

**Senate Armed Services Committee
Questions for the Record
Hearing on 7/11/23, #23-58**

“To consider the nomination of: General Charles Q. Brown, Jr., USAF for reappointment to the grade of general and to be Chairman of the Joint Chiefs of Staff”

Witness: Brown

Senator Mazie K. Hirono

Missile Defense Policy Review

1. General Brown, I am concerned that the last Missile Defense Review did not adequately clarify U.S. policy towards defense of the Homeland from peer adversary missiles that could be thought of as existing below the threshold that would warrant a nuclear response. Do you think the next missile defense policy review should include greater detail on U.S. policy for defense of the Homeland from all types of missiles, including hypersonic and cruise missiles, from all likely adversaries?

If confirmed, I will continue to support policies and subsequent reviews which strengthen defense of the Homeland. That said, the 2022 MDR does address defense of the Homeland from a variety of missile systems, and the Department continues to make progress in creating a force design that spans all integrated air and missile defense. The 2022 MDR directs the Department to continue developing and fielding defenses against hypersonic weapons and uncrewed systems in addition to developing the next generation of ground-based midcourse interceptors. It also stipulates that systems designed for regional defense can and will be used to defend the Homeland against attacks from any adversary and any direction, while accurately stating that our missile defense systems are designed to counter ICBM threats from rogue nations like North Korea.

Ship, Submarine, and Infrastructure Maintenance

2. General Brown, the best way to get more operational ships this decade is to maintain our existing fleet better and faster. To successfully get ships and submarines out of maintenance periods on time requires a sustained, long-term effort to re-vitalize our public shipyards. Will you ensure the Shipyard Infrastructure Optimization Program (SIOP) remains a point of focus for the Department of Defense (DOD) and receives the funding it requires?

The Department is thankful for the support Congress has shown the Shipyard Infrastructure Optimization Program (SIOP), a once-in-a-generation optimization of our Nation’s public shipyard infrastructure. SIOP is a key enabler for the naval component of Joint Force readiness. If confirmed, I will focus on ensuring SIOP is adequately resourced and the entire Joint Force remains ready and lethal.

3. General Brown, the majority of the piers and wharves at the Pearl Harbor Naval Shipyard are unable to be used for significant pier-side maintenance because of structural

vulnerabilities. How does this disrepair impact the capabilities of the Joint Force and its ability to execute operational plans?

Pearl Harbor Naval Shipyard pier and wharf degraded status has some impact on capabilities of the Joint Force and its ability to execute operational plans. Potential effects of the degraded pier infrastructure include reduced maintenance capacity, resulting in delays or limitations to crucial repairs, maintenance, and modernization work on naval vessels, longer turnaround times for ships requiring servicing and limited berthing space impacts capacity to manage the flow of ships in and out of the shipyard for maintenance, refitting, or other operational requirements. It also impacts the readiness of naval vessels, affecting the availability of ships offered to the Joint Force. The limitations have also forced some of the workload to shift to other facilities. This creates additional strain on maintenance facilities, potentially leading to increased congestion, longer wait times, and decreased overall efficiency in support of the Joint Force's operational plans.

4. General Brown, in your role as Chairman of the Joint Chiefs, will you provide the necessary supervision to ensure the individual Services adequately prioritize and maintain their infrastructure?

If confirmed, I will work with OSD and the Services to advocate for the infrastructure investments necessary to meet the needs of the Joint Force.

5. General Brown, how do you weigh the recapitalization of DOD infrastructure with the acquisition of new platforms and weapons systems when making budget-based decisions?

Infrastructure is a key enabler to both readiness and lethality. The state of our infrastructure contributes to how we take care of our people and supports a ready and capable force. Balancing infrastructure recapitalization costs with new acquisition of systems is not a binary decision. Careful analysis of required capabilities and infrastructure recapitalization are factors considered as part of the total ownership cost of operating the force.

Acquisition Policy

6. General Brown, most people agree the way DOD acquires new systems is flawed. I have heard combatant commanders do not have enough input into a process that is far too slow and directs money into too concentrated an industrial base. Do you believe the Pentagon should re-evaluate the Joint Capabilities Integration and Development System (JCIDS) process with an eye towards getting the combatant commanders what they need faster?

Combatant Commanders serve a critical role in identifying capability gaps to inform development of near- and long-term solutions. JCIDS is one of several requirements identification pathways within the Department of Defense Acquisition process. If confirmed, I will continually evaluate the JCIDS process and other supporting processes focused on making improvements to meet Combatant Command requirements in a timely manner.

