DEPARTMENT OF DEFENSE AUTHORIZATION FOR APPROPRIATIONS FOR FISCAL YEAR 2011, AND TO RECEIVE TESTIMONY RELATING TO THE "DON'T ASK, DON'T TELL" POLICY

TUESDAY, FEBRUARY 2, 2010

U.S. SENATE
COMMITTEE ON ARMED SERVICES
Washington, D.C.

MILITARY POSTURE

The committee met, pursuant to notice, at 9:05 a.m. in room SD–G50, Dirksen Senate Office Building, Senator Carl Levin (chairman), presiding.

Committee members present: Senators Levin, Lieberman, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, Bayh, Webb, McCaskill, Udall, Hagan, Begich, Burris, McCain, Inhofe, Sessions, Chambliss, Graham, Thune, Wicker, LeMieux, and Collins.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jonathan D. Clark, counsel; Madelyn R. Creedon, counsel; Gabriella Eisen, counsel; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Jessica L. Kingston, research assistant; Michael J. Kuiken, professional staff member; Gerard J. Leeling, counsel; Peter K. Levine, general counsel; Jason W. Maroney, counsel; William G.P. Monahan, counsel; Michael J. Noblet, professional staff member; Roy F. Phillips, professional staff member; John H. Quirk V, professional staff member; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Adam J. Barker, research assistant; Christian D. Brose, professional staff member; Pablo E. Carrillo, minority investigative counsel; Paul C. Hutton IV, professional staff member; Michael V. Kostiw, professional staff member; Daniel A. Lerner, professional staff member; David M. Morriss, minority counsel; Lucian L. Niemeyer, professional staff member; Christopher J. Paul, professional staff member; Diana G. Tabler, professional staff member; Richard F. Walsh, minority counsel; and Dana W. White, professional staff member.

Staff assistants present: Kevin A. Cronin, Jennifer R. Knowles, Christine G. Lang, and Breon N. Wells.

Committee members' assistants present: James Tuite, assistant to Senator Byrd; Christopher Griffin, assistant to Senator Lieberman; Carolyn A. Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Christopher Caple, assistant to Senator Bill Nelson; Ann Premer, assistant to Senator Ben Nelson; Patrick Hayes, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Tressa Steffen Guenov, assistant to Senator McCaskill; Jennifer Barrett, assistant to Senator Udall; Lindsay Kavanaugh, assistant to Senator Begich; Roosevelt Barfield, assistant to Senator Burris; Anthony J. Lazarski, assistant to Senator Inhofe; Lenwood Landrum and Sandra Luff, assistants to Senator Sessions; Clyde A. Taylor IV, assistant to Senator Chambliss; Adam G. Brake, assistant to Senator Graham; Jason Van Beek, assistant to Senator Thune; Erskine W. Wells III, assistant to Senator Wicker; Brian Walsh, assistant to Senator LeMieux; and Chip Kennett, Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee this morning welcomes Secretary of Defense Robert Gates and Chairman of the Joint Chiefs of Staff Admiral Michael Mullen for our hearing on the Department of Defense fiscal year 2011 budget request and the associated future years defense program, the 2010 Quadrennial Defense Review, and the 2010 Ballistic Missile Defense Review.

Gentlemen, as always we are thankful to you, to your families, for your dedicated service to our Nation, to the soldiers, sailors, airmen, marines at home and in harm's way around the globe, and to their families. Your commitment to the welfare of our troops and their families shines through all that you do. The American people are grateful for that and we are grateful and eager to help whenever we can.

The fiscal year 2011 budget request includes $549 billion for the base budget and $159 billion for the ongoing wars in Iraq and Afghanistan. On top of this $708 billion request for 2011, the administration has included a 2010 supplemental request of $33 billion to fund the additional 30,000 troops to support the President's Afghanistan policy announced last December.

The budget request continues the defense reforms begun last year to rebalance the force toward the military capabilities necessary to prevail in today's conflicts, to buy weapons that are relevant and affordable, and to assure that tax dollars are used wisely.

The long-anticipated 2009 Quadrennial Defense Review, the QDR report, was also submitted on Monday with the Department's 2011 budget. This is, and the report is explicit, a wartime QDR. The Department's analysis and decisions place the focus and priority on policies, programs, and initiatives that support the current fight in Afghanistan and Iraq and against al-Qaeda. The QDR makes and justifies tough choices, indicates that more tradeoffs will be necessary in the future.

I'll note that along with the budget request the administration submitted the Ballistic Missile Defense Review. This review was required by the National Defense Authorization Act for Fiscal Year

2009. This is the first comprehensive policy and strategy framework for missile defense and it is long overdue.

Secretary Gates's cover memo to the report notes that "I have made defending against near-term regional threats a top priority of our missile defense plans, programs, and capabilities," and that statement is consistent with what Congress has been urging for many years.

The report also says that before new missile defense programs will be deployed that they must first be tested realistically and demonstrate that they are effective and reliable. It also states that our missile defense programs must be fiscally sustainable over the long term and it emphasizes international cooperation with our allies and partners and expresses an interest in cooperation with Russia. Those are all important elements of a sound missile defense policy.

Consistent with the reform goals set out by Secretary Gates and the results of the Quadrennial Defense Review, a top priority for the Department must be the critical requirements for the ongoing conflicts in Afghanistan and Iraq. This committee has sought to ensure that our combatant commanders have what they need to succeed in those conflicts, including technologies to counter improvised explosive devices, MRAP all-terrain vehicles, intelligence, surveillance, and reconnaissance assets, and additional helicopters, and this committee will continue to support the needs of our men and women who are in those conflicts.

I have long argued that the principal mission in Afghanistan should be training the Afghan security forces so that they can take responsibility for the security of their country. What we heard during our visit, our recent visit to Afghanistan, was that President Obama's speech at West Point in December had a tangible positive effect on the recruitment of Afghan security forces. Lieutenant General Bill Caldwell, the head of NATO training mission in Afghanistan, told us that President Obama's setting of the July 2011 date for the beginning of U.S. troop reductions in Afghanistan energized Afghanistan's leadership, made clear to them that President Obama means business when he says our commitment is not open-ended, and got them to focus on planning for the shift in responsibility for Afghan security that is highlighted by that 2011 July date.

Even more than a pay raise, General Caldwell told us, the July 2011 date increased recruiting of Afghan soldiers—and this is Caldwell speaking—"because Afghan leaders called for and reached out to local leaders to produce new recruits across the country. The number of Afghan recruits in training has jumped from 3,000 in November to over 11,000 as of last month."

Key to the success of the mission of strengthening the Afghan Army will be the partnering of coalition and Afghan units together on a one unit to one unit basis and for Afghans to take the lead in operations. The budget the President sent over yesterday includes significant resources for the training and partnering mission, including increased funding for the Afghan Security Forces Fund in both the 2010 supplemental and the 2011 request. The fully integrated partnering of coalition and Afghan units, living to-

gether and integrating their lives daily, is at the heart of our troops' mission.

Lieutenant General David Rodriguez, the commander of the ISAF Joint Command in Afghanistan, has promised to get us data, indicated on a chart that I have up behind me and a handout which is circulated, on the number of Afghan units fully integrated with coalition forces and how many of those Afghan units are in the lead in operations. This effort is key to the transition to an Afghan lead in providing for the Nation's security and we will track this data very closely.

[The information referred to follows:]

[COMMITTEE INSERT]

Chairman LEVIN. While I'm pleased with the increased partnering in the field, we were disappointed with the shortfall in trainers for the initial training needed for the Afghan Army and police. General Caldwell told us that he had only 37 percent of the required U.S. and NATO trainers on hand and NATO countries were about 90 percent short of meeting their commitment to provide about 2,000 non-U.S. trainers. That's simply inexcusable and our NATO allies must do more to close the gap in trainers.

In the area of personnel, I am pleased that this budget request provides increased funding for military personnel and for the defense health program. The budget request includes funding to support the care and treatment of wounded warriors, including $1.1 billion for the treatment, care, and research of traumatic brain injuries, TBI, and psychological health. The budget would also increase funding for family support programs by $500 million over last year's levels and include the funding necessary to support the temporary increase to the Army's active duty end strength to 569,000, which will help improve dwell time and reduce stress on the force.

The catastrophic January 12 earthquake that struck the Nation of Haiti reminded all of us just how indiscriminate natural disasters can be and renewed America's commitment to the Nation of Haiti. The Department of Defense has mobilized resources and manpower to aid in the relief effort in support of the Department of State and the U.S. Agency for International Development.

Just last week, the committee approved a $400 million reprogramming to ensure that the Department was adequately resourced for that important support mission. We are prepared to continue to work with the Secretary and Admiral Mullen to ensure the Department of Defense is able to continue to provide support to this critical humanitarian disaster response effort in the weeks and months ahead, and we all greatly appreciate the skill shown by U.S. service personnel in response to the Haiti disaster.

Now, following this hearing, as previously announced, at around noon we're going to turn to the issue of "Don't Ask, Don't Tell." I would appreciate questions on that subject being asked after Secretary Gates's statement on the subject at that time.

Secretary Gates, Admiral Mullen, we look forward to your testimony, and now I turn to Senator McCain for any opening remarks that he may have.

STATEMENT OF SENATOR JOHN McCAIN

Senator MCCAIN. Thank you very much, Mr. Chairman, and I join you in welcoming the witnesses to discuss the President's budget request for fiscal year 2011 and the 2010 Quadrennial Defense Review and its impact on the future years defense programs for the Department of Defense.

Secretary Gates, I greatly appreciate that you continue to place the highest priority of the Department on supporting the men and women of the armed forces, and I am consistently amazed and heartened by the courage, commitment, and dedication of the brave men and women who choose to answer the call to defend the Nation. We all know they endure long, hard work under very demanding conditions and in some cases making the ultimate sacrifice. They in turn ask their families to endure unwelcome separations and the burden of managing the home front. Your country's volunteer force and their families are a national asset and they deserve our steadfast, united support.

Informed by the 2010 Quadrennial Defense Review, your 2011 base budget request of $549 billion builds upon the substantial changes you outlined in last year's budget by establishing strategic priorities and identifying where the Department needs to spend scarce resources. Secretary Gates, last year I supported your view that winning the wars of today while deterring and preparing for the conflicts of tomorrow required a balancing of risks. I look forward to your assessment of why this year's budget and the QDR that it's based on entail an acceptable amount of risk between our present and future priorities.

The 2011 overseas contingency operations request of $159 billion and 2010 supplemental request of $33 billion support our men and women in Iraq and Afghanistan, and I fully support your efforts to use OCO and supplemental funding to address many operational shortfalls in Afghanistan through increased funding for intelligence, surveillance, and reconnaissance assets, electronic warfare capabilities, and increasing the end strength of our Special Operations Forces.

Your request includes significant funding for building the Afghan security forces. I remain very concerned that we're not on pace to achieve the end strength of 400,000 by 2013 as recommended by General McChrystal. I'm eager to hear whether you think your funding request will enable—allow us to achieve that goal.

On the issue of a 2011 withdrawal, from speaking to from the president of Pakistan to the tribal leader in Kandahar who fought against the Russians, there's great uncertainty out there because of the President's statement. There's great uncertainty whether we're going to stay, and it was raised to me by every leader that I met with, including the tribal chief who had fought against the Russians, who looked at me and said: "Are you going to stay or are you going to leave like you did last time?"

Our allies need to be, and friends in the region need to be, reassured that 2011 is not the date for withdrawal and, although your words and that of the Secretary of State have been excellent, the President has not made that statement in a way that would be reassuring to our allies as well as to our enemies.

Because we ask our men and women in uniform and their families to sacrifice so much, both the Congress and the administration must be ready to make some tough funding decisions, something we've failed miserably at in previous years. Despite numerous calls last year for earmark reform, the fiscal year 2010 defense appropriations bill signed into law a bill that contained over $4 billion in earmarks and $3 billion in unrequested and unwanted funding for C–17s and the alternative engine for the Joint Strike Fighter. That's $7 billion that the Department had to eat in programs that it didn't request or need.

This business as usual spending that we've come to accept is unnecessary, wasteful, and it diverts precious funding from other, more pressing military priorities.

