

Senate Armed Services Committee
Advance Policy Questions for Mr. William Lane III
Nominee to be General Counsel of the Department of the Air Force

Duties and Responsibilities

Section 9019 of title 10, U.S. Code, establishes the position of the Air Force General Counsel and provides that the General Counsel shall perform such functions as the Secretary of the Air Force may prescribe.

1. What is your understanding of the current duties and functions of the Air Force General Counsel?

The duties and functions of the General Counsel are determined and assigned by the Secretary of the Air Force pursuant to 10 U.S.C. §§ 9013, 9014 and 9019. The General Counsel provides legal advice and guidance to the Secretary, the Under Secretary, the Assistant Secretaries, their staffs, and other offices within the Office of the Secretary, as well as to the Chief of Staff and the rest of the Air Staff and the Chief of Space Operations and the Office of the Chief of Space Operations. The General Counsel also provides legal services throughout the entire Department in a variety of disciplines including fiscal law, ethics, acquisition, dispute resolution, environmental law, international law, intellectual property law, real property law, and personnel law. The General Counsel serves as the Designated Agency Ethics Official, the Dispute Resolution Specialist, and is responsible for providing and supervising the Suspending and Debarring Official for the Department of the Air Force (DAF). In addition, the General Counsel exercises oversight of intelligence and other sensitive activities and investigations.

2. If confirmed, what additional duties and functions would you expect the Secretary of the Air Force to prescribe for you?

If confirmed, I anticipate Secretary Meink will expect me to provide sound and timely legal advice, on a wide range of issues, to assist him in carrying out the Department of the Air Force's mission. Additionally, I anticipate the Secretary will expect me to manage the General Counsel's Office efficiently and effectively, while fostering an atmosphere of professionalism, and will expect me to work collaboratively across the organization, including The Judge Advocate General, the General Counsel of the Department of War and the General Counsels of the other military departments, as well as the legal staffs of other government agencies.

3. If confirmed, specifically what would you do to ensure that your tenure as Air Force General Counsel epitomizes the fundamental requirement for civilian control of the Armed Forces embedded in the U.S. Constitution and other laws?

It is my understanding that civilian and military personnel in the Department of the Air Force, as well as the entire Department of War, respect this foundational principle of our

system of government. Civilian control of the Armed Forces is ensured by Article I and Article II of the Constitution. It is also embedded in federal law for the Secretary of Defense and the Secretary of the Air Force. If confirmed, I would confer with Secretary Meink and others to help ensure the Department is organized and operated to properly reflect this requirement for civilian control.

4. In your opinion, who is the “client” of the Air Force General Counsel?

The client of the General Counsel of the Department of the Air Force is the Department of the Air Force.

5. What is your view of the responsibility and authority associated with the Air Force General Counsel’s designation as the Chief Legal Officer of the Department of the Air Force?

As the Department of the Air Force's Chief Legal Officer, the General Counsel is the principal legal advisor to the Secretary and other senior officials, with responsibilities and authorities as determined by the Secretary. If confirmed, I will leverage my experience and legal expertise to provide sound, timely, and comprehensive counsel on a wide range of issues in furtherance of DAF mission.

6. If confirmed, what would be your responsibility for providing legal advice and services to the Space Force?

My understanding of the responsibility for providing legal advice and services to the Space Force is that the General Counsel provides legal advice to the Chief of Space Operations and the Office of the Chief of Space Operations, as well as other uniformed and civilian members of the Space Force as needed or directed by the Secretary of the Air Force.

7. If confirmed, how would you view your role as the Air Force General Counsel with respect to the General Counsel of the Department of Defense (DOD) in his role as the DOD Chief Legal Officer?

The General Counsel of DoW is the Chief Legal Officer and final legal authority for DoW. If confirmed, I anticipate having a close professional relationship with Honorable Mathews characterized by continuing consultation, communication, and cooperation. I also look forward, if confirmed, to building strong working relationships with the General Counsels of the Army and Navy.

Conflicts of Interest

Federal ethics laws, to include 18 U.S.C. §208, prohibit government employees from participating in matters where they, or certain family members or organizations with which they have certain relationships, have a financial interest.