Climate Resiliency

7. General Brown, Typhoon Mawar is going to end up costing DOD multiple billions of dollars in damages to installations in Guam. The tragedy of the storm highlights the importance of climate resilient construction as a cost saving measure and as a readiness requirement while showing the dangers of relying too heavily on single locations for DOD operations. How would you, if confirmed, work to improve the resiliency of DOD installations and quantify the risks commanders incur as a result of climate change?

If confirmed, I will continue to support ongoing Department of Defense efforts to address installation resiliency, including actions to implement appropriate planning and design standards to account for extreme weather events, projected sea level rise, and other climate change effects.

Senator Angus S. King, Jr.

Nuclear Modernization

8. General Brown, how will you ensure oversight of all critical DOD nuclear modernization program components, including the aging infrastructure, the recovering industrial base, and maintaining and growing the critical workforce?

The newly established Nuclear Deputy's Management Action Group (NDMAG) and separate NC3 DMAG provide a governance structure for Deputy Secretary and Vice Chairman level oversight to identify and manage nuclear opportunities and risks. If confirmed, I intend to stay fully engaged in ensuring a safe, secure, and effective nuclear deterrent as we transition to modern systems.

9. General Brown, what is your biggest concern in terms of nuclear modernization—LGM-35A, B-21, Long-Range Stand-off Weapon, B-52, NC3 modernization?

The Department has made significant investments in the modernization of our nuclear platforms and our NC3 systems. These programs underpin Strategic Deterrence and are key to meeting the National Defense Strategy priority of deterring strategic against the United States, and our Allies and Partners. Although our nuclear forces and existing NC3 architecture are safe, secure, and effective, we have greatly exceeded their intended design life. Deferred modernization, coupled with emerging threats to our nuclear forces and NC3 enterprise, has removed margin and there is no longer room for delay. This is further challenged by atrophy in both the DoD industrial base for nuclear delivery platforms, NC3 systems, and National Nuclear Security Administration (NNSA) production capabilities and infrastructure. If confirmed, I will continue to focus on the execution of these modernization programs and ensure they remain a safe, secure, and effective deterrent to our adversaries.

10. General Brown, how can we ensure the LGM-35 Sentinel isn't the next F-35?

The complexity and challenges of the LGM-35 Sentinel program are unique for this once in a generation recapitalization. The LGM-35 Sentinel is a complex system of systems requiring an industrial base for nuclear delivery platforms and warheads that have significantly atrophied over the past three decades. The DoD, in collaboration with our interagency and industry partners, will continue to actively manage schedule pressures by identifying opportunities and risk mitigation efforts to ensure a smooth Minuteman III to Sentinel transition.

11. General Brown, are these programs funded properly in the 2024 President's Budget?

The 2024 President's Budget continues to fully fund our nuclear enterprise and NC3 modernization programs to provide a safe, secure, and effective nuclear deterrent consistent with the National Defense Strategy.

12. General Brown, what should our nuclear posture be to best deter competitors along the continuum of conflict?

I believe the 2022 Nuclear Posture Review accurately lays out how the United States should best posture itself to deter competitors across the spectrum of conflict. Nuclear weapons pose an existential military threat to the United States and our allies and partners. Maintaining the nuclear triad is of vital national importance to deter adversaries, assure allies and, if necessary, achieve military objectives through integrated deterrence. We must also work with allies and partners to diversify our posture and broaden the scope of our cooperation, adding complexity to our competitors' military planning and execution.

13. General Brown, how are you developing our intellectual capital in deterrence theory?

Joint Professional Military Education (JPME) opportunities ensure that our Joint Force understands deterrence principles and offers specializations in strategy and deterrence theory to strengthen intellectual capital within the Department of Defense. If confirmed, I will continue to prioritize and advocate for JPME while partnering with National Laboratories, NGOs, and academic institutions to leverage their invaluable contributions on deterrence theory and strategic issues.

Department of Defense Security Policy

14. General Brown, after reading Secretary Lloyd Austin's most recent update on the DOD's security policy, I noticed a focus on vetting and personnel practices. However, there was no mention of efforts to integrate upgraded technology to detect potential data exfiltration attempts. My belief is that such technology is the surest way to prevent incidents like last winter's. Are any steps being taken in this direction?