Secretary Gates, I was encouraged in your rollout of the budget yesterday that you laid an early marker with Congress by indicating that if we added funds to continue the C–17 and alternate engine for the Joint Strike Fighter in 2011 you would recommend that the President veto the bill. I strongly support such a recommendation, but feel it may fall on deaf ears up here unless that veto threat comes early, consistently, and directly from the President.

We cannot continue to condone spending billions of dollars on programs that the Department doesn't want or need. If the President is really serious, if he's really serious about not wasting billions of dollars more of the taxpayers' money, he should also say that he will veto any appropriations bill that comes across his desk with earmarks and pork barrel spending on it. It's got to stop.

On the F–35 Joint Strike Fighter program, I appreciate the management decisions you announced yesterday to replace the program executive officer and withhold more than $600 million where accountability required that those changes be made. As you appropriately stated yesterday during your press conference: "When things go wrong, people will be held accountable." I'd like to see that happen in some other areas of government.

I am nonetheless concerned about your comment during the press conference that it was clear there were more problems with the F–35 than you were aware of when you visited the Fort Worth plant last August. With your recently announced management decisions, I hope the process by which you get reliable, up to date information about important aspects of the program when you need it has improved.

However, I am still concerned about whether the services will get sufficiently capable Joint Strike Fighters when they need them. Just a few weeks ago, the Director of Operational Test and Evaluation found that continued production concurrent with the slow increase in flight testing over the next 2 years will commit the Department and services to test, training, and deployment plans with substantial risk. NAVAIR recently determined that the Marine Corps and the Navy's version of the Joint Strike Fighter may end up being too expensive to operate, with each flight hour flown costing about $31,000 compared with around $19,000 per flight hour for the services' current F/A–18 Hornets and AV–8B Harriers. I'd appreciate if you could comment on these and potentially other issues you see facing this program.

Thank you, Mr. Chairman.

[The prepared statement of Senator McCain follows:]

[COMMITTEE INSERT]

Chairman LEVIN. Thank you, Senator McCain.

I will put the balance of my statement in the record and if there's part of your statement that you didn't give, of course, that will be made part of the record, too, if you wish.

Secretary Gates, we welcome you and Admiral Mullen, Mr. Hale. Please proceed.

STATEMENT OF HON. ROBERT M. GATES, SECRETARY OF DEFENSE

Secretary GATES. Mr. Chairman, members of the committee: Thank you for the opportunity to appear before you to discuss the President's budget request for fiscal year 2011.

I first want to thank you for your support of the men and women of the United States military these many years. These troops are part of an extraordinary generation of young Americans who have answered their country's call. They have fought our wars, protected our interests and allies around the globe, and, as we have seen recently in Haiti, they have also demonstrated compassion and decency in the face of incomprehensible loss.

I have a brief opening statement to provide an overview of the budget request. My submitted statement includes many more details that I know are of interest to the committee.

Chairman LEVIN. Mr. Secretary, I'm going to interrupt you at this time and do something which I know you'd love us to do, which is to approve a number of nominations. We have a quorum here and I think we should take advantage of that. Forgive the interruption, but there is a quorum present, so I will ask the committee now to consider 5 civilian nominations and 1,802 pending military nominations.

First, the nomination of Douglas Wilson to be Assistant Secretary of Defense for Public Affairs; Malcolm Ross O'Neil to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology; and Mary Sally Matiella to be assistant Secretary of the Army for Financial Management and Comptroller; Paul Luis Oostburg Sanz to be General Counsel of the Department of the Navy; and Jacqueline Fanden Steele to be Assistant Secretary of the Navy for Installations and Environment.

Is there a motion to report these nominations?

Senator MCCAIN. So moved.

Chairman LEVIN. Second.

Senator INHOFE. Second.

Chairman LEVIN. All in favor say aye. [Chorus of ayes.]

That is approved.

Finally, I'll ask the committee to consider the 1,802 pending military nominations. They've been before the committee the required length of time. Is there a motion?

Senator MCCAIN. So moved.

Chairman LEVIN. Second?

Senator INHOFE. Second.

Chairman LEVIN. Second. All in favor say aye. [Chorus of ayes.]

Opposed, nay. [No response.]

The motion carries. Thank you.

Mr. Secretary.

Secretary GATES. A most worthwhile interruption.

The budget requests being presented today include $549 billion for a base budget, a 3.4 percent increase over last year, or 1.8 percent real increase after adjusting for inflation, reflecting the administration's commitment to modest, steady, and sustainable real growth in defense spending. We're also requesting $159 billion in fiscal year 2011 to support overseas contingency operations, primarily in Afghanistan and Iraq, plus $33 billion for the remainder of this fiscal year to support the added financial costs of the President's new approach in Afghanistan.

The base budget request reflects these major institutional priorities: first, reaffirming and strengthening the Nation's commitment to care for the all- volunteer force, our greatest strategic asset; second, rebalancing America's defense posture by emphasizing capabilities needed to prevail in current conflicts while enhancing capabilities that may be needed in the future; and third, continuing the Department's commitment to reform how DOD does business, especially in the area of acquisitions. Finally, the commitments made and the programs funded in the OCO and supplemental requests demonstrate the administration's determination to support our troops and commanders in combat so they can accomplish their critical missions and come home safely.

The budget continues the Department's policy of shifting money to the base budget for enduring programs that directly support warfighters and their families, whether on the battlefield, recovering from wounds, or on the home front, to ensure that they have steady, long-term funding and institutional support.

The base budget request was accompanied and informed by the 2010 Quadrennial Defense Review, which establishes strategic priorities and identifies key areas for needed investment. The 2010 QDR and fiscal year 2011 budget build upon the substantial changes that the President made in the fiscal year 2010 budget request to allocate defense dollars more wisely and reform the Department's processes.

The fiscal year 2010 budget proposals cut, curtailed, or ended a number of programs that were either performing poorly or in excess of real world needs. Conversely, future-oriented programs where the U.S. was relatively underinvested were accelerated or received more funding.

The fiscal year 2011 budget submissions and QDR are suffused with two major themes. The first is continued reform, fundamentally changing the way this Department does business, the priorities we set, the programs we fund, the weapons we buy, and how we buy them. Building on the reforms of last year's budget, the fiscal year 2011 request too additional steps aimed at programs that were excess or performing poorly. They include terminating the Navy EPX intelligence aircraft, ending the Third Generation Infrastructure Surveillance Program, cancelling the Next Generation CGX Cruiser, terminating the Net-Enabled Command and Control Program, ending the Defense Integrated Military Human Resources System due to cost overruns and performance concerns, completing the C–17 program and closing the production line, as

multiple studies in recent years show that the Air Force already has more of these aircraft than it needs, and ending the alternate engine for the F–35 Joint Strike Fighter, as whatever benefits might accrue are more than offset by excess costs, complexity, and associated risks.

I am fully aware of the political pressure to continue building the C–17 and proceed with an alternate engine for the F–35. So let me be very clear: I will strongly recommend that the President veto any legislation that sustains the unnecessary continuation of these two programs.

The budget and reviews are also shaped by a bracing dose of realism, realism with regard to risk, realism with regard to resources. We have in a sober and clear-eyed way assessed risks, set priorities, made tradeoffs, and identified requirements based on plausible real-world threats, scenarios, and potential adversaries.

Just one example. For years, U.S. defense planning and requirements were based on preparing to fight two major conventional wars at the same time, a force-sizing construct that persisted long after it was overtaken by events. The Department's leadership now recognizes that we must prepare for a much broader range of security challenges on the horizon. They range from the use of sophisticated new technologies to deny our forces access to the global commons of sea, air, space, and cyberspace to the threat posed by nonstate groups delivering more cunning and destructive means to attack and terrorize, scenarios that transcend the familiar contingencies that dominated U.S. planning after the Cold War.

We have learned through painful experience that the wars we fight are seldom the wars that we planned. As a result, the United States needs a broad portfolio of military capabilities with maximum versatility across the widest possible spectrum of conflict. This strategic reality shaped the QDR's analysis and subsequent conclusions, which directly informed the program decisions contained in the budget.

Before closing, I would like to offer two thoughts to consider when assessing the U.S. investment in national defense. First, the requests submitted this week total more than $700 billion, a massive number to be sure. But at 4.7 percent of gross national product, it represents a significantly smaller portion of national wealth going to defense than was spent during most of America's previous major wars, and the base budget represents 3.5 percent of GDP.

Second, as you know, the President recently exempted the defense budget from spending freezes being applied to other parts of the government. It is important to remember, however, that, as I mentioned earlier, this Department undertook a painstaking review of our priorities last year and as a result cut or curtailed a number of major programs. These programs had they been pursued to completion would have cost the American taxpayer about $330 billion.

In closing, Mr. Chairman, my thanks to you and members of this committee again for all you have done to support our troops and their families in light of the unprecedented demands that have been placed upon them. I believe the choices made and the priorities set in these budget requests reflect America's commitment to see that our forces have the tools they need to prevail in the wars

we are in, while making the investments necessary to prepare for threats on or beyond the horizon.

Thank you.

[The prepared statement of Secretary Gates follows:]

Chairman LEVIN. Thank you very much, Secretary.

Admiral Mullen.

STATEMENT OF ADM MICHAEL G. MULLEN, USN, CHAIRMAN, JOINT CHIEFS OF STAFF

Admiral MULLEN. Mr. Chairman, Senator McCain, distinguished members of this committee: Thank you for the chance to appear before you and discuss the state of our military as well as the President's fiscal year 2011 defense budget submission. I also thank you all for the extraordinary support you provide each and every day to our men and women in uniform as well as their families. That they are well equipped, well trained, well paid, and enjoy the finest medical care anywhere in the world is testament in no small part to your dedication and stewardship.

I've seen many of you in the war zone, in hospitals, and at bases all over this country. So have our troops. They know you care. Just as critically, they know their fellow citizens care. All they want right now is guidance on the mission before them and the tools to accomplish it. That's why I'm here today to speak on their behalf about the guidance they are getting from this Department and to secure your continued support for the tools we want to give them.

Secretary Gates has already walked you through the major components of the Quadrennial Defense Review and the President's fiscal year 2011 defense budget submission, both of which, when combined with the new Ballistic Missile Defense Review and our overseas contingency operations fund request, build upon the reform effort of last year and represent as comprehensive a look at the state of our military as I have seen in my experience.

I will not endeavor to repeat his excellent summation and I would ask you to accept without further comment my endorsement of the findings contained in each of these documents. Let me leave you rather with three overarching things to consider as you prepare to discuss these issues today and as you prepare to debate this budget request in the future.

First, there is a real sense of urgency here. We have well over 200,000 troops deployed in harm's way right now and that number includes only those in Operations Iraqi Freedom and Enduring Freedom. Tens of thousands more are meeting our security commitments elsewhere around the globe and many of those missions are no less dangerous, certainly no less significant.

I am sure you have stayed abreast of our relief efforts in Haiti, where more than 20,000 of your soldiers, sailors, marines, airmen, and Coast Guardsmen are pitching in feverishly to help alleviate the suffering of the Haitian people. It is truly an interagency and international mission and these troops are blending in beautifully, doing what is required, where and when it is required, to support the government of Haiti, USAID, and the U.N. mission there.

We also continue to do what is required to win the wars we fight, and the one that needs fighting the most right now is in Afghanistan. You've seen the reports and you know the situation. The

Taliban have a growing influence in most of Afghanistan's provinces and the border area between that country and Pakistan remains the epicenter of global terrorism. You no doubt followed with great interest the development of the President's strategy to deal with this threat, a strategy that in my view rightly makes the Afghan people the center of gravity and the defeat of al Qaeda the primary goal.

We have already moved over 4,500 troops to Afghanistan and expect that about 18,000 of the President's December 1st commitment will be there by late spring. The remainder of the 30,000 will arrive as rapidly as possible over the summer and early fall, making a major contribution to reversing the Taliban momentum in 2010. Indeed, by the middle of this year Afghanistan will surpass Iraq for the first time since 2003 as the location with the most deployed American forces.

Right now, the Taliban believe they're willing. Eighteen months from now, if we've executed our strategy, we'll know they aren't, and they'll know that they can't.

Getting there will demand discipline and hard work. It will require ever more cooperation with Pakistan, and it will most assuredly demand more sacrifice and more bloodshed. But the stakes are far too high for failure. That's why we're asking you to fully fund our fiscal year 2010 supplemental and the fiscal year 2011 overseas contingency operations request. It's why we want a 6 percent increase for Special Operations Command. And it's why we need your support to develop and field a Next Generation Ground Combat Vehicle, to allow us to grow two more Army combat aviation brigades, and to continue rotary wing production, including nearly $3 billion for the V–22 Osprey program.