8. Do you agree, without qualification, if confirmed, to disclose any potential conflicts of interest, including investments, business ties, family relationships, or other connections that could be perceived as influencing your decision making?

I agree to comply with all conflicts of interest disclosure requirements set forth in the Ethics in Government Act and implementing regulations.

9. Do you agree, without qualification, if confirmed, that if a conflict of interest arises, you will recuse yourself from participating in any decisions regarding that specific matter?

I agree to comply with all recusal requirements under 18 U.S.C. § 208 and implementing regulations.

10. Do you commit, without qualification, if confirmed, to decide matters on the merits, and exclusively in the public interest, without regard to private gain or personal benefit?

I commit to deciding matters on the merits based on the public interest, without regard to any private gain or personal benefit.

Exercise of Independent Professional Legal Judgment

President Trump’s February 18, 2025, Executive Order entitled “Ensuring Accountability for All Agencies” states in section 7 that “No employee of the executive branch acting in their official capacity may advance an interpretation of the law as the position of the United States that contravenes the President or the Attorney General’s opinion on a matter of law. ...”

11. What is your understanding of the rules of professional responsibility that apply to civilian attorneys in the Department of Defense, including those that work within the Office of the Air Force General Counsel?

To my understanding, DoW attorneys must be licensed in at least one U.S. state, commonwealth, territory, or the District of Columbia and are subject to the rules of professional conduct for their licensing jurisdiction. Additionally, DoW civilian attorneys are subject to the professional responsibility provisions set forth in DoD Instruction 1442.02.

12. If confirmed, what rules of professional responsibility would apply to you personally in your practice of law?

I am currently licensed in the District of Columbia and the Commonwealth of Virginia and as such, I am subject to their respective Rules of Professional Conduct, as well as

DoD Instruction 1442.02.

13. If confirmed, how will you implement section 7 of the above referenced Executive Order and enforce it throughout the Department?

The Attorney General, through the Department of Justice (DOJ), Office of Legal Counsel (OLC), interprets how the law applies to the Executive Branch, and that interpretation is binding on the Department of War. Section 7's articulation of the President's and Attorney General's authority and function as they pertain to interpretations of the law may be new, but the underlying principles described in Section 7 are consistent with my understanding of standard practices of the Department of War (DoW). Accordingly, for questions regarding uncertainty of the appropriate interpretation of law, I intend to authorize outreach to OLC through DoW for formal or informal guidance on the appropriate interpretation of law and apply advice appropriately.

14. What is your view of the applicability of section 7 to you personally, if confirmed as the Air Force General Counsel?

If I am confirmed, as an Executive Order that is currently in force, section 7 of EO 14215 would apply to my activities as General Counsel.

15. If confirmed, how would you address a situation where your independent professional legal judgment differs from the opinion of the President?

If confirmed, I do not anticipate that my professional legal judgment would often differ from the opinion of the President or his legal advisors. If a difference were to emerge, I would seek further guidance from legal advisors at the White House and at the Department of Justice, and if appropriate, would request a review of my interpretation by the DOJ Office of Legal Counsel.

Qualifications

16. What background and experience do you possess that qualify you to serve as the General Counsel of the Department of the Air Force?

I received my Juris Doctor degree from Harvard Law School. I am licensed in both the District of Columbia and the Commonwealth of Virginia. I additionally hold an M.A. degree from Georgetown University.

As a partner at Wiley Rein LLP, I advocated on behalf of corporate and individual clients in a broad range of appellate, constitutional, regulatory, and complex commercial litigation. During my career, I have represented parties in high-profile cases before the U.S. Supreme Court and have argued significant matters in federal appellate and trial courts throughout the country on behalf of both the United States and private parties. My practice focuses on matters of administrative and constitutional law, False Claims Act

(FCA) claims, and contract disputes. I also maintained a robust pro bono practice and have litigated cases involving religious liberty claims and government takings. Prior to my role at Wiley Rein, I served as an appointee within the DOJ, representing numerous federal agencies in courts throughout the country and advising federal officials on consequential questions of law and policy. I also served as special counsel in the U.S. Senate, where I assisted the Senate Committee on the Judiciary with its consideration of judicial nominations. Finally, I served on active duty in the Army, deploying to Iraq during my service, which provides me a unique perspective of the armed services.