Yes. The DoD is implementing a data-security methodology based on Zero Trust principles to ensure that DoD networks remain resilient by integrating technology that delivers access control, sensing, and monitoring of our networks and weapon systems, while enabling the detection of and response to cybersecurity events. Partners across the Department have already started to develop, test, and integrate critical technology that will enhance our ability to limit the damage of malicious cyber actors and insider threats; however, we must scale these efforts and continue to look for technological advances to prevent further incidents. If confirmed, I will prioritize and advocate for the Department's implementation of critical sensing and monitoring solutions and work with key partners such as OUSD A&S, U.S. Cyber Command, the DoD CIO, and others to ensure the resiliency of our networks and data.

15. General Brown, there appears to be a notion shared among top military officials that security clearances and access are an administrative problem. The last two incidents have shown that that is not the case. Do you see security clearances and access as an administrative problem?

This is first and foremost a leadership issue. Leaders at all levels have a responsibility for ensuring the adherence to security program policies and procedures. If confirmed, I will continue to work with OSD, the Service Chiefs, and other stakeholders to ensure our senior

leaders continue to optimize and improve their personnel vetting programs remaining adaptive to societal norms, changes in threat landscapes, and evolving technologies.

Mental Health and Transition Assistance Program Resources

16. General Brown, what will you do in this position to ensure Transition Assistance Program (TAP) is being leveraged to its fullest extent and we are returning our service members into society happy, healthy, and ready to contribute to society?

If confirmed, I will continue to work with the Services to ensure that TAP remains a leadership priority. Additionally, I will work with the Department to ensure TAP remains evolutionary, adapting to meet the needs and goals of our Service members, families, and the modern work force.

Gapped General/Admiral Billets Across the Department of Defense

17. General Brown, how will the absence of confirmed combatant commanders and service chiefs affect the overall readiness of the military?

The absence of confirmed leadership impacts the entire chain of command. The absence of confirmed Combatant Commanders and Joint Chiefs limits the ability of our leaders to make authoritative decisions and undermines trusted relationships with our allies and partners. It influences the progression of careers at all levels, which creates negative effects across the Joint Force.

18. General Brown, how does it impact the retention of servicemembers and their families?

Service members and their families are subject to the corresponding uncertainty and unpredictability, particularly in the areas of childcare, housing, education, and spouse employment. Due to the uncertainty and unpredictability, service members and their families miss opportunities that best support their family needs at the next location and/or endure additional financial impacts waiting to transition. This creates conditions that may cause our members and families to seek greater stability elsewhere versus continuing to serve. We face increasing risk of losing talent because of these challenges.

Senator Jacky Rosen

China's Coercive Activity Towards Taiwan

19. General Brown, we are all acutely aware of the threat China poses in the cyber domain. China has used Taiwan as a testing ground for its cyber capabilities, and recent cyberattacks have forced Taiwan to harden their defenses. Moreover, China is closely monitoring the outcome of Russia's invasion of Ukraine in an effort to apply lessons learned to a potential invasion of Taiwan.

That's why this Congress I introduced, with Senator Rounds and Congressman Gallagher, bipartisan legislation to expand American military cybersecurity cooperation with Taiwan. This legislation has been included in both the House and Senate versions of the National Defense Authorization Act (NDAA) for Fiscal Year 2024.

If confirmed, how would you work to expand military-to-military cybersecurity cooperation with Taiwan to strengthen their deterrent capabilities and raise the cost of escalation for China?

If confirmed, I will continue to work with U.S. Cyber Command to assess vulnerabilities and understand Taiwan's cyber requirements to strengthen their deterrent capabilities and raise the cost of escalation for China.

Senator Roger F. Wicker

Diversity, Equity, and Inclusion

20. General Brown, how do you define the term “equity” as it relates to racial diversity?

It is the consistent and systematic fair, just, and impartial treatment of all individuals, including those who belong to underserved communities and minority groups.

21. General Brown, in your view, is there any difference in meaning between “equity” and “equal opportunity”?

I believe there are sometimes differences in policy and common use, but I believe we seek a common outcome: That, all service members, regardless of background, should be afforded the same opportunities to excel based on merit and their qualification.

22. General Brown, what evidence would you provide that demonstrates the benefits of the numerous Diversity, Equity, and Inclusion positions hired in the Department of Defense in the last several years?

The Department needs to attract all those willing to serve in order to remain a global leader, deter war, and ensure national security. Individuals hired into these positions ensure the Department’s implementation and compliance with laws and policies that attract, retain, and advance the best talent our nation has to offer. Having the best talent ensures the Department will be able to outthink, outmaneuver, and outfight any adversary or threat.

