

Opening Statement
David S. Jonas
Nominee to be General Counsel of the Department of Energy
Nomination Hearing
U.S. Senate Committee on Energy and Natural Resources
July 20, 2017

Chairman Murkowski, Ranking Member Cantwell, distinguished Members of the Committee, thank you for considering my nomination to be the General Counsel of the U.S. Department of Energy (DOE). It is a privilege to be considered and an honor to appear before you today.

I also want to thank those committee members and staff who have met with me in the weeks leading up to this hearing, and for sharing your insights about how we can work together, if I am confirmed, to make America more energy secure and to fulfill DOE's legal obligations, as well as other commitments, to clean up nuclear waste sites that date back to the Manhattan Project and the Cold War.

Let me also express my appreciation to President Trump and to Secretary Perry for the confidence they have placed in me and for asking me to serve in the Administration. I especially want to thank my wife Tina, who has been by my side for the last 23 years and is with me here today, for her love and support. I would like to take a moment to say a special thank you to my parents, who wanted to attend, but were unable to do so. Lastly, I thank my friends and colleagues who are in attendance for showing their support. I'm truly honored.

The responsibilities of the General Counsel include providing legal advice and counsel to the Secretary and senior Departmental officials to ensure compliance with applicable laws and regulations. The General Counsel also leads the outstanding career staff of lawyers and legal support personnel at DOE.

I come before this Committee with more than 30 years of professional legal experience in the military, the federal government and in the private sector. My experience includes more than 20 years as a judge advocate in the United States Marine Corps, followed by almost a decade as a career member of the Senior Executive Service. I have been the General Counsel of two federal agencies: the National Nuclear Security Administration (NNSA) as well as the Defense Nuclear Facilities Safety Board (DNFSB). These positions are relevant to the position you consider me for today. NNSA represents a major part of the operating activities of the DOE and as the General Counsel of NNSA, I worked in close cooperation with the DOE General Counsel, two of whom have written letters of recommendation to the Committee on my behalf. The DNFSB advises the Secretary regarding public health and safety issues at DOE defense nuclear facilities.

In terms of legal practice, I have extensive litigation experience at the trial and appellate levels. I was privileged to become the first uniformed judge advocate in the history of the Army, Navy, Air Force, or Marine Corps to argue a case at the U.S. Supreme Court. I have also negotiated numerous international agreements in the nuclear realm, including the U.S. - India Civil Nuclear Agreement. I have previously rendered advice to government officials covering the waterfront of federal legal issues including international law, government contracts, appropriations,

administrative, legislative, personnel, ethics, labor, and environmental law. I have expertise in national security law and nuclear nonproliferation law, which I taught at Georgetown and George Washington University law schools for more than a decade.

Some recent press articles point to a writing of mine from more than two decades ago. The opinion piece was about women and homosexuals serving in the military. It was a reflection of the time it was written and does not reflect my current views. I think it's important for each of you to hear directly from me that my views have evolved. A lot has changed since that was written, and I believe the change has been for the better. As a Marine, I have the utmost respect for anyone, no matter gender, race or sexual orientation, who is willing to serve our great country.

Since these proceedings don't always allow for the opportunity to know us personally, I wanted to share my personal commitment to serving this Department and the men and women who would be my colleagues if I'm honored to be confirmed. If confirmed, I will bring all this experience, including the lesson of changing minds, to bear as the DOE General Counsel and will diligently apply and faithfully observe the laws passed by Congress.

Chairman Murkowski, Ranking Member Cantwell, and Members of the Committee, thank you again for the opportunity to appear before you today. I appreciate the Committee's consideration of my nomination and, if confirmed, look forward to working with you and your colleagues, as well as, committee and personal staff. I welcome the opportunity to answer any questions that the Committee may have.

Thank you.