In keeping with the Secretary's strong emphasis on ISR, an emphasis more than justified by our long experience in Iraq and Afghanistan, we are asking for more capability in unmanned aircraft and ground-based collection systems, including nearly $3 billion to double the procurement rate of the MQ–9 Reaper by fiscal year 2012.

Our future security is greatly imperiled if we do not win the wars we are in. As the QDR makes clear, the outcome of today's conflicts will shape the global security environment for decades to come. I'm very comfortable that we can and will finish well in Iraq, remaining on pace, despite a spate of recent violence to draw down American forces to roughly 50,000, ending our combat mission there, and transitioning to an advise and assist role.

But without your continued support, we will not be able to show the meaningful progress in Afghanistan that the Commander in Chief has ordered, the American people expect, and the Afghan people so desperately need. This is no mission of mercy. This is the place from which we were attacked in 2001, the place from which all—from which al Qaeda still plots and plans. The security of a great nation, ours and theirs, rests not on sentiment or good intentions, but on what ought to be a cold and unfeeling appraisal of self-interest and an equally cold and unfeeling pursuit of the tools to protect that interest, ours and theirs.

That leads me to the second thing I'd like to consider: proper balance. Winning our current wars means investment in our hard-won

irregular warfare expertise, a core competency that should be institutionalized and supported in the coming years, and we are certainly moving in that direction. But we must also maintain conventional advantages. We still face traditional threats from regional powers who possess robust regular and in some cases nuclear capabilities. These cannot be ignored. The freedom to conduct operations in support of joint, allied, and coalition efforts, assuring access and projecting combat power, can only be preserved through enduring warfighting competencies.

In the air, this means sufficient strike aircraft and munitions capable of assuring air superiority. At sea, it means having enough ships and enough sailors to stay engaged globally and keep the sea lanes open. On the ground, it means accelerating the modernization of our combat brigades and regiments. On the whole, it means never having to fight a fair fight.

Thus, the President's budget request will buy us another 42 F–35s. It will maintain a healthy bomber industrial base and it will fund development of a prompt global strike system, as well as efforts to upgrade our B- 2s and B–52s.

For ship construction, the spending plan totals some $18 billion, procuring ten new ships in 2011, including two Arleigh Burke destroyers, two Virginia-class submarines, two Littoral Combat Ships, and a brand-new Amphibious Assault Ship. It puts the Navy on track to maintain aircraft carrier production on a 5-year build cycle, resulting in a long-term force structure of ten carriers by 2040.

Our budget request also seeks $10 billion for ballistic missile defense programs, including $8.4 billion for the Missile Defense Agency, and it develops ample resources to improving our cyber defense capabilities. Again, it's about balance, it's about deterring and winning the big and the small wars, the conventional and the unconventional—two challenges, one military.

But where balance is probably most needed is in the programs and policies concerning our most important resource, our people. That's my final point. This QDR and this budget builds upon superb support you and this Department have provided our troops and their families for much of the last 8 years. Stretched and strained by nearly constant combat, many of them on their fifth, sixth, and seventh deployments, our men and women are without question, and almost inexplicably, the most resilient and battle-ready in our history.

On the one hand, we keep turning away potential recruits, so good is our retention and so attractive our career opportunities. On the other hand, we keep seeing an alarming rise in suicides, mental problems, prescription drug addictions, and mental health problems. Deborah and I meet regularly with young troops and their spouses and, though proud of the difference they know they are making, they are tired. Quite frankly, many of them are worried about their futures, their children.

So you will see in this budget nearly $9 billion for family support and advocacy programs. You will see child care and youth programs increased by $87 million over last year, and you will see a boost in warfighter and family services, to include counseling, to the tune of $37 million. Military spouse employment will get a $2

million plus-up and we will increase the budget to $2.2 billion for wounded, ill, and injured members. In fact, the health care funding level for fiscal year 2011 is projected to provide high-quality care for 9.5 million eligible beneficiaries.

Lastly, we are pushing to dramatically increase the number of mental health professionals on staff and advance our research in traumatic brain injuries and post-traumatic stress. We know the strain of frequent deployments causes many problems, but we won't yet fully understand how—we don't yet fully understand how or to what extent.

So even as we work hard to increase dwell time, aided in part by the additional temporary end strength you approved last year for the Army, we will work equally hard to decrease the stress of modern military service. Indeed, I believe over time when these wars are behind us we will need to look closely at the competing fiscal pressures that will dominate discussions of proper end strength and weapons systems. A force well suited for long-term challenges and not necessarily married to any current force planning construct will be vital to our National security.

Mr. Chairman and members of this committee, thank you again for your time and for the longstanding support of this committee to the men and women of the United States armed forces. They and their families are the best I have ever seen. On their behalf, I stand ready to answer your questions.

[The prepared statement of Admiral Mullen follows:]

Chairman LEVIN. Thank you so much, Admiral.

We'll try a 5-minute first round here. Secretary, the change in our Afghanistan policy is what drove the requirement, apparently, for a supplemental funding request this year. Is it your goal to avoid a supplemental funding request for fiscal year 2011?

Secretary GATES. Yes, sir, it is. Our hope would be that the OCO, overseas contingency operations, approach is a preferred way to do this. As we saw, this time unforeseen circumstances brought us up here to defend another supplemental. I think I'm on the record last year as expressing the hope we wouldn't be doing another one of those, but here I am. But it is our intent that for fiscal year 2011 the OCO fund would be sufficient.

Chairman LEVIN. Secretary, the President and you and the Admiral and others have all pointed out that a principal mission for our forces in Afghanistan is the training up of the Afghan security forces to take over responsibility for the security of their country. Yet our NATO allies are 90 percent short of meeting their commitment for trainers for the Afghan troops. These are the ones who are in that early basic training 8-week period, not out in the field, where I think we're doing very well and we are meeting what the goals are in terms of kind of on-the-job training, partnering unit with unit.

But back to that basic training, the NATO non-U.S. countries committed 2,000 trainers. They've produced 200. Now, what are we going to do to get General Caldwell those additional trainers which are so essential?

Secretary GATES. My understanding is that General Caldwell's short about 1700 trainers. Our hope is that with the additional commitments of somewhere between 7 and 10,000 additional forces

by our NATO and other partners, that out of that number we can more than fill the requirement for trainers. Certainly Admiral Stavridis and General Petraeus and General McChrystal have been talking to them about this. But I might add, Admiral Mullen just met with the heads of the European militaries last week. I might ask him for a comment.

Chairman LEVIN. If you could just briefly say, are you confident that that need is going to be filled, because it's just totally unacceptable that that commitment is made, is so essential, and then not kept?

Admiral MULLEN. We all agree it's unacceptable. It's the top priority there and it's a top priority from this meeting with some 28-plus CHODs to go back to their capitals and meet. There's a conference later this month to focus specifically on that.

Chairman LEVIN. And the "CHOD," what does that mean?

Admiral MULLEN. Sorry. My counterparts, the chiefs of defense for these countries in NATO.

Chairman LEVIN. Thank you.

Secretary Gates, the Missile Defense Review report says that, in contrast to the practice over the last decade of fielding missile defense capabilities that were still being developed, that the administration "will take a different approach, best described as fly before you buy, which will result in a posture based on proven technology in order to improve reliability, confidence, and cost control." That's a welcome change.

My question: Will we be deploying ground-based interceptors that have not been tested and demonstrated?

Secretary GATES. We have deployed ground-based interceptors at Fort Greeley. We have a very aggressive test program that has been successful. We believe that those interceptors give us the capability to deal with launches from either Iran or North Korea, a small-scale threat.

The fact is we are continuing—in addition to robustly funding increases in theater level missile defense, we will also continue to spend. We have in this budget $1.35 billion to continue the development and test program for the ground-based interceptors, both the three- stage that are now deployed and the two-stage that we were going to deploy in Poland.

So I think we, both for homeland security and for our allies and our troops in the field, we have very strong programs going forward.

Chairman LEVIN. Thank you.

Senator McCain.

Senator MCCAIN. Secretary Gates, do you believe that the Christmas bomber should be tried in civilian court or by military commission?

Secretary GATES. Senator, I would defer to the Attorney General and the proper jurisdiction for such people.

Senator MCCAIN. When you fill out your form when we

confirm you for the United States Senate, you sign that you would give your honest and candid opinion in response to questions. Do you want to give me an opinion

Secretary GATES. My honest opinion is that I think that the Attorney General's in the best position to judge where these people get tried. After all, we have—

Senator MCCAIN. Thank you very much.

It was reported in the media that "When President Obama convened his national security team on January 5 to discuss the Christmas incident, the decision to charge the suspect in Federal court was specifically discussed and again nobody present raised any objection to it. In fact, Secretary of Defense Robert Gates made the point that even if Abdulmutallab had been transferred to military custody, it is unlikely that any more information could have been gleaned from him since 'enhanced interrogation techniques have been banned by the administration."

Is that a true depiction of your—report of your view?

Secretary GATES. What I actually said was that I believed that a team of highly experienced FBI and other interrogators could be as effective in interrogating the prisoner as anyone operating under the Military Field Manual.

Senator MCCAIN. So that's a direct contradiction to the Michael Isikoff piece in Newsweek magazine. So you agree with Director of National Intelligence Blair when he said "We did not invoke the HIG"—that's the trained interrogators—"in this case. We would have." Do you agree with Admiral Blair?

Secretary GATES. I think we did not have the high- level interrogators there that we now have protocols in place to ensure would be present in such a situation.

Senator MCCAIN. Do you agree that they should have been there?

Secretary GATES. Yes, sir.

Senator MCCAIN. Do you believe it was possible in 50 minutes to exhaust the possibilities for getting all of the information that was needed from the Christmas bomber?

Secretary GATES. I'm just not in a position to know the answer to that, Senator.

Senator MCCAIN. I see. Again, media reports state that you thought so.

Is it your view that, absent enhanced interrogation techniques, that the intelligence community provides no value in the interrogation of a terrorist?

Secretary GATES. No, I don't believe that.

Senator MCCAIN. Well, I thank you.

On the issue of the F–35, to what do you attribute the fact that you were not appraised of all the major problems associated with the program last summer, when it seems to me you needed to be?

Secretary GATES. We had not yet undertaken at that time, Senator McCain, an independent cost analysis that is now one of the requirements under the Acquisition Reform Act that you passed last year. Our Under Secretary for Acquisition launched such an exercise. He himself spent about 2 weeks full-time looking into the F–35 program, and as a result of the independent cost estimate and his own investigation came to the conclusions that the program required restructuring.

Senator MCCAIN. Can you give us, either verbally or in writing, the delays and cost overruns that we now expect?

Secretary GATES. Yes, sir. I would say that, in terms of delivery, even with the restructured program, we still expect the training squadron to be at Eglin in 2011. We expect IOC for the Marine Corps in 2012, for the Air Force in 2013, and the Navy in 2014, the fourth quarter of 2014.

There will be fewer delivered aircraft at IOC. That's the purpose of reducing—that's the result of reducing the production ramp, as has been recommended to deal with some of the issues associated with that.

Senator MCCAIN. Well, in conclusion, given your responsibilities to the men and women who are serving in the military in the defense of this Nation, I hope you will come to a conclusion as to how enemy combatants should be treated as far as their trials are concerned and our ability to ensure the American people, assure the American people that they will not be returning to the battlefield, and whether they should be tried and incarcerated in the United States rather than Guantanamo. We look forward to your views on that because I view that clearly in your area of responsibility, not the Attorney General, who has obviously botched this one very, very badly.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman.

I want to add my welcome to Secretary Gates and Admiral Mullen to the committee and for being here to discuss the 2011 defense budget, and to thank you for your service and the service of all the men and women in our armed forces, and also welcome Mr. Hale.

Secretary Gates, you have mentioned that beyond winning the wars themselves, the treatment of our wounded and ill are your highest priority. As a result of today's continuing conflicts, the psychological effects of those conflicts within the ranks of the U.S. military have never been more profound. Secretary Gates, what do we need to improve our treatment of mental illness and how does this budget address that?