Department of Defense Transgender Service Policies

23. General Brown, should a servicemember who objects to being forced to share intimate living quarters with a transgender servicemember be accommodated with a change in his or her living situation?

It is important to have an environment where all individuals feel welcomed, valued, and safe. There are opportunities to review our policies, approaches, and obtain feedback to see what we can improve with regards to personal privacy. We work to ensure all members have safe and appropriate living quarters.

24. General Brown in your view, what effect to good order and discipline is the likely result if servicemembers are forced to live with a transgender servicemember against their will?

Commanders at all levels are responsible for the morale, welfare, good order, and discipline of the unit while fostering a command climate of dignity and respect. Commanders at all levels have this responsibility no matter the situation. As with any issue that affects good order and discipline, service members can and should address any concerns they have through their chain of command.

25. General Brown, how are female servicemembers supposed to know if a transgender woman (biological male) has changed his Defense Enrollment Eligibility Reporting System (DEERS) gender marker and thereby has official permission to use the female facilities?

By DoD policy, service members are responsible for meeting military standards and will use berthing, bathroom, and shower facilities associated with their gender marker in DEERS. As this policy is implemented, we want to be respectful of all service members and their privacy. There are opportunities to review our policies, approaches, and obtain feedback to see what we can improve. If there is any concern, service members can and should address concerns through their chain of command.

26. General Brown, if confirmed, will you provide general (non-personal) information about suicide ideation and completion rates among persons diagnosed with gender dysphoria, and data regarding mental health visits associated with gender dysphoria, since January 2021?

As Secretary Austin stated: mental health is health, and the health, safety, and well-being of our force is a top priority for the Department. If confirmed, I will work collaboratively within existing authorities to provide a response to these inquiries.

27. General Brown, if confirmed, will you also provide costs and data on non-deployable days for persons undergoing or completing gender transition?

If confirmed, I will work collaboratively within existing authorities to provide a response to these inquiries.

Drag Shows in the Services

28. General Brown, do you agree with Defense Secretary Lloyd Austin's recent memorandum ending drag queen performances on military bases, and, if confirmed, will you continue that policy?

I agree with this policy. Hosting these types of events in federally funded facilities is inconsistent with regulations regarding the use of Department resources. Although I don't set or decide policy, if confirmed, I will follow the policies set by the Department.

Senator Tom Cotton

KC-46

29. General Brown, the U.S. military is in a joint exercise this week, Juniper Oak 23.3 in Israel. The exercise involves U.S. and Israeli aircraft including the KC-46 and Israeli fighter aircraft. It is our understanding that the Israeli aircraft will not be practicing refueling with the U.S. KC-46 while this exercise is ongoing. The United States has already agreed to sell the KC-46 aircraft to Israel but has not allowed Israeli planes to refuel from a U.S. KC-46 or allowed Israeli pilots to fly the refueling aircraft itself. Why are Israeli jets not refueling with U.S. Air Force KC-46?

Juniper Oak concluded as of 12 July. The KC-46 was part of this exercise and did provide some training and familiarization to the Israelis regarding the USAF platform as they prepare to purchase their own. However, the Israelis did not conduct refueling from the KC-46 because they have not yet had a chance to conduct training and certification with this specific platform. The Department of the Air Force (DAF) is actively planning KC-46 training and exchange programs with the Government of Israel and will execute such programs on a timeline, and in a manner, that is mutually agreeable between the DAF and Israeli Air Force (IAF).

30. General Brown, do you believe that that this exercise is key to building a deterrent capability with a key U.S. ally in the region?

The Juniper Oak series of exercises, which began this past January, has been tremendously beneficial in building our security relationship and interoperability with the Israelis in our mutual effort to deter competitors in this region.

31. General Brown, why has training not yet begun?

The Department of the Air Force is actively planning KC-46 training and exchange programs with the Government of Israel and will execute such programs on a timeline, and in a manner, that is mutually agreeable between the DAF and Israeli Air Force (IAF).

Senator M. Michael Rounds

Unmanned Aircraft System Threats

32. General Brown, in 2022, then Commander of U.S. Central Command (CENTCOM), General Kenneth McKenzie, said “The growing threat posed by [unmanned aircraft system (UAS)] systems coupled with our lack of dependable, networked capabilities to counter them is the most concerning tactical development since the rise of the improvised explosive devices in Iraq.”