17. Do you believe that there are any actions you need to take to enhance your ability to perform the duties of the Air Force General Counsel?

The Department of the Air Force carries out unique military and national security functions, as well as a wide variety of activities ranging from providing health care to its military personnel and their families to working with and training important allies and partners, and all the activities required to support the Air and Space Force. If I am confirmed, I eagerly anticipate the challenge of providing legal advice on a broad portfolio of subject areas essential to the combat readiness, lethality, and effectiveness of our armed forces. If confirmed, I would have the opportunity to work with senior leaders in the Department and would have a better sense of what the Department's needs would be and what additional duties and functions the Secretary of Air Force may prescribe, but I anticipate they would be aligned to ensuring we build and maintain an effective fighting force.

Major Challenges and Priorities

18. In your view, what are the most significant legal issues facing the Air Force and Space Force today?

The top priorities of the Office of General Counsel should reflect the top priorities of the Department of the Air Force, and the broader Department of War. If confirmed, I would want to consult with the experienced and capable attorneys and compliance professionals within the Office of General Counsel, and with The Judge Advocate General and other members of the JAG Corps, to solicit their views about the most pressing legal issues facing the Department.

19. What do you consider to be the most significant challenges you will face if confirmed as Air Force General Counsel?

The most significant challenges confronting the next General Counsel of the Department of the Air Force mirror the major challenges facing the Department writ large. These include supporting the President's focus on the restoration of the Department as a race-blind, merit and values based, warfighting focused institution.

20. If confirmed, what parameters would you establish as to the types of legal and

policy issues on which you and your office must be consulted?

The legal and policy issues on which the Department of the Air Force General Counsel and the Office of the General Counsel must be consulted are those directed by the Secretary of the Air Force. If confirmed, I would recommend to the Secretary that the General Counsel review every staffing package provided to his office for a decision. If confirmed, I would prioritize integrating the Office of General Counsel into the early stages of strategy and plan development for the Department, irrespective of operational sensitivity.

21. If confirmed, what innovative ideas would you consider providing to the Secretary of the Air Force to improve the organization and operations of the Office of the Air Force General Counsel?

If confirmed, after a thorough review of the Office of the Air Force General Counsel's organization and operations and soliciting input from the team, I would prioritize initiatives that foster a more agile, collaborative, and technologically proficient legal team.

22. If confirmed, are there specific matters on which your predecessor General Counsels have issued legal opinions that you would expect to reconsider and possibly revise? If so, which opinions, in which practice areas, do you believe might merit reconsideration?

I am not presently aware of any current legal opinions that, if I am confirmed, I would expect to reconsider or revise. However, I expect that, if I am confirmed, I will have the occasion to revisit matters and welcome the opportunity to do so.

Relations with Congress

23. What are your views on the state of the Air Force General Counsel's relationship with the Senate Armed Services Committee in particular, and with Congress in general?

I believe the Office of General Counsel works collaboratively with both the Senate Armed Services Committee and with the Congress as a whole. Strong relationships with Congress are essential to mission success. If confirmed, I will continue to maintain and cultivate those strong relationships, especially those involving the Armed Services Committee.

24. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between this Committee and the Office of the Air Force General Counsel?

If confirmed, I am committed to fostering open, honest, and timely communication between the Department and this Committee. I will actively work to build and maintain strong lines of communication with Members of this Committee, the broader Congress,

and the professional staff of the Armed Services Committee.

25. If confirmed, what factors would you consider in determining whether or not to recommend the invocation of executive privilege in regard to a request from the Senate Armed Services Committee for information under the cognizance of the Air Force?

Executive Privilege is invoked by the Counsel to the President. If confirmed, I would work closely with interagency lawyers, to include the White House Counsel's office, regarding matters of privilege.

Relationship with the Judge Advocate General of the Air Force

26. How are the legal responsibilities of the Department of the Air Force allocated between the General Counsel and the Judge Advocate General?