Secretary GATES. Well, as Admiral Mullen mentioned in his opening statement, there is over a billion dollars in this budget for the treatment of PTS and traumatic brain injury. All of the Services have very extensive programs for dealing with psychological problems. All of the leadership I think have weighed in on this very heavily.

I would say that there are two problems that we still are wrestling with. One is the shortage of mental health care providers. We are—and frankly, we've discovered it's a national shortage; it's not just a shortage in the military, because we're all over the country trying to hire these people. We've hired a lot, I think something on the order of 1,000 or 1,400 over the last 18 months or so. But we still need more.

The second is still overcoming the stigma of seeking help, of getting our soldiers, but I would say both our men and women in uniform and their families, to seek the psychological help that is available to them.

But let me ask Admiral Mullen if he'd like to add a word or two.

Admiral MULLEN. I think the Secretary has captured the two big issues. We dramatically increased the number of mental health providers in recent years, but we're still short. We're just beginning to understand the real impacts of TBI.

Then the other piece I would ask for your help on this is, how do we work with other committees here? Secretary Gates and Secretary Shinseki have certainly set the standard shoulder-to-shoulder that both Defense and VA need to work this together, because many of these young people transition certainly from the Defense Department to VA. I really believe it's got to be a three-part team that includes communities throughout the country.

So how do we ensure that those who sacrifice so much receive the care across this entire continuum, and we understand their needs, which change over time. It's those who suffer greatly in uniform, but it's also families who also have been under great stress as well. So that would be the third piece that I would add to the Secretary's answer.

Senator AKAKA. IEDs remain the number one cause of casualties in Afghanistan, Mr. Secretary. The administration recently announced the deployment of 30,000 additional U.S. troops to Afghanistan. As a result, more of our men and women will be exposed and vulnerable to this deadly form of attack. The Joint IED Defeat Organization was created to lead and coordinate all DOD actions in support of combatant commanders' efforts to defeat IEDs as weapons of strategic influence. Mr. Secretary, what is your assessment of the Department's efforts in protecting our troops against IEDs, and if improvement is needed what can be done to improve those results?

Secretary GATES. Senator, I think that we have a number of very forward-leaning efforts to try and deal with the challenge of IEDs. My concern a few months ago was that these efforts were not adequately integrated and put together in a way that we derive maximum benefit from the efforts that we had under way.

I asked the Under Secretary of Defense for Acquisition, Technology, and Logistics, as well as General Jay Paxton, to co-chair an effort, a short-term effort, to see what more we could do, both in terms of better structure for how we deal with this problem, but also if there were some specific areas where additional attention was needed. They've brought to me some recommendations in terms of significant enhancements for long-term full-motion video so we can watch roads, we can watch the areas around our encampments, aerostats, a variety of other technical solutions.

The commanders have increased the requirement for the Mine-Resistant Ambush-Protected Vehicles, particularly the all-terrain vehicles, so there is an additional requirement that actually is already funded or is taken care of in this budget for about 10,000 more MRAPs. 6,600 of those will be the all-terrain version that are designed especially for Afghanistan to protect our troops.

So we have a number of efforts. There were identified problems, such as the labs we had—we had a lot of labs working the IED problem in Iraq. We hadn't put as many labs into Afghanistan yet. So this is a dynamic process and I would say to you we have a number of initiatives under way to improve the strong work that was already being done, because this is absolutely the worst killer

and maimer of our troops and we are, with your support, sparing no expense and no effort to try and reduce those casualties.

The MRAPs have made a huge difference, but the enemy is a thinking enemy and they change their tactics and their structures.

Another thing we're doing is, a very high percentage in Afghanistan of these IEDs are made from the fertilizer component ammonium nitrate, so we're now—which is illegal in Afghanistan. So now we're establishing an effort to try and hit the smuggling networks that bring this ammonium nitrate in to be used for these IEDs.

But we have a lot of different efforts going on, and if the committee is interested I'd be happy to have Secretary Carter and General Paxton come up and brief on their endeavors.

Senator AKAKA. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Akaka.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

Let me start off by saying I disagree with Senator McCain on his statements on the C–17 and I disagree with him on the statements, his past statements on the F–22. It concerns me that we keep hearing, well, this is something that the military doesn't want, they didn't ask for, and all that. Then I go over there and that's not their attitude at all. They have needs over there. Our lift capacity is in dire straits. We're still using those old, beat-up C–138E models that we keep losing engines on. We actually lost two engines on one not too long ago when I was over there.

The state of the art is still there in the C–17s and I think that we are going to have to do some surgery on that and some of the other things on this budget when the Senate Armed Services Committee gets together.

Now, on the F–22, just yesterday we read about the T–50 that they're coming out with, a fifth generation that the Russians have. I'm not at all as confident as everyone else is that our F–35s are going to be on line when we say; as Senator McCain just said, that we have cost overruns, we have problems that just recently have surfaced. I'm concerned about this.

I guess if we're down to 187 F–22s, and I think out of that what, only 120 are actually combat-ready and used for combat. Yet, as I read this article on the T–50, they're starting to crank these things out and India I understand is going to actually—they're talking about buying 200 of them. Who knows who else is going to be buying them?

So I am concerned about it. I guess it goes beyond just that. I look at our committee, the Senate Armed Services Committee. On these two vehicles I mentioned, the F–22 and the C–17—in Oklahoma I don't have a dog in that fight. We don't have any parochial interest there. But it's the capability that we're going to need.

I look and I see and remember so well testimony that our defense for 100 years averaged 5.7 percent of GDP. It's now down to 3.7 and, as you project it by the figures that I'm getting, it will go down to 3 percent by 2019. This is what really concerns me, is we're just not doing the job that we need to be doing to defend America, if you consider that the number one function of government, which I happen to.

I do agree with Senator McCain on his concern over pulling the rug out from under Eastern Europe on the third site. I read something yesterday that Russia doesn't want us to have any ground-based capability. I don't know.

I guess the first thing I would ask you, Mr. Secretary—and I should know this, but I don't: If we're talking about having the capability of the SM–3 and getting that working, where would it be used? Is this Aegis or where would we have this capability?

Secretary GATES. Well, in the initial phase it would be based on ships, but we have money in the budget for a land-based Standard missile. So it would be deployed in Europe and perhaps elsewhere, depending on the agreements that we reached with other countries.

Senator INHOFE. You don't think you'll have a little bit of a problem, in that we negotiated, and we went over there, with the Czech Republic for its radar and then Poland for the site of the ground-based interceptor, and then changed our minds? Isn't that going to create a little bit of a problem of getting—or have you already initiated any kind of a discussion with any of the European countries to have that capability there?

Secretary GATES. Yes, and in fact we've reached agreement with the Poles already to move advanced Patriots into Poland. So I think, frankly, we—

Senator INHOFE. Well, that's a different capability than getting up, what we were talking about before.

Secretary GATES. Well, as I say, I don't think we'll have a problem.

Senator INHOFE. Okay. All right.

Well, Army modernization, I've been concerned about that. When you look at our capability on the NLOS cannon—remember we went through that thing. First we were going to have a Crusader and then that was axed by the Republicans, by President Bush, right when we were in negotiations, I might add, in the Senate Armed Services

Committee on putting together a program. So I'm concerned about that.

Now we do have the PIM program and that's good on the Paladin. But I got to tell you, that's the same technology they had when I was in the United States Army. I mean, you had getting out and—so I am concerned about that.

And I'm concerned that General Casey and General Chiarelli both have stated many times that we're burning up equipment as soon as they can be procured. And yet the Army procurement funding decreased in this budget by $31 billion from fiscal year 2008 to fiscal year 2010. Is that a good idea?

Secretary GATES. Well, I think a good part of that was for the Army's Future Combat Vehicle and, as you know, we're restructuring that program, and I think that you'll see a significant increase when the Army moves into production of that vehicle.

Senator INHOFE. Well, I hope that's the case and I hope that we're here to be able to see that as a reality.

My time has expired, but I—well, one last thing, just one last question if I could, Mr. Chairman. On the 1206, 1207, 1208, and so forth, the 1206 is fine. I appreciate the fact that we have enhanced that program and some of the others. The 1207, that's the

civilian to civilian. That now is going to go back to the State Department, and one of the original reasons we wanted to have this in the DOD was the timing, so that when a decision is made we'll be able to get it done. Do you think that's a good move or do you think we should try to reverse that in terms of the 1207 in the train and equip program to bring it back the way it is today?

Secretary GATES. Well, first of all, Senator, I want to thank you for your support and your help on 1206, 1207, and 1208. But I think when I testified here last year the plan was to begin transferring the 1207 money to the State Department. I think the plan you have in front of you essentially simply accelerates that process.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman.

Let me add my appreciation to you and your families for your distinguished service.

I've long been an advocate for benchmarks or measures of progress and I think we need to continue to do so objectively so we can gauge our efforts in both Afghanistan and Pakistan. I know this administration as well as our NATO allies are committed to objective benchmarks for measurement and we've done so with past strategies, and we've all talked about this so many times, most recently in December, about both Afghanistan and Pakistan.

During that hearing in December, it was noted that measures of progress were being used and evaluated. I thought at that time those benchmarks would be forthcoming to our committee, but at least I have yet to see them. It seems to me that one of the most important times to inform the process is at the very onset of any change, and as this mission changes course so obviously must the way in which we measure efforts will change as well.

Have comprehensive and final benchmarks or measures of progress been developed to reflect this new strategy, and if so when will these be made to the committee? Secretary Gates?

Secretary GATES. I think they have and I frankly thought that they had already been provided to the committee, and I'll check on it after the hearing.

Senator BEN NELSON. Okay, thank you.

Could you talk a little bit about some of the areas of measurement that would be in these measures of progress?

Secretary GATES. Well, I think a couple that are pretty obvious are are the Afghans meeting their recruitment goals for the Afghan national security forces, are they meeting their goals in terms of limiting attrition, how many—are they meeting the number of units being fielded that are in the plan, are they—there are benchmarks associated with their training. So I think those are the kinds of things, at least with respect to the security forces, that we're talking about.

Senator BEN NELSON. Do we have anything that we might relate to our measures of progress with respect to our particular efforts?

Secretary GATES. Well, I think in some respects the President's made his expectations pretty clear. He has some clear expectations and is benchmarking us on how fast we can get 30,000 troops into Afghanistan and watching that carefully. I think he has clearly set

a marker in terms of beginning to transfer security authority to the Afghans beginning in July '11, so that's a clear benchmark that must be met. So I think we do have some.

Another for us is the number of civilians we're getting into Afghanistan from the State Department, AID, and other agencies.

Senator BEN NELSON. Are you working with the State Department jointly in that effort? Because I know they've set some measures of progress of their own.

Secretary GATES. Absolutely. This is as integrated an effort as I've ever seen the U.S. Government undertake.

Senator BEN NELSON. Thank you.

I'd like to talk to you just a second about our contractor conversion efforts. You announced in the spring of 2009 that the Department would scale back the role of contractors in support services. Quite honestly, my sense is that for too many years we were outsourcing too much with perhaps too little emphasis on why and whether it was justified.

But regardless of the makeup, outsourcing or insourcing has to make sense and be oriented towards the best utilization of resources, both money and people. Is there in place a strategic plan for the right mix of contractor, government, civilian, and military personnel, and what are we doing to execute such a plan?

Secretary GATES. Well, first of all, our goal is to take the number of contractors in the Department of Defense as a percentage of the workforce back to where it was prior to 9–11, which would mean taking it from 39 percent to 26 percent. The plan—first of all, I think one of the effects of what we have seen in Iraq in particular has been the revival of acquisition in a couple of the services where that as a career field had withered. I think this is particularly true in the Army, where a number of measures, including the allocation of general officer positions and so on, to revive that career field as an attractive career field. Some other services have done better.

I think that Under Secretary Carter has a clear idea of the right mix between contractors and civilians. But I think that the first place we need to look is that we probably shouldn't have contractors evaluating contractors. So I think that's the first area as we make these conversions, which I might add are on track 1 year in.

Senator BEN NELSON. My time has expired. Thank you, Mr. Chairman.

Chairman LEVIN. Just to implement that point of Senator Nelson, I believe in this year's budget proposal you are requesting, proposing maybe 10,000 contractor jobs be eliminated and changed over to employees of the Defense Department. I don't know the exact number, but is that not true? It's in the budget?