Given the volume of UAS strikes we are seeing in the Russian invasion of Ukraine, as well as what we have seen employed in the CENTCOM area of responsibility (AOR) against U.S. and partner nations, are you concerned about the growing use of UAS and their use against U.S. infrastructure and interests at home and around the world?

Yes, I am concerned. UAS technology is evolving and proliferating rapidly. We continue to develop capability and capacity to defend against these threats in all environments. The war in Ukraine demonstrates the adaptive, lethal, and relatively inexpensive attributes of these systems. If confirmed, I will ensure the Department continues to develop, procure, and field this mission essential defense capability.

33. General Brown, what is your operational assessment of the Department of Defense’s capability to defend installations and critical infrastructure against UAS threats, to include UAS swarms?

Defending against the rapidly evolving UAS threat set presents both a capacity and capability challenge. The Department is developing effective capability to defend against UAS swarms and other threats. Nonetheless, we have a capacity challenge in ensuring the hundreds of DoD installations and critical infrastructure locations have that necessary capability. As we continue to develop these systems, the Department will work to fund and field them as efficiently and effectively as possible.

34. General Brown, what current directed energy capabilities, to include high power microwave, has the Department of Defense fielded or has in development to defeat the growing UAS and UAS swarm threat?

The Department has a wide array of developing and deployed capabilities. High power microwave is one form of directed energy, as are high energy lasers. The Department has made great strides in ensuring these capabilities are suitable for operation. Programs such as the Army’s Palletized High Energy Laser (P-HEL), Navy’s High Energy Laser with Integrated Optical-dazzler and Surveillance (HELIOS), or Air Force’s Tactical High Power Operational Responder (THOR), are designed to defeat the UAS and swarm threats and change the cost imposition of force protection. If confirmed, I will continue to support the development, fielding, and integration of novel solutions such as directed energy.

35. General Brown, what efforts is the Department of Defense taking to rapidly field new counter-UAS technologies, including directed energy systems such as high power microwave?

I support the Under Secretary of Defense for Research and Engineering designation of directed energy as a Critical Technology Area. Additionally, the Joint Counter-small UAS Office (JCO) has transformed our research and development processes to field such capabilities effectively and efficiently. These focus areas, paired with Service-led efforts to integrate new technology into platforms, concepts, and warfighting tactics, are critical to ensuring that the United States retains its competitive advantage.

Senator Joni K. Ernst

Threat Assessment

36. General Brown, in your advance policy questions, you said the state of deterrence in the Taiwan Strait is “real and strong,” yet senior leaders have said that an attack on Taiwan could come as soon as this decade. How do you evaluate that threat, and what factors influence your assessment?

This assessment is based on our military readiness and unmatched ability to conduct joint operations, our long-term relationships with global allies and partners, and knowing that the PRC understands an invasion would be extraordinarily complicated and costly for an untested force. However, China is still pursuing the development of the PLA into a more credible force for a potential cross-strait contingency.

Partner Absorptive Capacity

37. General Brown, would you agree that DOD security assistance programs should systematically and rigorously evaluate the capacity of partner forces to absorb U.S. defense articles and services? Please explain.

Yes. Our Security Cooperation efforts are informed by analysis of partner nations’ absorptive capacity. For security assistance to have its intended effect, the partner force must be able to employ and sustain it effectively. As such, the Department uses a standard framework for evaluating the capabilities and performance of security cooperation program recipients. The Learning and Evaluation Agenda for Partnership Framework includes a variety of evidence-building activities to support the assessments.

38. General Brown, would you agree that partner forces should have the capacity to absorb U.S. defense articles and services within operationally relevant timelines to deter potential threats? Please explain.

Yes. Last year the Department conducted an extensive review of FMS processes, policies, and practices, which produced tangible recommendations to improve the system and reduce burdens. The Department has also established a Continuous Process Improvement Board to monitor the implementation of these recommendations.

Defense Planning

39. General Brown, how would you mitigate modernization risk across the Services, with each modernizing at the same time?

It will be important to balance modernization risk across Service portfolios and the operational risk in meeting Combatant Command requirements. If confirmed, I expect to use sound analysis and effective communication across DoD, between the Services, and Combatant Commands to

ensure the right mix of capability and capacity for our warfighters to campaign and win, both today and tomorrow, with a modernized force.

40. General Brown, how would you strike the right balance between the near-term readiness demand signal from global combatant commanders and future modernization, including by accepting measured risk?

