilizing the
2 region.

3 Drug cartels are responsible for hundreds of thousands
4 of American deaths in recent years. The Constitution is
5 clear; the President has Article 2 commander-in-chief
6 authority to take action to address threats to our homeland.
7 And when that action is limited and does not rise to the
8 nature, scope, and duration of war, the commander-in-chief
9 is empowered to act without a declaration of war.

10 Stopping deadly narcotics from flowing into our country
11 is a vital national security issue. I believe the President
12 acted decisively and lawfully against foreign narco
13 terrorist groups trafficking poison onto our shores. I
14 would simply ask all those viewing and listening, if Al-
15 Qaeda or ISIS had set up shop in Latin America and was
16 responsible for the deaths of more than 100,000 Americans in
17 most years, what would you expect your government to do to
18 protect you? That's exactly what we should be doing to Tren
19 de Aragua and for that matter, every other cartel and narco
20 terrorist group.

21 Mr. Beck, I want to speak to you about the NNSA,
22 specifically, Fort Chaffee in Arkansas, which is home to the
23 training command for the NNSA's Office of Secure
24 Transportation, which transports nuclear weapons all around



1 the country. As NNSA progresses its modernization efforts,
2 I suspect the demand for agents to transport weapons to
3 their new storage sites or delivery platforms is likely to
4 grow. What are your thoughts on a plan to improve both
5 recruiting and retention of these essential agents?

6 Mr. Beck: Senator, thank you for the question. I'm
7 particularly concerned about our Marshals associated with
8 the OST, the Office of Secure Transportation, because we
9 have to continue to recruit and retain the folks that we
10 have. And we've not done a particularly good job of that.

11 I'm looking forward to, if confirmed, to addressing
12 that and looking into the details, which I don't currently
13 have privilege of all the details of that. But I look
14 forward to coming back to you with a plan on how to address
15 that specific issue.

16 Senator Cotton: Okay. Thank you. I appreciate the
17 commitment. I would appreciate you looking into it promptly
18 because, obviously, it's vital for the NNSA's mission.

19 Senator Cotton: Apparently, when you walk in late, you
20 were given the power of chairing the committee entirely. Or
21 maybe Senator Wicker snuck out as a prank on me. Senator
22 Rosen, you're recognized.

23 Senator Rosen: Thank you, Senator Cotton.

24 And I'm going to direct a lot of my questions about the



1 NNSA because it's important to so many of us. But I want to
2 thank Chairman Wicker and Ranking Member Reed for holding
3 this hearing. And to the nominees, thank you for your
4 willingness to serve.

5 And so, when we talk about Nevada and the nuclear
6 stockpile, we talk about the nuclear stockpile stewardship.
7 So, Mr. Beck, Nevada's played a critical role in nuclear
8 weapons development, but often at a very high cost. From
9 1951 to 1992, 928 nuclear weapons were detonated in Nevada,
10 causing people and land to be exposed to toxic levels of
11 radiation. This doesn't even count on the above-ground
12 testing that started in about 1957 that was going forward.

13 And so, today, such explosive testing's no longer
14 necessary. Thanks in large part to the Nevada National
15 Security Site and the Stockpile Stewardship Program,
16 predominantly at the Principal Underground Laboratory for
17 Subcritical Experimentation, PULSE, U1A complex.

18 As I'm sure you know, these underground laboratories
19 where science conducts subcritical experiments to verify the
20 reliability, the safety, and the effectiveness of our
21 nuclear stockpile. PULSE is currently undergoing major
22 mining and construction project for Enhanced Capabilities
23 for Subcritical Experiments, ECSE, which will soon host the
24 most capable weapons radiographic systems in the world,



1 providing greater certainty about warhead performance.

2 So, Mr. Beck, yes or no, please, because I have a few
3 other questions about this extremely important issue. If
4 confirmed, can I have your commitment that you will complete
5 the ECSE project and prioritize ongoing scientific
6 advancements in stockpile stewardship?

7 Mr. Beck: Senator, thank you for the question. If
8 confirmed, I don't have access to the details of that
9 particular process. I've been down U1A several times. I've
10 been to Nevada, to the site --

11 Senator Rosen: I'm glad to take you down there. We
12 can talk more about it. Do you have any understanding about
13 the crucial role then that ECSE and the Subcritical program
14 plays going forward with stockpile stewardship, especially
15 in light of pit production delays at Savannah River
16 Plutonium processing facility?