Secretary GATES. Our goal is 20,000, to increase the number of acquisition professionals from 127,000 to 147,000. 10,000 of those will be the conversion of contractor jobs to civil service jobs. Another 10,000 will be new hires.

Chairman LEVIN. And that's in this year's budget, is that correct?

Secretary GATES. That's correct.

Chairman LEVIN. I just wanted to implement—just to clarify that point.

Admiral MULLEN. 20,000 total is over '10 to '14, Senator Levin.

Chairman LEVIN. Over 4 years.

Admiral MULLEN. Right.

Chairman LEVIN. And how many in this year's budget?

Admiral MULLEN. The total is about 6,000. That would include acquisition and everything else. I'll have to get you the number specifically for acquisition.

Chairman LEVIN. And to clarify the benchmarks point of Senator Nelson, which he's been very persistent on, to the benefit of everybody in the Nation, the only thing that we've received from the Defense Department is a draft set of benchmarks and they were classified. So he is right, we have not received benchmarks, although we were promised them. We need both the benchmarks, but also in an unclassified way.

Secretary GATES. The benchmarks that I was talking about were interagency benchmarks that had been agreed, and those were the ones that I thought had been delivered and I'll pursue after the hearing.

Chairman LEVIN. Thank you. Thank you.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman, for your good leadership. You're an excellent chairman. We do have a lot on the agenda today: talking about the defense budget, the Quadrennial Defense Review, two wars, the missile defense report, "Don't Ask, Don't Tell," terrorist trials. I guess I would just say, I don't think we can do it all justice today. I hope we'll have more hearings as we go forward. Some of them, we need the Secretary of Defense and the Chairman of the Joint Chiefs.

Just briefly, Mr. Secretary, on the Christmas Day bomber. I saw your former colleague, Attorney General Mukasey, this morning on the television pointing out that, yes, they tried Moussaui in Federal court, he tried the case as a Federal judge at the time, but he pled guilty and the sentencing phase took a year. He said it was made into a circus. He pointed out that Guantanamo was created for the purpose of these kind of trials.

When a person like the Christmas Day bomber leaves Yemen armed with a bomb from al Qaeda, on directions of al Qaeda, and flies into the United States, I suggest he's an unlawful enemy combatant and perfectly suited for detention and trial, if need be a trial, in military custody. I think the Defense Department needs to know about those things because the intelligence that could be gathered from a prolonged interrogation by people knowledgeable in Yemen could have added greatly to this.

Now he's been advised he has a right to a lawyer. He's no longer going to cooperate or talk. He's going to be entitled to a speedy trial. There are a lot of problems with that.

So I just hope you will be alert to that as it goes by. I think the military has a real responsibility.

You know, I just would briefly say that I've come to understand and feel more strongly about the concern Senator McCain has about setting an absolute date for leaving, beginning to leave, in 2011. We'll hardly have our troops in place by then, the surge in place by then. We see things like President Karzai beginning to talk to the Taliban. It makes you wonder if he's looking beyond our departure date. I worry about that.

Mr. Secretary, you talked about the supplemental. I've been baffled a bit by that. It seems to me that when you're in a war a supplemental is an appropriate way to handle funding for that, and to try to force into the baseline budget funding specifically for these two operations, with a couple hundred thousand troops deployed, is not a good policy. Why do you feel like we should do this only within the baseline budget?

Secretary GATES. I absolutely do not believe we should do it within the baseline budget. I think that the purpose of providing the overseas contingency operations funding budget is I think that it's actually in response to considerable pressure from the Congress for greater—

Senator SESSIONS. I know you have gotten pressure from the Congress on that.

Secretary GATES.—greater predictability—

Senator SESSIONS. But not out of me.

Secretary GATES.—greater predictability about how much is going to be spent in these wars, and so that those budgets can be considered within the framework of the normal consideration of the budget. So I think that it's certainly not a part of the base budget, but it is provided in advance in a way that gives the Congress the opportunity to review it in the same way it reviews the rest of the budget.

Senator SESSIONS. Well, I'm not sure. It seems we should be able to review the supplemental as well. But I guess in a way you're creating a discrete funding program that we could review, and maybe that would be acceptable.

With regard to our procurement of major weapons systems, I know that the Department of Defense, Admiral Mullen, has focused on life cycle costs, and I guess you would agree that things such as fuel and maintenance are important factors to evaluate if you're going to evaluate the cost of a weapons system over a period of years?

Admiral MULLEN. Yes, sir.

Senator SESSIONS. I know we did that on the tanker aircraft. In fact, fuel and that sort of things are counted as evaluating that aircraft. Should that be applied to a procurement program like the Littoral Combat Ship; the cost of fuel over its lifetime, should that be accounted for?

Admiral MULLEN. I've long been concerned about life cycle costs. I think, Senator Sessions, you know that, long before now. The Secretary pointed out, and I think very importantly, in his opening statement that the programs that he cut last year actually had some life cycle value focused on about $330 billion. As far as what's in an RFP and what it's going to be focused on, that's something that I really can't comment on—

Senator SESSIONS. Well, I don't know. We've got an RFP in the Littoral Combat Ship that I'm told does not have any factor for fuel costs.

Admiral MULLEN. Well, you know more about it than I do. I haven't seen it.

Senator SESSIONS. Well, if that's so would you be willing to look at it and ask questions if that's a wise decision?

Admiral MULLEN. Again, as I said, I've been—for a long time I've been concerned about life cycle costs. Actually, one of the I think weaknesses of the acquisition system is typically the line is not involved in it, the uniformed side is not involved in that. So I'm not involved from that point of view and would under actually no circumstances see an RFP or look at its evaluation criteria in what I'm doing right now.

Senator SESSIONS. Well, I would think it would be your ultimate responsibility as part of the procurement of the Department to see that at least basic requirements are being met. I think I hear you say that life cycle costs, which certainly would include fuel, should be a factor in evaluation of the bids or the proposals. Wouldn't it?

Admiral MULLEN. I've said life cycle costs are an important factor and have been for a long time.

Senator SESSIONS. Well, we'll have to follow up on that.

Thank you very much.

Chairman LEVIN. Thank you. Thank you very much.

Senator Udall is next.

Senator UDALL. Thank you, Mr. Chairman.

Good morning, gentlemen. Thank you for being here with us today.

Secretary Gates, we have a proposal from the President which I fully support, to freeze non—discretionary spending, excuse me, for non-defense programs in fiscal year 2011. I think we're going to face tighter budgets and future years and we may have the potential need to trip Pentagon budgets as well. Could you talk about how you're posturing the DOD to be able to react to that potential?

Secretary GATES. Well, first of all, I think that the situation out there in the world doesn't change, and the world is becoming more complex and I would say more dangerous, rather than less so. I think that as people think about where we are, there are many reasons for the deficit and the Defense Department certainly spends a lot of money. But if you look at where the Defense Department is today, it's very much within historical norms in terms of both GDP and a percentage of the budget in terms of what we're spending.

That said, I would tell you that if the Department of Defense received significant reductions in its budget that we would have to sacrifice force structure. We cannot do it any other way. So the result of that would be a reduction in military capability and a reduction in our flexibility.

Senator UDALL. If I might, let me thank you for your focus on acquisition reform. I want to associate myself with Senator McCain's remarks and I hope that this committee will continue to support you as you make some tough decisions, so that we extract every penny of value from every dollar that we spend. I just want to acknowledge the important work you've done there.

Let me turn to Afghanistan. Senator Sessions expressed some concern, but I would like to comment that you make peace with your enemies, not with your friends. I've been interested, Admiral Mullen, in the re-integration of the low-level Taliban proposals that have been forthcoming. There was a recent conference I believe in the U.K., some significant moneys pledged.

Could you comment on those plans to the extent that you're comfortable?

Admiral MULLEN. The re-integration piece is clearly an important piece of this, and every commander feels that way. Very specifically, the re-integration is really bringing those who are literally the fighters who are against us right now, bringing them into the fold. In fact, General McChrystal is very focused on that. We are in the execution of this strategy which includes that, and so getting everybody on the same page for exactly what it means and how rapidly it happens or doesn't happen is where we are very much at the beginning. But we think it is an important part. There is no view at this point that is a panacea, because we just don't see that many at this point.

The other term that is used that I think it's very important to understand is the reconciliation piece, which is a term that is focused on I would call the senior leadership of the Taliban or the senior leadership of the enemy—much more complex, and again—and President Karzai has made it clear that he wants to get on this path. But again, it's at the beginning. We're at the beginning of that process.

I think we have to be clear about the terms and what they mean, and also look at a realistic pace in terms of both expectations and actually what's happening. In that regard, we're just at the beginning.

Senator UDALL. Let me turn to Iraq. We have elections looming. There is some increased violence. Do you still believe we're on schedule to redeploy, as General Odierno has put in place?

Admiral MULLEN. Yes, sir, I do. We were very focused on the elections in early March. It's the elections after which we start coming down fairly dramatically. 104,000 today is what we have on the ground. We will come down to approximately 50,000 by August. In that time frame, another big issue is they will be standing up a government and it will take them several months to do that, sort of the summertime, to stand up this newly elected government.

So it's a great time of transition. General Odierno, as is Ambassador Hill on the civilian side, very focused on all aspects of that. But right now, overall the indicators are positive.

Senator UDALL. I see that my time's expired. I want to thank you again for your leadership and for this comprehensive set of statements today and for a budget, Secretary Gates, that I think clearly leads us in the right direction.

Thank you.

Chairman LEVIN. Thank you, Senator Udall.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

Mr. Secretary, Admiral, thank you for your outstanding service and for appearing today and responding to some of our questions.

Secretary Gates, what I wanted to take up with you with regard to the recommendations in the budget and the QDR is, going back to the 2006 QDR, there was a recommendation in there, as you know, to develop a follow- on bomber. You've made it clear that you support the development of a new bomber. Last April you opted not to pursue a development program for a follow-on Air Force bomber

until you had a better understanding of the need, the requirement, and the technology.

As part of the effort to better understand the requirement for a new bomber, I also understand that you stood up a tiger team to do an in-depth study of long-range strike in the new QDR. In reading the new QDR on page 33, it looks, however, like you have still not made a decision to move forward with the new bomber program, but instead have commissioned yet another study.

My question is, what conclusions were drawn by the tiger team regarding the development of a new bomber and are those conclusions that would be available to us, at least in writing for the record?

Secretary GATES. I will get you an answer for the record on that, Senator. But there is I think $1.7 billion in the budget for next generation bomber and long-range strike. I think one of the issues that we're still wrestling with is what kind of a bomber would we be looking for. Do we want a stand-off bomber? Do we want an attack bomber? Do we want a manned bomber or an unmanned bomber? Or do we want variations, where you could have a platform that could serve both purposes?

I think we're still—we've still got a lot of life left in the B–52s, as old as they are, and there is modernization money for both them and the B–2s in the budget. We're talking about a bomber that would probably not appear into the force until the late '20s. So we're just trying to figure out, looking ahead a generation, what the right configuration for that would be.

[The information referred to follows:]

[COMMITTEE INSERT]

Senator THUNE. The 2006 QDR had suggested I think fielding a new bomber by the year 2018. I understand the concerns that you raised about what type of bomber that might be. But I guess—and by the way, I think the $1.7 billion is a multi-year number. Isn't that like a 4-year number?

Secretary GATES. Yes.

Senator THUNE. But why is it necessary to have another study? I mean, the thing has been studied and studied and studied and studied, on whether or not we want to move forward on developing a follow-on bomber. When would you expect that study to be completed?

Secretary GATES. I'll have to get an answer for the record. I think what the studies up to now have been is whether, and now the study is what.

[The information referred to follows:]

[COMMITTEE INSERT]

Senator THUNE. Secretary Gates, with regard to the future years defense program force structure that's set out in the new QDR for the Air Force, the QDR proposes five long-range strike wings with up to 96 primary mission aircraft. According to the latest Air Force Almanac, the Air Force has 153 bomber aircraft and I understand some of these aircraft are dedicated to testing, but over 50 aircraft for testing seems like a lot. Do you plan on retiring any bomber aircraft in the near future? And I guess a follow-on question would be, what are the assumptions underlying what appears to be a substantial reduction in the number of bombers?

Admiral MULLEN. Senator, I'm not aware that we are, although I certainly would want to check for the record to make sure that I've got that right. But there certainly hasn't been any big discussion about the retirement of bombers.