The Joint Force must balance risk between its ability to deter our adversaries through operational campaigning and prioritizing Service modernization efforts to achieve superiority in multiple domains. If confirmed, I will use sound analysis and effective communication to strike the right balance between current readiness and modernization. With sustained, predictable, adequate, and timely funding we can continue to improve readiness, build the future force that maintains our competitive advantage and decrease risk.

41. General Brown, how would you strike the right balance between maintaining extant force structure and modernization?

If confirmed, I would use sound analysis and effective communication to inform recommendations and decisions regarding the extant force structure and modernization. The 2022 NDS and supporting strategic documents establish the framework for the Services to strike the right balance and field sufficient and capable forces to meet requirements. With sustained, predictable, adequate, and timely funding we can continue to maintain sufficient force structure and build the future force that maintains our competitive advantage and decreases risk.

42. General Brown, how will you approach Congress about making necessary divestments to support modernization?

If confirmed, I will focus on how the Joint Force is balancing current force structure with urgent need to modernize and pace the growing threat from China and the acute threat Russia poses to the U.S. and our allies and partners. As we look to our most significant challenges, we must divest vulnerable capabilities that can no longer be affordably modernized or maintained to provide credible combat power. I will have candid and open communication with Congress ensuring the Joint Force has the required capabilities based on the threat while managing transition risk between divestments and bringing new advanced capabilities online.

Counter-Unmanned Aircraft Systems

43. General Brown, does DOD require additional investment or authorities to accelerate fielding of Counter-Unmanned Aircraft Systems (C-UAS) to pace the threat of adversary UAS? Please explain.

PB24 requests \$1.2B to address Counter small Unmanned Aircraft Systems (C-sUAS) requirements. The JROC iteratively reviews the Joint Counter-small UAS Office's (JCO) efforts to develop and field the capabilities for the Joint Force to address this threat. The JCO also advocates for accelerated capability development and adjustments to authorities to keep pace with the evolving threat. If confirmed, I will ensure we continue to explore, develop, and

provide recommendations that could further enhance our posture, either through investment or authorities, in this key capability area.

Senator Ted Budd

Fighter Aircraft

44. General Brown, do you believe that the current joint force posture provides adequate fighter aircraft coverage worldwide to meet combatant commander requirements? Please answer this question as it relates to current obligations in peacetime, in 2027, and in the event of supporting an operation plan (OPLAN).

We continually assess our global fighter aircraft posture in response to regional and global threats to ensure the force is best positioned to carry out the Nation's priorities. That includes the prioritization of Combatant Command requirements across various environments and time horizons to provide adequate fighter coverage for present operations and modernization recommendations for future operations. Where requirements exceed available capacity, the Department develops plans to mitigate these shortfalls with preferred sourcing options, ally and partner contributions, the reallocation of fighters from lower priority missions, and modernization recommendations. If confirmed, I will continue assessments to inform recommendations regarding Joint Force capability and capacity to address current and future requirements.

45. General Brown, if confirmed, what will you do to adjudicate combatant commander requirements for fighter aircraft with limited resources that will be even more severely strained if the Department is allowed to divest the F-15 fleet as planned?

The Department uses management and assessment processes that review and adjudicate fighter levels across all combatant commands to balance risks globally. If confirmed, I will use these processes to inform my recommendations to the Secretary of Defense on how to balance risk in accordance with the National Security Strategy priorities.

46. General Brown, if the United States goes to war with China, will we still be able to maintain fighter aircraft presence worldwide as we are obligated to do or will the military be unable to fight in the Pacific?

If confirmed, I will ensure we review a variety of factors to plan for and allocate Joint Force capabilities to cover global contingencies and commitments in collaboration with our allies and partners.

47. General Brown, do you believe that U.S. military forces, especially fighters, are already overextended?

Modernization, readiness, and operational requirements collectively create a challenging environment with respect to current fighter aircraft posture. The Department employs management and assessment processes to deliberately ensure we assess global risk and make informed decisions on the distribution of forces. I believe we are balancing those competing

priorities effectively to modernize the force while simultaneously addressing global threats. Overall, while these forces are in high demand globally, I would not consider them overextended at this point. If confirmed, I will continually assess modernization, readiness, and operational requirements to balance risk and impacts across the Joint Force to include fighter aircraft.

2001 Authorization for the Use of Military Force

48. General Brown, as Chairman, your powers and duties to advise on the use of military force must be executed to the letter of the law with no room for error in the terms used to target individuals or groups with lethal force. You stated in your advance policy questions that “[t]he 2001 Authorization for the Use of Military Force [AUMF] provides a legal basis for operations against certain violent extremist organizations”; however, the 2001 AUMF does not use the term “violent extremist organizations”. What is your understanding of the legal authority provided by the 2001 AUMF?