Subject to the direction and control of the Secretary of the Air Force, the General Counsel serves as the Chief Legal Officer of the Department of the Air Force. The Judge Advocate General is established as part of the Air Staff and is the senior uniformed legal adviser to the Secretary and all officers and agencies of the Air Force and Space Force. The Judge Advocate General is responsible for the activities of The Judge Advocate General's Corps and is primarily responsible for providing legal advice and services regarding the Uniform Code of Military Justice. I recognize and understand that the law expressly prohibits interference with the ability of The Judge Advocate General to give independent legal advice to the Secretary of the Air Force.

27. How are the legal responsibilities of the Space Force allocated between the General Counsel and the Judge Advocate General?

My understanding is that the legal responsibilities of the Space Force are allocated between the General Counsel and The Judge Advocate General similarly to how they are allocated for legal advice to the Air Force. The General Counsel serves as the Chief Legal Officer of the Department of the Air Force and as such, provides legal counsel to the Chief of Space Operations and Space Force. The Judge Advocate General is the senior uniformed legal adviser to the Chief of Space Operations and the Space Force. Per 10 U.S.C. 9037, The Judge Advocate General is entitled to give independent legal advice to the Chief of Space Operations without interference from any other office or employee. If confirmed, I would regularly communicate with the Chief of Space Operations and The Judge Advocate General to ensure all legal needs are met in a timely fashion.

28. What is the role of the Air Force General Counsel and other Air Force Senior Counsels in ensuring that attorneys under their supervision adhere to the Attorney Rules of Professional Conduct? If confirmed, how would you approach this critical supervisory duty with regard to Air Force OGC?

The GC is responsible for establishing professional responsibility standards for the civilian attorneys under the GC's supervision and for overseeing adherence to these standards, in accordance with DoD Directive 5145.01 and DoD Instruction 1442.02. If confirmed, I will implement these rules to ensure legal services are provided with the highest degree of professionalism.

29. What is your understanding of the unique role and authority of The Judge Advocate General of the Air Force vis-a-vis the General Counsel of the Air Force?

My understanding is that The Judge Advocate General has the primary responsibility for providing legal advice and services regarding the Uniform Code of Military Justice and the administration of military discipline. If confirmed, I will recognize The Judge Advocate General's statutory duties and special expertise in military justice and expect to consult on matters of mutual interest. I also recognize the recent changes to the Uniform Code of Military Justice with respect to certain crimes, such as sexual assault, and the creation of the Office of Special Trial Counsel. If confirmed, I would be guided by the views of the Secretary and plan to offer support and advice as these important changes are implemented and carefully review the role of the Air Force General Counsel with respect to military justice matters that will be under the purview of the Office of Special Trial Counsel.

30. If confirmed, how will you work with the Judge Advocate General of the Air Force in carrying out your duties? If confirmed, will you seek to revise this allocation of responsibilities, if at all?

If confirmed, I will strive to maintain a collaborative, respectful and professional relationship with The Judge Advocate General and between the Office of General Counsel and the Office of The Judge Advocate General.

31. What is your view of the authority of the Judge Advocate General of the Air Force to provide independent legal advice to the Secretary of the Air Force and the Chief of Staff of the Air Force and Chief of Space Operations?

The Judge Advocate General's ability to provide independent legal advice to the Secretary of the Air Force, the Chief of Staff of the Air Force, and the Chief of Space Operations without interference from any other employee, has been statutorily recognized as essential to the delivery of legal services to the Department of the Air Force. Beyond the statutory requirement that The Judge Advocate General be able to provide independent legal advice, I appreciate that military attorneys are in a position to provide a different legal perspective and many insights into key issues, and I believe the ability to share that perspective unhindered ensures the Department of the Air Force receives the most timely and thorough legal advice possible.

32. What is your view of the responsibility of Air Force judge advocates to provide independent legal advice to military commanders and other Air Force officials and employees?

Air Force Judge Advocates have a critical responsibility to provide timely and effective legal advice to commanders in the field. My understanding is that The Judge Advocate General's Office takes that responsibility seriously and, if confirmed, I would seek to ensure the General Counsel's Office respects that responsibility as well.

33. If confirmed, would you propose any changes to the current relationship between the Air Force General Counsel and the Judge Advocate General of the Air Force?