If I could speak just briefly to the other issue you raise, one of the things that's happened in the last two budgets in my view is it's put us on a pace and with a view that evolves. Some of the previous laydowns, the 2006 QDR, were from my perspective incredibly aggressive. So part of my answer to the question of why we're still doing this is because this is a very difficult problem. We want to get it right, and it has a huge impact, quite frankly, on the future of the Air Force because of the capability requirement.

I think what you're seeing is a process that is led by Secretary Gates to move us through a deliberative process that really focuses on getting it right for the future. As he indicated, the previous study was as to whether or not, and now we look to the future as what it should be. And I'm supportive of that. These are tough decisions we absolutely want to get right.

Senator THUNE. Could you for the record get to that question, though, of the number? Of the 96 bombers that are assumed in the five wings, with 153 Air Force bombers, a certain number of them allocated to testing, but that does seem like a significant number, whether or not there is any plan to retire and any assumptions underlying that, what would appear to be a substantial reduction in the number of bombers.

Admiral MULLEN. We'll supply it for the record, but I think a lot of them may be training. I think you're talking about primary aircraft, coded aircraft. There are a number designated for training and testing, as you say. But we'll supply the details for the record.

Senator THUNE. That would be great.

Mr. Chairman, if I could, I'd like to get for the record a question—a response to a question dealing with the START Treaty in sort of the same vein. Thank you.

[The information referred to follows:]

[COMMITTEE INSERT]

Chairman LEVIN. We will expect that answer for the record relative to Senator Thune's question on START.

Senator Hagan.

Secretary GATES. What was the question on START?

Chairman LEVIN. He's going to submit that to you for the record.

Senator HAGAN. Thank you, Mr. Chairman.

Thank you both, Secretary Gates and Admiral Mullen, for your testimony today and for your dedication to our men and women in the military.

Secretary Gates, I applaud you for the tremendous job the Department of Defense has done in carrying out and supporting the relief efforts that have been under way in Haiti. The ability of our maritime forces to operate from a sea base while rapidly transitioning personnel and equipment ashore is something that I believe is an excellent demonstration of what our military is capable of doing and especially useful in a situation in Haiti where there's limited capacity for air transport.

I believe it's important that we maintain our advantage in projecting sea power across the range of military operations from hu-

manitarian relief to combat. My question, Secretary Gates and Admiral Mullen, is do the military departments and combatant commanders have sufficient amphibious operational capabilities to address the full spectrum of requirements, both military and humanitarian, anticipated within the QDR?

Admiral MULLEN. Ma'am, as I go back over the last 10 to 15 years and then look at the future, my overall answer to that would be yes. We certainly have within the Department over the years debated and there's been a tension. I think it's a good tension to get this right, and it focuses very specifically on the amount of amphibious lift capability that we have.

Actually, one of my concerns specifically—so right now, yes. One of my concerns about the future—and I'm certain that the Commandant of the Marine Corps shares this—is the Marine Corps's become very heavy. Obviously, it's now in the sixth or seventh year of fighting a land war, which is not what it wants to do. So there are an awful lot of adjustments that have to be made for the future. The Marine Corps's going to have to get lighter than it's been in the last.

So I think this discussion will continue. But as far as my view of the future, I think we've got it about right as we sit.

Senator HAGAN. Thank you.

I know that we've already discussed some of the IEDs, but I know that in Afghanistan the mountainous terrain and the limited communication infrastructure certainly poses a distinctly different IED threat as opposed to what we have seen in Iraq. We need additional personnel at the battalion and company levels with the appropriate expertise and technical equipment to detect the IEDs in areas such as Afghanistan, where the insurgents utilize the primitive forms of IEDs with very little metallic content that is buried into the ground.

What type of feedback are you receiving from CENTCOM and the component commanders in theater with respect to their personnel requirements encountering the IEDs, and what do you expect to do to address any shortages that exist?

Secretary GATES. Well, a substantial number of the 30,000 troops that will be going are in the category of what we call enablers. That includes engineers, route clearance specialists, counter-IED specialists, all of whom are—and people associated with intelligence, surveillance, and reconnaissance—all of which are part of the counter-IED effort.

One of the initiatives that this temporary task force that I've set up under General Paxton and Dr. Carter is looking at is establishing at the battalion level what we would call a warehouse approach for counter-IEDs, which would basically, instead of giving every battalion the same set of equipment, rather have an array of equipment that is available to that battalion, so that each of the teams going out an select the equipment that seems most appropriate to that mission that day.

We have a wide range of these detectors and intelligence capabilities and so on, and the idea is some of these units are better, frankly, with certain kinds of equipment than others. There's more than a little art in this. So what we're trying to do is figure out

how at the battalion level we in essence could have an array of equipment that a team going out could take advantage of.

So I think that there is an understanding on the part of General McChrystal and General Petraeus that we are pouring every bit of counter-IED capability into Afghanistan that we can.

Senator HAGAN. Thank you. My time is up.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Wicker.

Senator WICKER. Thank you, gentlemen. We do have a lot to talk about, and I share Senator Sessions' view that it would be nice to have you back. I hope the chairman will be able to arrange that.

My first question is about the 313-ship Navy, Admiral Mullen. The CBO recently testified that the current shipbuilding budgets are not enough to fund the Navy's plan to increase the fleet to 313, and I think we all know that. I assume you agree with that. At 283, the service has the smallest fleet since 1916. That's pre-World War One. We need to build more than 12 ships per year for the next 18 years to arrive at 313.

Is 313 still the requirement, Admiral Mullen? And how does this budget, how does this QDR, support the goal of a 313-ship Navy?

Admiral MULLEN. It is still the goal. It was when I led that analysis and generated that requirement as CNO. It remains the floor. It was a number that was achieved with an understanding of what the risk would be. We, the total "we"—that's the Services, the Department, those that build ships, certainly congressional support—have been working for years to get more money into the shipbuilding account. I think, as we laid out, there's some $15 billion this year. It's 10 ships, 1 of which is an Army ship.

One of the things that we're not going to be able to do is build to that number if ships keep costing a whole lot more than we expect they will. The acquisition reform is really a critical part of that. I'll use LCS as an example. That has cost—while I had expectations the costs would go up, certainly not to the degree that it has.

So that has to be contained. We don't need the perfect ship or the perfect airplane as we look to the future. So I argued for years there's got to be a strategic partnership across all three of those entities in order to get shipbuilding and actually major procurement right. I think this budget takes some steps in that direction. But you don't have to do the math—I mean, you can just do the math and see that we're not going to get to 313, and I would not want to be satisfied with 283, which is sort of what the projection is right now, given the demands that we have for our military and our Navy.

Senator WICKER. So it's going to take acquisition reform to get us to that floor number of 313. When do you think we might be able to actually make some progress in that regard?

Admiral MULLEN. I think the Secretary and many others, myself included, have taken steps to really put our—get our arms around requirements growth, having expertise there, holding people accountable. Those are some of the things that are certainly in great focus right now, and there's more to do.

But it's going to take—it'll be—it'll be a few years, I think, before that really takes a grip and starts to have the kind of impact to

be able to generate the kind of capability you need within cost. I'm encouraged by this shipbuilding program. It's got two submarines in it. This is the first year it's got. I can tell you it took almost 10 years to make that happen. So we will continue to—I think it continues to need to be an area of focus. It's a vital capability for our country and, as you indicated, it's the smallest Navy we've had for many, many decades. For a country that is—that has big bodies of water on both coasts, that's a maritime country, that's a great concern.

Senator WICKER. Would it be fair to say we are shortchanging part of the mission? Could you enlighten us as to what aspects of our mission are we shortchanging because of the lack of these 313 ships?

Admiral MULLEN. Well, the Navy is very pressed right now, operating at a very high tempo. I think Admiral Roughead, who will certain have an opportunity to speak for himself, would say that he is sort of at the edge of being able to meet the commitments in terms of global commitments. He's heavily focused, our Navy is heavily focused in the Gulf as well. The sea base that was just created very quickly in Haiti is certainly well within what we expect and can do. But given the OPTEMPO that our Navy and our Air Force, quite frankly, is under, which sometimes gets lost in the focus on our ground forces—their OPTEMPO has increased as well, and so Admiral Roughead's concern is that we are wearing capability out and we're not replacing it at a rate that gets to that kind of number that you're talking about.

Senator WICKER. I see.

Let me move back to a point that Senator McCain was making. I just returned also from Afghanistan and Pakistan. I agree with Senator McCain that this July 2011 date is mentioned when you talk to leaders over there. There was a term that we came back with from our CODEL with Leader McConnell, and that was a "deficit of trust." It's not just the date for the beginning of the drawdown, but also specifically with regard to Pakistan it's the decade of really very ill will between the United States and the government of Pakistan.

Do you agree, Secretary Gates, that there is a deficit of trust about the United States' intention to be a long- term strategic partner with Afghanistan and Pakistan, and what are we doing to address that deficit of trust?

Secretary GATES. I think there definitely is such a deficit of trust with Pakistan, and I think it's historical. The Pakistanis will speak of three or four American betrayals, only the most recent of which are turning our backs on Afghanistan and them after the Soviets withdrew, and the other the implementation of the Pressler amendment and cutoff of military to military relationships.

I think, frankly, the way that trust is rebuilt is with time, effort, and actions. I think Admiral Mullen at this point has in his 2–1/2 years as Chairman been to Pakistan probably 15 or 16 times. He has an extraordinary relationship with General Kiyani. I think there is a good personal trust there.

But I think for Pakistanis as a whole, it is our sticking with them. It is our attention to their problems, including their eco-

nomic problems. So we commend the Kerry-Lugar-Berman bill, which is very important. But I think being steadfast is important.

I was in Pakistan just a couple of weeks ago and spoke directly to this, and I would say that in some areas it's more than a deficit of trust. There are conspiracy theories over there about our wanting to take their nuclear weapons, about our wanting to divide them up, all kinds of things. I spoke to that directly. So I think honesty in dealing with them, but a long-term effort, is what's going to be required.

In Afghanistan, my personal sense is that we have—in the various visits that I have made and Admiral Mullen and others, they understand that July 2011 is the beginning of a process and that there is no deadline on that process. But there also is an acknowledgment by some of the Afghans that in effect they needed that kind of wakeup call in order to begin to realize they were going to have to take responsibility themselves for defeating the Taliban, that this wasn't something that everybody else could do for them.

So I think that what we need to continue to communicate to the Afghans is that even as our security forces draw down over the next several years, that our presence there, our willingness to partner with them, our willingness to be a part of their economic and political life going forward, is a long-term, decades-long commitment by the United States to that country, not to having huge military forces there, but helping them get control of their security situation and then them being in charge of their country.

But I think the July 2011—I know it's controversial. My own view is that it provided exactly the right incentive for them to begin to accept responsibility, but by having no terminal date on it it allows us to do a conditions-based withdrawal that I think makes sense.

Senator WICKER. Thank you.

Chairman LEVIN. Thank you very much, Senator Wicker.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Gentlemen, we have the recommendations of the QDR. We have your budget proposal. This is not the moment to comment from our side of the table on the details in there.

I would like to thank Senator Wicker for his comments about the size of the Navy and the challenges in the Navy. Obviously, as you know, I do not think it is an appropriate budget item for the Navy to think that they can spend a billion dollars in upgrading a nice-to-have facility in Mayport at the same time when we're looking to try to build a fleet up to 313 ships. Admiral Mullen, you'll recall when you and I were commissioned in 1968 we had 930 ships in the United States Navy. We went down to 479. When I was Secretary of the Navy it went up to 568.

But I want to set that aside. I want to make sure you know we're still going to continue that discussion. I want to set that aside because I only have 5 minutes and I want to talk about something else. That is that I don't believe, quite frankly, that the DOD budget should be sacrosanct when it comes to looking at the constraints and the examinations that we ought to be putting on different programs.

Secretary Gates, I take your point about not wanting to go into force structure reductions. But at the same time, I believe you can meet the challenges and adapt for the future and still clean up a lot of unnecessary programs that exist in the Pentagon by taking a hard look at programs that don't produce a clear bottom line and are not simply hardware systems or force structure issues.

I very much appreciate the efforts that you've made in terms of program reductions, which you mentioned in your opening statements. But I think there comes a time every now and then to sort of shake things down. I remember when I was Secretary of the Navy the Gramm-Rudman Act was passed over here, 1987. We had to implement it in 1988. It mandated a 10 percent across-the-board reduction in defense programs, because it was a 5 percent government-wide mandate and half of the programs at that time were fenced.