The 2001 Authorization for the Use of Military Force (AUMF) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons. The 2001 AUMF intended to give the President the statutory authority needed to prevent future acts of international terrorism against the United States by such nations, organizations or persons. As such, the 2001 AUMF authorizes the use of force against Al-Qaida and associated forces, including ISIS, that are engaged in hostilities against the US or its coalition partners.

49. General Brown, what legal definition of “violent extremist organizations” were you using in your advance policy question response?

In my advance policy questions, I stated that the 2001 AUMF provided the legal basis for operations against “certain” violent extremist organizations (VEO). The “certain” VEOs to which I was referring were Al-Qaida and associated forces, including ISIS.

50. General Brown, under what legal authority is the term “violent extremist organizations” synonymous with the 2001 AUMF authorization to use military force against “nations, organizations, or persons [the President] determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001”?

The 2001 AUMF provides authority for the President to use force against those VEOs that the President determined planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons. The “certain” VEOs to which I was referring were Al-Qaida and associated forces, including ISIS, that are engaged in hostilities against the US or its coalition partners.

51. General Brown, when describing who can be legally targeted, is it appropriate to use an umbrella term like “violent extremist organizations” which could be interpreted to include domestic groups comprised entirely of U.S. citizens, when only a subset of that umbrella term can legally be targeted under the 2001 AUMF?

The 2001 AUMF does not authorize the President to use force against every terrorist organization in the world. Instead, the 2001 AUMF only authorizes the President to target Al-Qaida and associated forces, including ISIS, that are engaged in hostilities against the US or its coalition partners. The President routinely informs Congress through periodic reporting of all groups he determines are targetable pursuant to the 2001 AUMF. If confirmed, in my role as Chairman of the Joint Chiefs of Staff, I am committed to ensuring that my advice to the President and Secretary of Defense on issues involving the application of the 2001 AUMF, to include targeting, will be firmly rooted in the existing legal framework.

52. General Brown, if the President of the United States asked you for advice on the use of force, would you advise him using umbrella terms that contain both legally targetable groups and non-targetable groups, or would you refer specifically to only those individuals or groups targetable under domestic and international law?

If confirmed, it will be my duty to provide the President with my military advice. When it comes to the solemn decision to use force, I will ensure I consult with my legal counsel and offer advice that fully comports with domestic and international law.

53. General Brown, what groups does the 2001 AUMF apply to?

The 2001 Authorization for the Use of Military Force provides a legal basis for operations against Al-Qaida and associated forces, including ISIS.

Senator Eric Schmitt

Race Based Admission Policies

54. General Brown, do you agree with the Government's position presented in oral arguments in front of the Supreme Court in the University of North Carolina and Harvard case that racial preferences at the military service academies and Reserve Officer Training Corps (ROTC) programs exist and should continue as a matter of national security?

I am not familiar with the details of the oral arguments presented, but I understand the Supreme Court declined to address the issue of propriety of race-based admissions systems at the military academies. Therefore, it is my understanding the ruling does not apply to military academies.

55. General Brown, if you are confirmed, will you take steps to ensure that the service academies eliminate the consideration of race as a factor in admissions decisions as other non-military universities are now required?

With their Title 10 responsibilities to organize, train, and equip, each Service develops their own service academy accession criteria consistent with laws and policies. If confirmed as the principal military advisor, I will recommend that our policies remain in accordance with the law and ensure individuals be given a fair opportunity to be selected for service academy admissions based on their merits, qualifications, and needs of the Services.

56. General Brown, why should the Service Academies be permitted to continue race-based affirmative action admissions policies when universities who operate Reserve Officers' Training Corps programs will now be prohibited from considering race in admissions decisions?

I believe there are educational and military benefits to diversity. If confirmed, as Chairman my statutory role is to provide my military advice to the President of the United States, the Secretary of Defense, the National Security Council, and Congress as requested. In this role and in accordance with the law, I will continue to support the proposition that admission to our service academies is open all students who meet standards, regardless of race.

Diversity, Equity, and Inclusion

57. General Brown, do you believe that decisions on recruiting, accessions, assignments, promotions, and other personnel matters should be made on race-conscious basis?