17 Mr. Beck: Yes, I do. And it is one of our most
18 important scientific tools that we need to continue to
19 pursue and with a greater sense of urgency than we've done
20 so far.

21 Senator Rosen: I'm going to invite you to Nevada to
22 have some of these conversations.

23 Mr. Beck: I look forward to going there with you.

24 Senator Rosen: Thank you. And I was going to say, for



1 decades, our national laboratory directors and their annual
2 stockpile reports have said that returning to explosive
3 nuclear testing is unnecessary. I think that's a pretty
4 light word, which should be stronger than unnecessary, but
5 we'll say unnecessary, given that over 1,000 subcritical
6 experiments and robust computer modeling have provided data
7 to support these positions, conducting an explosive nuclear
8 test is estimated to cost over \$100 million.

9 But that isn't really even the cost, not to mention
10 every other risk associated with an above-ground nuclear
11 test. And I could be here all day with experts telling you
12 what those risks are. So, this is just one of the many
13 reasons why the United States has made significant
14 investments in our national laboratories to annually certify
15 the readiness of our nation's nuclear stockpile.

16 And so, do you agree with these data-informed
17 assessments that it's absolutely unnecessary for the United
18 States to resume explosive nuclear testing?

19 Mr. Beck: Senator, as you mentioned, there is a
20 process to do an annual assessment to determine whether
21 there's a technical reason to do an underground test. And
22 to the best of my knowledge, there are --

23 Senator Rosen: I'm talking about explosive. That
24 would mean an above-ground test, explosive nuclear testing.



1 Mr. Beck: To the best of my knowledge, public
2 available information, there is no reason to do for
3 technical reasons that an underground or above-ground test.

4 Senator Rosen: Thank you. And will you commit to not
5 diminishing or diverting resources in the staff at our
6 national laboratories who work on this, moving them towards
7 explosive nuclear testing, away from crucial advanced
8 science and innovative programs that have taken us to this
9 point where we can use things like the U1A tunnel and so
10 many other things that they do to perform these subcritical
11 tests?

12 Mr. Beck: Senator, one of the things that I'm
13 particularly concerned about is we need to be more efficient
14 in how we use our resources. We have made some progress in
15 that direction, but we need to make more. We have to focus
16 on our technical expertise and be more efficient in how we
17 produce things. I don't know the details of that particular
18 project, but I look forward to getting those and getting
19 back to you as soon as possible.

20 Senator Rosen: Well, I'm just asking if you -- it's
21 not a project, it's that we don't want you to diminish or
22 divert resources in favor of explosive testing versus
23 critical advancement of science and innovation programs that
24 built things like the U1A tunnel and the radiographic



1 experiments that we do. We just don't want you to divert
2 resources to explode bombs again versus doing advancement in
3 science that we've made in all these years to ensure the
4 safety and stability of our nuclear arsenal.

5 Mr. Beck: I understand your concern. We have to focus
6 our resources on the overall program to do what's best for
7 the country on the --

8 Senator Rosen: So, you're not going to commit to
9 saying you won't try explosive testing again, is that what
10 you're trying to say to us?

11 Mr. Beck: Senator, that is not what I said. I don't
12 have the privilege of having that information of what is
13 being done today. And I can't answer your question without
14 more information. I'll get back to you.

15 Senator Rosen: You can't answer that you won't divert
16 resources to explosive testing versus scientific innovation.
17 I guess the answer is you won't say that. You won't choose
18 scientific --

19 Mr. Beck: Senator, I don't have access to how the
20 program is allocated resources at this time.

21 Senator Rosen: I bet if I just went out on the street
22 and asked someone, should we explode a nuclear bomb or
23 should we use science to do it in other ways that are safe,
24 and secure, and that can validate the lethality of our



1 nuclear arsenal and the readiness of our nuclear arsenal, I
2 bet that I could find anyone at the grocery store that'd
3 say, "Please, dear God, don't explode another nuclear bomb
4 on American soil."

5 Mr. Beck: Senator, to my knowledge, there's no plans
6 to do a nuclear above-ground explosion of any type.

7 Senator Rosen: Or below ground. Because we've had
8 many, and the ground would shake. For the 50 years I lived
9 in Nevada up until 1992, every month, the first Saturday of
10 the month, that ground would shake as we cratered and had
11 those underground explosive testing. The craters are still
12 out there today. We don't want to go back to that. There
13 is no reason. And I look forward to working with you to
14 explain to you and your team why what we're doing is so much
15 more effective. Thank you.