They went too far. They clearly went too far. I resigned as Secretary of the Navy because they cut into force structure too far. But it doesn't hurt to really get into efficiencies in an area where we're not getting an appropriate bottom line.

Let me give you three data points and I would ask today for you to make a commitment to really examine these types of programs. You and I are familiar with the Blackwater program that I wrote you about in '07, and we came to some resolution on it, where out in San Diego they were going to spend more than $60 million for a private contractor to train sailors how to do their job, basically how to defend themselves on board a ship.

The first question I had on that was the fact that this is something that active duty people should have been doing, not a contractor. But the major concern I had was that this program came from O&M block funding. It had never been authorized. It had never been specifically appropriated as a program. It was just approved by a lower level official in the Department of the Navy based on the needs of the fleet. As we examined it, we found out that the Secretary of the Navy didn't even have to review that program unless it was a $78 million program.

There's a program existing right now, and I don't know the extent of it, where we're sending, basically sending military officers over to staff and fund think tanks. Your own Under Secretary of Defense was part of creating a think tank, CNAF. My understanding of these programs is they get military fellows. These are active duty people. They go over, they get their full pay and allowances. But not only that, they get tuition. The numbers that I saw were $17,000 a "semester," quote, whatever a semester is while you're over there, to pay the rent, the computers and all the rest of that.

Essentially what that means is the American taxpayer is funding think tanks, basically to keep them in business. They don't produce any really added value to the Department of Defense in my view in terms of a direct contribution.

Another example that just came up over the past couple of months is this mentors program, where, according to news reports, you can have retired high-ranking general officers and admirals making well in excess of $100,000 a year in their retirement, 80 percent of these people working with defense contractors, and then

going in and making up to $2600 a day to give their advice. In other words, a retired admiral or general can make more in a day than a corporal in Afghanistan will make in a month, basically to do what he's supposed to do anyway, and that is fulfil his stewardship from having spent a career in the military.

I don't know the full cost of that, but according to USA Today these people are being paid between $200 and $340 an hour plus expenses. They are hired as independent contractors, so they're not subject to government ethics rules. They operate outside public scrutiny, and many of them work for weapons makers and in effect are able to either gain information for companies or exchange data.

That's not the military I grew up in. That's not the military you and I served in, Admiral. That's not the Pentagon that I served in in the 1980s.

So these are the kinds of things, Mr. Secretary, I think we can do and not affect force structure.

Secretary GATES. Well, we certainly will continue to look at these things. I will tell you on the mentoring program, the Deputy Secretary has been reviewing this and I think you will see some—we think there is great value in the program, but you will see some fairly dramatic changes in the way it's administered.

Senator WEBB. I would certainly hope so.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

Senator LeMieux.

Senator LEMIEUX. Thank you, gentlemen, for your service and for being here today to answer our questions.

Secretary Gates, when we capture an enemy combatant in Afghanistan or Iraq, do we read them their Miranda rights?

Secretary GATES. No.

Senator LEMIEUX. So why should we do so if we capture one in this country?

Secretary GATES. That's a question better addressed to the Attorney General, Senator.

Senator LEMIEUX. You were the Director of the Central Intelligence Agency before you were the Secretary of Defense?

Secretary GATES. Yes, sir.

Senator LEMIEUX. So I assume you have an opinion on this.

Secretary GATES. I have—my view is that the issue of whether someone is put into the American judicial system or into the military commissions is a judgment best made by the chief law enforcement officer of the United States.

Senator LEMIEUX. Well, before they get into either commission, there's a question of being able to ask questions, and certainly we know there's a chilling effect when we give someone their Miranda rights. So if we're not doing it overseas, I'm not sure why it makes sense that we would be doing it in this country.

Secretary GATES. Well, we have in place protocols now that—and there is authority under the law—that if a person is deemed to be a threat to the National security as a self-confessed terrorist would be, that there can be delays in Mirandizing to allow time for questioning. So we have the authority to do that even in the Article III system.

Senator LEMIEUX. My colleague from Virginia was just talking about Mayport and that he has a different view than you expect that I would. You put in the QDR that, to mitigate the risk of a terrorist attack, accident or natural disaster, the Navy will home port an East Coast carrier in Mayport. I know you support that and I appreciate that.

But there is no money in the budget, as I understand it, for the nuclearization projects or other projects that need to be completed.

Admiral MULLEN. There's $239 million in the FYDP for the Mayport, military construction for Mayport.

Senator LEMIEUX. Okay, thank you.

Admiral Mullen, will you officially designate a ship to Mayport in the coming months?

Admiral MULLEN. Actually, it's something that—it's not mine. I think that in the end would be a decision that the Navy would recommend and it would come up to the Secretary.

Senator LEMIEUX. Are you planning on making a recommendation soon?

Admiral MULLEN. As soon as the Navy brings one up, and I just don't know where they are in that process.

Senator LEMIEUX. Maybe we can follow up on that later.

I want to speak a little bit about acquisition reform. A number of my colleagues have mentioned this. Specifically, Mr. Secretary, about the Joint Strike Fighter, we recently were given some information about the fact that it's 35 percent over budget, which I think is about $18 billion if my numbers are correct. This program started in the mid-90s. It occurs to me I think we went to the moon quicker than we've produced this plane.

So I appreciate your efforts to try to get this under control, and I saw that there was a suspension in the performance bonuses. My question to you is, in terms of acquisition reform, it seems to me that there needs to be reform across the Department of Defense, probably across the government, and not just performance bonuses being withheld, but performance penalties under the contracts that we have with vendors.

Is there a person that you charged as responsible solely to lead the effort on acquisition reform, and are you looking at these contracts to make sure that the vendor would bear the cost if programs were delayed?

Secretary GATES. Under Secretary Carter is responsible for that and he is taking a very close look at a large number of contracts.

Senator LEMIEUX. I had an opportunity to be at CENTCOM yesterday and speak with General Petraeus. In the follow-up to my trip to Afghanistan at the end of October, which I went with Senator Burr and Senator Whitehouse, one thing that we noted is that our information work there in terms of trying to get the message out to the Afghan people may be not doing as good of a job as it could be.

General Petraeus talked about the fact that we were successful in the surge in Iraq because of the power of ideas, not just the power of our forces. I'm wondering if this is on your radar screen, the need to commit more focused energy and potentially more funds to providing information to the Afghan people to counteract

what the Taliban does. The Taliban will go in and say, oh, we just killed a bunch of children. It's misinformation.

There are some good efforts that are being done. I met with a Colonel Kraft who was doing some very good work with trying to get radios out there to folks, working with territorial governors to get information out quickly so that we could counteract propaganda from the Taliban.

Is that something that's risen to your level and do you understand the need to maybe improve our efforts?

Secretary GATES. Absolutely, and in fact we have spent a good bit of time on this in the situation room with our interagency.

Senator LEMIEUX. I'm out of time, Mr. Chairman. I'd like to ask just one more question for the Admiral.

On the 313-ship Navy, the plan I guess is currently to have 10 carriers. Is that sufficient? We're refitting the Enterprise. Do we need to keep the Enterprise in operation until the Ford comes on line? What's your thoughts?

Admiral MULLEN. I think that the current requirement is for 11 and I support that. The 10-carrier issue is to be decided literally decades down the road. Obviously, how we build them generates how many of them there are and when we retire them.

I don't think we should keep the Enterprise. I think the Enterprise is unique, incredibly costly, and the decision to decommission it after its next deployment and take the risk in that gap I think—it is a decision that I support, recognizing there is some risk associated with that.

Senator LEMIEUX. Thank you very much.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator LeMieux.

Senator Burris.

Senator BURRIS. Thank you, Mr. Chairman.

I'd like to ask my thanks, gentlemen, to your wonderful service that you do for our country. For those of our military personnel in Haiti, I just want to extend my thanks to them, and also remind our government that we're there as assistance and not to take over or occupy a country, as some people are concerned about. So make sure that we keep that message going forward.

Mr. Secretary, the Defense Integrate Military Human Resource System, the largest enterprise resource planning program ever implemented for the human resource system, which is called the DIMHRS, I guess is the pronunciation of it, will replace over—would replace over some 90 legacy systems. It's intended to bring all payroll and personnel functions of the military into one integrated, web-based system.

In August of 1996, a Department of Defense task force concluded that the multiple service-unique military personnel and pay systems causes significant functional shortcomings, particularly in the joint arena, and excessive development and maintenance costs. Their central recommendation was that DOD should move to a single all- service, all-component, fully integrated personnel and pay system with common core software.

This is a program that the Defense Department said at one time was necessary. Why is it considered a poorly performing program

today, Mr. Secretary, and why is it not necessary and what has changed?

Secretary GATES. Well, this is one where I think both Admiral Mullen and I have something to say. First of all, after 10 years of effort, poor performance and difficulties with that program, I would say that what we've gotten for half a billion dollars is an unpronounceable pronoun, acronym. Many of the programs that I have made decisions to cut have been controversial within the Department of Defense. I will tell you this one was not.

Admiral MULLEN. Both in my prior life as head of the Navy and actually even before that as a budget officer and certainly through this, this program's been a disaster. The characteristics you describe, Senator, are good characteristics to have. I talked earlier about making a program too perfect and you just can't get there, too complex. It was proven that DIMHRS couldn't get there time and time again.

So I applaud the termination of the program. That doesn't mean we shouldn't try to create the kind of enterprise effort that you just described, but we've got to do it in a way where we're not spending the kind of money that we were spending going nowhere in DIMHRS.

Senator BURRIS. Gentlemen, is that where we run into a military bureaucracy, that people don't want to give up something? I think it's more of that. If we can pay under the Office of Personnel Management all civilian employees under one payment system, why can't the military also exercise one payment system? It would be my assessment that you would run into turf problems that the military is not willing to say that a person at a grade 6 in the Navy should be paid as a person who's a grade 6 in the Army, with the same system. So you cut a paycheck and you don't have all these—what have you got, five or six different payroll systems in the military? We can save millions and millions of taxpayers' dollars by combining those systems.

Admiral MULLEN. I don't disagree that theoretically we could get there and we should have that. It's just it was costing us a tremendous amount of money to go nowhere in this—

Senator BURRIS. Then why——

Admiral MULLEN. Senator, even in the private sector, when you talk to individuals who have tried to combine, who have combined various multi systems, it is always a challenge. So the challenge is there. I think the goal is one that's a good goal. We just were not getting there with DIMHRS. We were wasting our money.

Senator BURRIS. Are you going to take it up in the future?

Admiral MULLEN. Yes, sir, I'm sure we will. It sounds like we will.

Senator BURRIS. Let me shift gears for a minute. Why is the funding for Iraq security forces nearly doubling from the fiscal year 2010 budget to the fiscal year 2011 budget? When I was in Iraq it was my understanding we were standing down and that we wouldn't need to be spending extra money for training for the security forces. Is there an explanation why the budget is increasing?

Secretary GATES. Well, sir, the money is for things like—$300 million in the '11 OCO is to set the conditions for the transfer to the State Department for responsibility for training the police.

Chairman LEVIN. Repeat what that "OCO" means?

Secretary GATES. The overseas contingency operations bill.

Chairman LEVIN. Thank you.

Secretary GATES. The new supplemental.

So there are a number of categories like that. A lot of it—there's only $158 million—of the billion dollars for 2010, for example, only $150 million of that is for equipment. The rest of it is all connected with our transfer of responsibilities from—costs associated with transfer of responsibilities either from ourselves to the Iraqis or from the Department of Defense to the Department of State after our troops come out. So most of those costs are associated in that area, along with sustainment of and training for the Iraqis who are going to be taking our places.

Senator BURRIS. My time has expired. But gentlemen, I hope that we will revisit this personnel system. If the civilians can do it, you get one paycheck and one pay scale system, the civilians, the military can do it without five or six different systems existing.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Burris.

A couple quick items. Feel free to submit that unpronounceable acronym for the record.

Secretary GATES. DIMHRS.

Chairman LEVIN. You made reference in an earlier answer to the Article III system and you were referring to the civilian court system.

Secretary GATES. Yes, sir.