Our service members want and deserve a fair opportunity to perform. The best qualified service members must be the deciding factor to sustain our military superiority, strengthen national security, and maintain high morale throughout the Services.

58. General Brown, in your view, is there any difference in meaning between "equity" and "equal opportunity"?

I believe there are sometimes differences in policy and common use, but I believe we seek a common outcome: That, all Service members, regardless of background, should be afforded the same opportunities to excel based on merit and their qualification.

59. General Brown, do you have any evidence to demonstrate the benefits of the numerous Diversity, Equity, and Inclusion positions hired in the Department of Defense in the last several years?

The Department needs to attract all those willing to serve in order to remain a global leader, deter war, and ensure national security. Individuals hired into these positions ensure the Department's implementation and compliance with laws and policies that attract, retain, and advance the best talent our nation has to offer. Having the best talent ensures the Department will be able to outthink, outmaneuver, and outfight any adversary or threat.

60. General Brown, should racial balance or diversity take precedence over competence in any military unit?

No. To tap into talent across our Nation and sustain our Joint Force, we must expand our reach to show opportunities that are available to qualified individuals. Individuals, regardless of demographics, should be given a fair opportunity and be selected based on their merits and qualifications.

Unmanned Aerial Systems Risk Mitigation

61. General Brown, key decision-makers are grappling with the question of how unmanned aerial systems (UAS) can be integrated into the National Airspace System (NAS) for beneficial purposes while mitigating the risk of the nefarious employment of UAS. The number of reported UAS incidents outside the battlefield has increased from 63 in 2020 to 115 in 2022. I have seen rogue and malicious drones stop sporting events, cause airport shutdowns, violate borders, delivered illegal contraband into prisons, and damaged critical infrastructure. Is DOD coordinating with the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), National Telecommunications and Information Administration (NTIA), and other key Federal agencies on the development of these regulations to ensure DOD is able to not only test counter UAS systems but also employ and deploy them in the Continental United States (CONUS)?

Yes. The Joint Staff coordinates across DoD and with interagency partners to further our ability to develop and operate these capabilities within the United States. If confirmed, I will ensure coordination with our interagency partners to continue development, testing, and fielding of existing and future Counter small-UAS technologies.

62. General Brown, has DOD coordinated with these agencies to have the ability to develop, test and operate directed energy technologies, to include high power microwave, in CONUS to support installation and critical infrastructure defense and force protection missions?

Yes, there are ongoing U.S. Government and select allied government efforts on the use of directed energy systems to protect critical assets and infrastructure. Coordinating and sharing key developments with our partners, such as potential operational concepts, rules of engagement, and command and control structures are essential to optimizing this potentially revolutionary technological capability. If confirmed, I will ensure coordination with our interagency partners to continue development, testing, and fielding of existing and future Counter small-UAS technologies.

63. General Brown, what barriers is the Department of Defense facing with testing and fielding of directed energy systems to include high power microwave systems, in the continental United States?

Maximizing the effectiveness of directed energy weapons while ensuring the safe operating conditions for our warfighters is of the utmost importance. In addition to safe and secure testing grounds, it is critical that our policies allow us to continue to work closely within the Department, the interagency, and with other partners to efficiently develop and field these systems. If confirmed, I will ensure coordination with our interagency partners to continue development, testing, and fielding of existing and future Counter small-UAS technologies.

64. General Brown, has the Department of Defense provided or identified any recommendations for required changes or modifications to equipment, procedures, regulations, or existing laws to operationally employ directed energy capabilities, to include high power microwave, against these threats?

As most directed energy weapon systems to date have been prototypes, the Joint Staff has no specific recommendations to existing laws or procedures at this time. As the Joint Staff gains more fidelity on the employment of these weapons, it will consider the impact to policies such as the Procedures for Management of Illumination of Objects in Space (CJCSI 3225.01B) and the Directed Energy Engineering and Directed Energy Weapon Review and Approval Process (DEW RAP). If confirmed, I will ensure coordination with our interagency partners continues development, testing, and fielding of existing and future Counter small-UAS technologies to include any recommendations for required changes.

65. General Brown, is the Department of Defense having any issues sharing these types of technologies and capabilities due to International Traffic in Arms Regulations (ITAR) restrictions?

Based on my personal engagements, the Department is having issues sharing technology and capability due to ITAR restrictions. Throughout my time in multiple theaters, I have heard our allies and partners discuss this challenge and its impact to interoperability. If confirmed, I will continue to work with Congress, the Office of the Secretary of Defense, and the Department of State to work through these policy issues.