If confirmed, I will build upon the existing professional relationship between the Acting General Counsel and The Judge Advocate General, focusing on maximizing the efficiency and effectiveness of our combined legal resources. I plan to engage with the Secretary, The Judge Advocate General, and others to identify and implement strategies for optimizing resource allocation and ensuring the Department of the Air Force consistently receives the most timely and effective legal guidance.

34. If confirmed, would you propose any changes to the current relationships and/or allocation of responsibilities between attorneys in the Office of the Air Force General Counsel and uniformed Air Force judge advocates?

If confirmed, I plan to discuss the current relationship and allocation of responsibilities with The Judge Advocate General to ensure the Department of the Air Force is receiving effective and timely legal advice. The legal opinions within the areas of responsibility assigned to the Office of the Air Force General Counsel are binding on all Air Force lawyers.

35. Are legal opinions of the Office of the Air Force General Counsel binding on all Air Force attorneys?

If confirmed, I would ensure legal opinions are easily accessible through knowledge management systems and disseminated as widely as possible through email and other means. I expect The Judge Advocate General's Office to assist in this and ensure that all judge advocates are aware of any legal opinions.

Support to the Air Force Inspector General

36. What is the relationship between the Air Force General Counsel and the Air Force Inspector General?

I understand the Department of the Air Force General Counsel and Air Force Inspector General work closely together on matters of mutual interest. If confirmed, I will seek to establish and maintain a close, professional relationship with the Inspector General, and will provide candid, independent, and objective legal advice where appropriate.

37. In your view, what role, if any, should the Air Force General Counsel have in reviewing and rendering opinions on the legal sufficiency of the investigations and recommendations of the Air Force Inspector General?

To my understanding, attorneys assigned to the Office of the Air Force Inspector General provide the legal sufficiency reviews for all investigations that the Inspector General conducts involving senior officials. The Office of the Air Force General Counsel provides legal reviews and advice involving cases with substantiated findings regarding senior officials or otherwise brought to the attention of the General Counsel by the Air Force Inspector General.

General and Flag Officer Nominations

Existing law and policy provide that adverse and reportable information pertaining to an officer must be evaluated by senior leaders in the Military Departments and in the Office of the Secretary of Defense prior to the nomination of such an officer for promotion to a general or flag officer grade, or for appointment to a position of “importance and responsibility.”

38. In your view, what is the role of the Air Force General Counsel in the officer promotion system generally, and more specifically in reviewing the nomination of officers for promotion to general and flag officer grades and positions?

It is my understanding that all promotion board memoranda of instruction, promotion board results and documentation for officer promotions to ensure conformity with legal and policy requirements and Secretarial guidance is reviewed by the Office of the Air Force General Counsel. An important component of this process is trying to ensure that any adverse or reportable information is properly considered so that the Secretary can make informed decisions.

39. In your view, are the current policies and procedures governing review of the records of officers whose selection for promotion or assignment requires Presidential or Secretary of Defense approval or Senate confirmation, sufficient to enable informed decisions by the Secretary of the Air Force, the Secretary of Defense, the President, and the Senate? Please explain your answer.

It is my understanding that these current policies and procedures, many of which are based on law, provide the Secretary of the Air Force, the President, and the Senate sufficient information on which to make informed decisions as to which officers should be promoted and/or assigned to positions of importance and responsibility. If confirmed, I will assess whether any change in this role and process might be warranted and recommend changes to current policies and procedures if determined appropriate.

40. In your view, are these policies and procedures fair to the individual officers

proceeding through the promotion or assignment processes?

Yes, it is my understanding that these policies and procedures are fair. When adverse information pertaining to the officer is involved, I am aware that the officer's statement regarding such information is included in the appointment or nomination package. If confirmed, I will recommend changes to the policies and procedures if I determine they are appropriate.

Civilian Attorney Recruiting and Retention

41. In your view, does the Office of the General Counsel of the Air Force have a sufficient number of attorneys to perform its many missions? Please explain your answer.

While I am currently not able to assess this, if I am confirmed I would explore whether the Department has sufficient legal resources to meet the DAF needs in terms of quantity and quality of civilian attorneys.