16 Senator Reed: Thank you, Senator Rosen, and with the
17 approval of the chairman, I have a few additional questions.

18 We all recognize that probably the most fatal and
19 lethal drug that is affecting this country is fentanyl. It
20 is an extraordinary lethality. And it's something that I
21 think is reflected in the questions my colleagues, various,
22 and I've raised about this approach to reduce these lethal
23 drugs coming in. Mr. Noh, where is the greatest source of
24 precursors of fentanyl in the world?



1 Mr. Noh: Ranking member, my understanding is China is.

2 Senator Reed: That is my understanding also. And do
3 you understand where most of these precursors are sent for
4 processing before entering the United States? What country
5 that might be?

6 Mr. Noh: Ranking member, I don't know exactly what
7 country that --

8 Senator Reed: Well, the data from many different
9 government sources; Mexico. In fact, Cato Institute a few
10 years ago, that 93 percent of the seizures were at legal
11 crossings at the southern border.

12 So, the implication, I think, is very clear that Mexico
13 is really the source of the most legal drugs coming to the
14 United States. Which raises the question, Mr. Young, which
15 you might have considered; why are we attacking ships off of
16 Venezuela who are shipping probably cocaine or marijuana?

17 Mr. Young: Sir, we're conducting those attacks because
18 the President of the United States directed that we conduct
19 those attacks. He views those, sir, he's made the
20 determination that they're an imminent armed threat to the
21 United States.

22 Senator Reed: Well, if the most lethal chemicals
23 coming across, which is the whole predicate of his approach,
24 it's these are not armed forces that are attempting to



1 attack the United States violently and kinetically in seized
2 territory or inflict direct casualties on the Americans.
3 It's the cumulative effect of the drugs are coming across.
4 And it seems to be interesting that the President would
5 choose a relatively minor source of drugs coming in versus
6 the huge introduction of fentanyl in this country through
7 Mexico.

8 In fact, we're doing nothing in the Pacific and we're
9 certainly restraining, I think, sensibly from attacks
10 against Mexican shipping and Mexican communities. Again, I
11 think we have to understand that this is more a kind of
12 messaging than sensible policy of the United States. And
13 the message is which is very good for TV, is we're killing
14 people.

15 Mr. Young, did you approve an order or consult to an
16 order by the Secretary of Defense to kill these traffickers,
17 and to destroy their vessels so that no survivors or
18 evidence of drugs would be available?

19 Mr. Young: Sir, I am the principal deputy General
20 Counsel. The General Counsel has been involved directly
21 with that. It's my understanding that the vessels were
22 targeted, and it's my understanding under the operations
23 order that was issued by competent U.S. military authority,
24 that the vessels would be sunk to so that they would not



1 present a hazard to shipping, sir.

2 Senator Reed: Well, that's somewhat ridiculous. If
3 American personnel can destroy a ship, they certainly get
4 close enough to ensure it becomes, it does not become a
5 hazard to navigation. And in fact, one of the attacks, the
6 missile strikes were followed up by a helicopter using 50
7 caliber machine guns to shred what was ever left. So,
8 that's really, I think, very tenuous to hang upon.

9 Mr. Young, the final question. The administration
10 announced, and some of my colleagues have noted, that the
11 first lethal strike in the Caribbean killed members of Tren
12 de Aragua. However, the administration did not identify the
13 affiliation or nationality of the other individuals killed.

14 In the following three strikes, what designated
15 terrorist organization did the individuals from the last
16 three strikes belonged to?

17 Mr. Young: Senator, I am not personally familiar with
18 the designation of the strikes for each of those strikes and
19 the cartels that they may have been associated with. We'd
20 have to get back with you on that, sir.

21 Senator Reed: Well, I wish you will immediately
22 because we'll request in writing the identification.

23 [The information referred to follows:]

24 [COMMITTEE INSERT]



1 Senator Reed: Again, thank you, gentlemen. On behalf
2 of Chairman Wicker, this concludes today's hearing. I'd
3 like to thank our witnesses for their testimony. For the
4 information of members, questions of the record will be due
5 to the committee within two business days of the conclusion
6 of the hearing.

7 With that, we are adjourned. Thank you.

8 [Whereupon, at 11:31 a.m., the hearing was adjourned.]

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