42. Do you believe that the Air Force legal community needs additional incentives and talent management tools to recruit, develop, and retain a highly talented and competitive career civilian attorney workforce? If so, what sort of incentives and tools do you perceive would be helpful?

While I am not currently aware of any specific incentives needed, if confirmed, I would conduct a thorough assessment to determine whether adjustments are necessary to ensure the DAF effectively recruits and retains highly skilled civilian attorneys. A strong civilian attorney workforce is crucial to our mission and contributes significantly to the public interest.

43. In your judgment, what is the biggest challenge facing the Air Force in effectively and efficiently managing its civilian workforce?

The biggest challenge lies in staying ahead of exponential technological change ensuring the Air Force and Space Force can attract, retain and promote an outstanding civilian workforce that remains competitive with the private sector. This requires streamlining bureaucratic processes that hinder innovation, investing in user-friendly technology solutions, and empowering civilian employees to take ownership of their work and contribute their expertise to solving complex challenges. If confirmed, I look forward to collaborating with the Undersecretary, the Assistant Secretary for Manpower & Reserve Affairs, and our civilian workforce to identify and implement strategies for fostering a more agile, efficient, and empowered civilian workforce.

Risk Aversion

Many attempts at management reform in the Department of Defense, to include personnel reform and acquisition reform, involve allowing senior and local leadership to make maximum use of authorized flexibilities and exceptions to standard practices. It is generally believed that DOD's so-called "risk averse culture" stifles initiative and traps the Department in a set of antiquated and burdensome practices. At times, this culture of risk aversion has been attributed to the legal advice rendered by DOD and component attorneys.

44. In your view, what role should the assessment of "risk" play in an attorney's provision of legal advice?

It is imperative that we cultivate innovation throughout the DAF, without being unduly constrained by risk aversion. If confirmed, I will ensure that attorneys in the Office of the General Counsel are fully versed in both the opportunities and limitations within existing law and regulation and that they provide clear and comprehensive legal guidance to their clients. While attorneys must identify and advise on legal risks, they should also proactively seek to mitigate those risks and identify legally sound alternatives. Ultimately, the DAF leaders must make informed decisions, and our role as legal counsel is to ensure they have a full understanding of all legally permissible options.

Ethics and Professional Responsibility

What is the general prevalence in the Air Force, and in its civilian workforce, of violations of criminal laws and executive branch and DOD ethics regulations relating to conflicts of interest?

45. What is the role of the General Counsel of the Department of the Air Force in ensuring that attorneys under his supervision adhere to Rules of Professional Conduct? If confirmed, how would you approach this critical supervisory duty with regard to the Office of the Air Force General Counsel?

The General Counsel of the Department of the Air Force is responsible for ensuring the civilian attorneys under the GC's supervision adhere to the established Department of War professional responsibility standards in DoD Directive 5145.01 and DoD Instruction 1442.02. If confirmed, I will ensure legal services are provided with the highest degree of professionalism.

46. Are the laws and regulations relating to the post-government employment of DOD personnel—military and civilian—adequate, coherent, and comprehensible, in your view?

It is my understanding that there is a long-standing framework of Executive Branch-wide ethics statutes and regulations that balance the interests of the public in preventing

conflicts of interest with the employment rights of individual employees and the Government's interest in recruiting talent.

If confirmed, I would continue to support clear, consistent, and balanced ethics laws, which are essential to maintaining the public's trust.

47. If confirmed, what actions would you take were it brought to your attention that a certain appointment or designation was potentially in violation of the Federal Vacancies Reform Act and associated case law?

In the event that concerns are raised regarding the legality of any appointment under the Federal Vacancies Reform Act, I would, if confirmed, conduct a thorough and impartial review of the facts and provide the Secretary with my independent legal assessment. My obligation would be to ensure full compliance with the Act, and I would advise the Secretary accordingly if I determined that an appointment was in violation.

48. If confirmed, what actions would you take if it were brought to your attention that a potential nominee, military or civilian, does not meet statutory prerequisites for the position for which the individual would be nominated?

If confirmed, I would ensure a transparent and accountable process for verifying that all potential nominees, military or civilian, meet the statutory requirements for their intended position. My commitment is to provide the Secretary with clear and objective legal advice based on a comprehensive understanding of the relevant statutes. In any case where a nominee does not meet the statutory prerequisites, I would promptly communicate that finding and recommend appropriate action to ensure compliance.

49. If confirmed, what actions would you take were it brought to your attention that an individual pending nomination or confirmation by the Senate, to a Presidentially appointed, Senate-confirmed office was potentially acting in contravention of the policies of the Senate Armed Services Committee regarding the presumption of confirmation?

If confirmed and it were brought to my attention that an individual pending nomination or confirmation by the Senate, to a Presidentially-appointed, Senate-confirmed office was potentially acting in contravention of the policies of the Senate Armed Services Committee regarding the presumption of confirmation, I would obtain the facts pertaining to the appointment and provide my best legal advice to the Secretary regarding the nomination. If I believed the individual pending nomination or confirmation was potentially acting in a manner inconsistent with the policies of the Senate Armed Services Committee regarding the presumption of confirmation, I would evaluate the issue and advise the Secretary accordingly.

Encroachment on Military Installations

Encroachment on military installations by commercial and residential development can negatively impact ongoing operations and significantly delay or halt the construction of new testing and training facilities vital to generating readiness.

50. What would be your role, if confirmed, in engaging with communities surrounding Active Air Force and Reserve Component training ranges, to address and resolve community concerns, while ensuring the resilience of range capabilities?

As General Counsel, I would advise DAF leadership on the legal framework governing the use of active Air Force and Reserve Component training ranges, including issues related to encroachment on the use of military ranges and airspace. If confirmed, I will work closely with my legal team to ensure that community engagement efforts are conducted in accordance with all applicable laws and regulations.

Military Housing Privatization Initiative (MHPI)

51. If confirmed as Air Force General Counsel, what would be your role in establishing accountability inside the Air Force for sustaining the high-quality housing that Airmen, Guardians, and their families deserve?

Airmen, Guardians and their families deserve safe and clean housing under the Military Housing Privatization Initiative (MHPI). I understand that the Department of the Air Force has made significant progress in implementing reforms that increased accountability within the MHPI program so that privatized housing meets the expected quality and conditions established for Airmen, Guardians, and their families. If confirmed, I would seek to have the General Counsel's office continue to play a key role in MHPI reforms and continue to work with the Office of the Secretary of War on policies to improve oversight and accountability measures.

52. If confirmed, specifically what would you do to improve business operation constructs and vest accountability in MHPI "contractors" for strict compliance with the terms of their public-private partnership agreements with the Air Force?

I believe it is important for the General Counsel's office to help continue efforts to incorporate those reforms into existing contractual agreements, along with identifying other measures that can be negotiated to further strengthen accountability and improve housing services to our military members. In the event that MHPI project owners fail to comply with their contractual obligations, the General Counsel's office would provide legal assistance to the Department of the Air Force for the enforcement of appropriate remedies.

In this regard, I note the importance of enforcement actions and collaborative work with the Department of Justice. In addition, the General Counsel's Office has the ability, on behalf of the Department of the Air Force, to suspend or debar MPHPI providers and

employees who have engaged in fraud or poor performance.

Acquisition

53. What is your understanding of the role of the Air Force General Counsel in ensuring that the Air Force's and Space Force's acquisition programs are executed in accordance with applicable law and policy?

As the chief legal officer of the DAF, the General Counsel plays a critical role in advising the DAF acquisition community on all applicable legal and regulatory requirements. If confirmed, I would ensure my highly qualified acquisition attorneys vigilantly oversee DAF procurements, promoting fairness, openness, and responsible use of taxpayer dollars. The DAF must comply with all statutory limitations while developing timely, pragmatic, and effective business solutions for complex acquisition matters.

54. What are your views on the overall effects on the Air Force and Space Force of defense acquisition reform to date?

I commend the Air and Space Force for its efforts in recent years to implement a more Adaptive Acquisition Framework, which, as I understand, offers a more flexible and responsive approach to acquisition by providing multiple fit-to-purpose pathways. While this is a positive development, I recognize that continuous improvement is essential to optimize the Framework and ensure it meets the evolving needs of the DAF. If confirmed, I am eager to work alongside DAF leadership and acquisition attorneys to continue refining the framework and fostering a culture of innovation within the acquisition community.

55. If confirmed, how would you ensure that Air Force and Space Force acquisition officials understand and leverage the flexibilities provided by Congress in the context of acquisition reform?

My understanding of the DAF General Counsel's role is to apply the laws enacted by Congress to the Department. If confirmed, I commit to ensuring that my office, and especially the acquisition attorneys on staff, maintains a deep understanding of congressional intent. We will proactively track the implementation of new authorities, ensuring the client community is aware of any additional flexibilities and is encouraged to utilize them appropriately.

56. If confirmed, how would you deal with contractors that improperly mark technical data, do not deliver technical data under the terms of the contract, or otherwise enforce technical data rights and ordering to ensure the Air Force and Space Force are able to maintain competition and its core logistics capabilities?

As I understand this issue, this is fundamentally a matter of contract enforcement, requiring parties to uphold the terms of our written agreements. If confirmed, I would

work with my team to ensure the DAF is equipped with well-grounded advice to vigorously advocate for DAF interests, especially with regard to contract enforcement after the point where matters have devolved to litigation.

Sexual Assault and Sexual Harassment Prevention and Response

57. What is your understanding of the role of the Air Force General Counsel in addressing sexual assault and sexual harassment within the Air Force and Space Force?

While I do not yet have a comprehensive understanding of the Department of the Air Force's specific oversight policies in this area, I assure the Committee that, if confirmed, this will be an area of immediate and sustained focus.

58. What is your assessment of the efficacy of the Department of Defense's sexual assault prevention and response program?

I understand the Department has launched various initiatives, to prevent and respond to sexual assault. I expect it will take time to assess the efficacy of these legal and policy changes. If confirmed, I will collaborate with DoW stakeholders to support effective programs that maintain good order and discipline, thereby strengthening military readiness and national security.

Whistleblower Protection

Section 1034 of title 10, U.S. Code, prohibits taking or threatening to take an unfavorable personnel action against a member of the armed forces in retaliation for making a protected communication. Section 2302 of title 5, U.S. Code, provides similar protections to Federal civilian employees.

59. If confirmed, what role would you establish for yourself in, and what specific actions would you take, ensuring that service members and civilian employees of the Department of the Air Force who report fraud, waste, and abuse, or gross mismanagement are protected from reprisal?

If confirmed, I will work with the members of the Office of Special Counsel, Inspector General and The Judge Advocate General to ensure that Airmen, Guardians, and civilian employees of the Department of the Air Force are properly advised of the whistleblower protections accorded by law and regulation. It is important that all military and civilian staff understand their legal responsibilities to individuals who report fraud, waste, and abuse, or gross mismanagement and that those individuals understand their protections under Section 1034 of title 10, U.S. Code and Section 2302 of title 5, U.S. Code. In addition, if I become personally aware of any cases involving reprisals, I will take steps to address these matters in an appropriate manner.

Litigation Involving the Department of the Air Force

60. What is your understanding of the relationship between the Department of the Air Force and the Department of Justice with respect to litigation involving the Air Force?

The Department of Justice represents the Department of the Air Force through its statutory responsibility to represent all agencies, officers, and employees in civil litigation. I understand most litigation matters are handled by The Judge Advocate General's Office, often in collaboration with the Office of the General Counsel of the Air Force. If confirmed, I will work with The Judge Advocate General to ensure the continuation of the current strong collaborative relationship with the Department of Justice with respect to litigation involving the Department of the Air Force.

61. In your view, should the Department of the Air Force have the independence and resources to conduct its own litigation?

I understand that there is a strong working relationship between the Department of the Air Force and the Department of Justice.

Congressional Oversight

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

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

Yes.

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

Yes.

64. Do you agree, without qualification, if confirmed, to consult with this committee, its subcommittees, other appropriate committees of Congress, and their

respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer yes or no.

Yes.

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

Yes.

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

Yes.

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

Yes.

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

Yes.