Chairman LEVIN. Now, one housekeeping announcement before I call on Senator Collins. When we begin our hearing on "Don't Ask, Don't Tell," which it looks like we're on schedule to begin maybe even before noon, we're going to follow the same early bird order as we have for this hearing, so that everybody can be put on notice. We're going to recognize Senators in the same order as they appeared for the current hearing when we reach the "Don't Ask, Don't Tell" hearing.

Senator COLLINS.

Senator AKAKA. Thank you. So the last will be first for that next hearing?

Chairman LEVIN. I didn't say reverse order. I said the same order. [Laughter.]

I wish I could say otherwise. We're struggling here with what is the best way to do it and we decided the best way to do it is to put everyone on notice.

Senator COLLINS. Just don't tell them that we're starting early, then.

Chairman LEVIN. Okay, you got a deal. [Laughter.]

Senator COLLINS. Thank you, Mr. Chairman.

Secretary Gates, according to the QDR on any given day there are more than 7 million DOD computers that are being used to support our warfighters and for other DOD operations. We also know that every single day there are attempts to hack into those computers. Some of these attacks are from nation states like China.

What is your assessment of the effectiveness of DOD's current cyber security efforts?

Secretary GATES. I think that we actually are, particularly with our classified systems, are in good shape. Most of the attacks that we encounter, too, are unclassified, to unclassified systems. But frankly, we're not happy with where we are, and particularly as we look ahead. That's why we have an initiative to create Cyber Command and also have money in the budget and have made a priority in the QDR and in the budget for cyber in terms of training significant additional individuals who are expert in this area. We've made it a top priority for the services to fill all the slots in the education programs for cyber.

So I would say I think we're in good shape now, but we look with concern to the future and we think a lot more needs to be done.

Senator COLLINS. Thank you.

Admiral Mullen, last year the President announced a major policy change on how our country would extend protection against ballistic missiles to our NATO allies. I joined Senator Levin on a trip to talk to the Czech Republic, Poland, and Russia about this very issue last March. I support the change in direction.

Part of the change in direction is that sea-based Aegis surface combatants would become a primary means of accomplishing that important mission. Now, ships dedicated to perform this mission will likely be tied to specific areas of operation. That means that they're not going to be fully available to perform many of the other more traditional missions that we've typically assigned our major surface combatants. A number of analysts have suggested that that means we will need a larger number of major surface combatants if all of these missions and roles are to be executed successfully.

How does the decision to assign major surface combatants to this new dedicated missile defense mission affect your assessment of the size of the overall fleet?

Admiral MULLEN. Well, it starts with an earlier discussion we had on the need to get to that floor of 313 ships, which we're below target right now. One of the things that I've worried about for years is that we would have enough in particular surface combatants to be able to meet the needs that are out there, although I do not subscribe to the theory that these ships would become ships like our strategic ballistic missile submarines, in other words it's the only thing that they do. We've invested too much in the broad capability of our surface ships, wide- ranging capability of our surface ships, to dedicate them to one mission.

I think as this program has been adjusted, it focuses on regional, theater, evolving threats and I think that's the right answer. So we would have certainly some indications and warning. We have enough ships to flood, if you will, to a certain area, understanding what the threat is.

So I'm between—I think we need to look carefully at how many we need. I also think we need to upgrade the ones that we have. While we are upgrading some, I think that we need to look pretty seriously in modernization at do we have enough upgrades for the ships that we've already built to meet this threat in the longer term, as well as looking to see if we need more. I'm more focused on the upgrade right now than I am additional Aegis ships per se.

Senator COLLINS. Thank you.

Chairman LEVIN. Thank you, Senator Collins.

Senator Bill Nelson.

Senator BILL NELSON. Gentlemen, I want to compliment you on the relief efforts in Haiti.

The American military leads. You are the point of the spear. You make it happen. Please consider that for the future, for the long term, we're going to have to do something different. I was just told a very troubling story of a relief effort by a group of Floridians, doctors, prominent people, that took a private planeload of medical supplies down to a number of our doctors who have been on the ground just doing heroic stuff. Just before they got there, the customs had been turned back over to the Haitian government, and as they're unloading the plane of all the medical supplies to get it to in this case University of Miami doctors, who were there the day after the earthquake, the customs officials wanted bribes to release the medical supplies.

We just can't allow this kind of thing. So you have done tremendous things in getting us to where we are, the humanitarian mission. But for the long term, we're going to have to have some kind of international trusteeship that's going to be led by the international community, that will take this kind of nonsense away from the people who have done this for 200 years in Haiti.

I'm not expecting a response. I just want to compliment you for what you've done.

Now, what I would like to ask—I have the privilege of chairing his Emerging Threats Subcommittee and as we withdraw our conventional forces in Iraq the requirement for the Special Operations Forces is projected to remain. But they, the SOF, rely on the conventional counterparts for many of the support functions. So what do we do to ensure that our Special Operations Forces are being adequately supported as we withdraw the conventional forces from Iraq?

Secretary GATES. Senator, I think there's a two-part answer. I'll take the equipment part and ask Admiral Mullen to take the people part.

One of the things that we are doing is moving the base—moving the funding of the Special Operations Command from the supplementals into the base budget. We believe SOCOM is going to have the capability that this country is going to need far into the future, and so in terms of their equipment, we're plussing up the equipment that they are supplied with, much of which is unique to them. We are increasing the number of slots that they have by this budget for fiscal year 2011, increases the SOCOM personnel by 2800 people.

So I think that in terms of equipment and so on, we are putting ourselves on a long-term footing to sustain that capability.

Admiral MULLEN. Part of—and this is in the QDR and it's in the budget. Part of moving to the future is investing in the wars that we're in, and there's no more critical capability to my view that we are investing in in these wars than the Special Forces capability. That will serve us well for the future.

I don't know if I'll get these numbers exactly right, but I think we started these wars at about 38,000. We're at some 56,000 Special Force operators or Special Force military members now, and these, as the Secretary said, are growing 2800. This is, at least

from my interaction with Admiral Olson, this is about as fast as we can grow, as fast as we can find the people to do this.

A document which has struck both the Secretary and myself has been Admiral Olson's guidance for this year in 2010. I have said for years I believe our whole military has to be looking at the kinds of characteristics—swift, agile, lethal, engaging, all those kinds of things that is a part of our Special Forces, as we look to the future for our conventional forces.

The tension that you describe—and I think it's a healthy tension—between the Special Forces and the Services that provide the people, provide a lot of the early training, go out and recruit them, is a good tension and we'll have to continue to deal with that.

Senator BILL NELSON. Just a quick comment, if you would, Admiral, about the role of Joint STARS aircraft in Afghanistan? You have provided adequately in the budget for keeping Joint STARS as a viable option by re-engining these old platforms. What's the role in Afghanistan?

Admiral MULLEN. It is principally tracking targets on the ground more than anything else. But as you ask that question, Senator Nelson, I think of JSTARS being the revolutionary aircraft that it was for Desert Storm—actually, I'm sorry, even in the mid-90s, early to mid-90s in the Balkans, where we deployed them prior to the time that we actually finished successfully testing them, and they have provided an extraordinary capability. And yet, the adaptation in these wars to the persistence requirement which we've achieved much more readily with our UAVs than we've been able to do with any manned aircraft per se.

But they're incredibly valuable, particularly in tracking targets on the ground, which is one of the reasons this investment is so important.

Senator BILL NELSON. Thank you, sir.

Thanks, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Nelson.

Senator McCaskill.

Senator MCCASKILL. First I want to thank you, Secretary Gates, and I hope that your office will continue to cooperate with information we've requested on a number of different topics for the subcommittee that I chair in Homeland Security on contracting.

One of the things we're trying to get to the bottom of is whether or not some of the contracts on the earmarks, if in fact they've been competitive. There is—it is said that—I think the chairman accidentally called on me before Senator Bayh and I want to make sure—I'm happy to—

Chairman LEVIN. Just let me thank Senator Bayh. There's a mistake I made here and I appreciate your courtesy in dealing with it. Thank you.

Senator MCCASKILL. I want to thank you for the cooperation in trying to get to the bottom, because I think that there is in some instances a fiction that some of these earmarks are being competitively given out, when in reality the Senators' requests are being honored, maybe informally. But we're trying to get to the bottom of it and make sure we've got as much transparency as possible.

I've read everything I can get my hands on on the JSF, the Joint Strike Fighter, and when we're going to actually use these fighters.

I'm confused about the date. Depending on whether you're talking about the analysis team that went out from DOD or whether—I see quotes from Schwartz or whoever—let's get on the record, Secretary Gates. When do you think the Joint Strike Fighter is going to be operational for our military?

Secretary GATES. Even with the restructuring of the program, the training squadron is still scheduled to deploy to Eglin Air Force Base in 2011. The Marine Corps will have their initial operating capability in 2012; the Air Force in the second quarter of 2013; and the Navy the fourth quarter of 2014. Those are the latest estimates that I've been given.

Senator MCCASKILL. Okay. And I heard you say those earlier. I just wanted to make sure that that is clarified.

I want to tell you how much I respect the fact that you fired somebody. You've done this several times. I've watched you do this, and it is unusual. I don't think anybody around here realizes how unusual it is for a Secretary of Defense to fire people when these things happen. Traditionally, there have not been people that have been fired. I just want you to know I noticed and I think it's hard to do, but I think it's very important that you send that signal of accountability.

Let me ask you about the modernization of the C–5s. I'm going to try to go at the C–17 a little bit differently. I would like to ask this question: If your hands were not tied by Congress in terms of the modernization of the C–5s, would you continue to modernize or would you retire?

Secretary GATES. We would consider—we would continue to modernize a good portion of the C–5s. But there would be some of the older C–5As that we would retire.

Senator MCCASKILL. Are you advocating that we repeal the statutory tieing of your hands while you're advocating for the closing of the line on the C–17s? Are you also advocating that Congress quit tieing your hands as it relates to retiring the C–5s?

Secretary GATES. Any greater flexibility I can have to manage the program, I would welcome.

Senator MCCASKILL. I want to make sure that I get your endorsement for us retiring our hand-tieing of you as it relates to, obviously, the modernization of the C–5s has had huge problems. It turned out to be much more expensive than it was ever intended to be. I know that it's my understanding we're not using C–5s in Haiti, correct?

Secretary GATES. I don't think so.

Senator MCCASKILL. In fact, we're using, as we always do, the reliable, easy to land on short runways, load them up, get them out, cheaper to fly, C–17 in Haiti; isn't that correct, Admiral Mullen?

Admiral MULLEN. Yes, ma'am.

Senator MCCASKILL. I just wanted to make sure.

Secretary GATES. Although I would just say for the record, 200 and some, 204,000 landings for strategic lift since 1997, 4 percent have been at airfields that a C–5 could not access, and half of those were in Iraq.

Senator MCCASKILL. Well, I understand that, and I know that. But it's important to remember that that Iraq capability was pretty

darn important over the past 6 to 8 years in terms of military operations. I think we're going to have the same situation in Afghanistan. Aren't there air strips in Afghanistan that are not—that are certainly more friendly to a C–17 than a C–5?

Secretary GATES. Sure.

Senator MCCASKILL. I would like to briefly get into prescription drugs and our military. I think we are all painfully aware of the suicide problem that we have. I think we are also aware that there has been a "modernization," quote unquote, of prescription drug availability in the military as it relates to PTSD and other mental health issues. I know that we have a task force looking at prescription drug use.

I wanted to also bring to the attention of the committee that—and to you—that I think as this task force is looking at prescription drug use, not only should we be looking at the anti-depressants that I think have become ubiquitous in some instances as it relates to treating our deployed forces when they're having stress issues, but also the prescription drug for pain. I particularly have mentioned to General Casey Oxycontin and the highly addictive nature of Oxycontin and the widespread availability of Oxycontin within the military and the fact that we now know that in some parts of our country Oxycontin has a higher street value than heroin because of the highly addictive nature of the drug.

I wanted to ask your cooperation, Secretary Gates—and I will be sending you a letter—that the prescription drug task force also take a look at how widely available Oxycontin is in the military and whether or not its overall effect has been harmful or positive.

I wanted to ditto Senator Webb on the mentoring program. Pretty ugly. We've got to get that under control and make sure it's transparent. The revolving door at the Pentagon deserves as much attention as the revolving door in Congress.

Thank you, Secretary Gates.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCaskill.

Senator Bayh, again with our thanks.

Senator BAYH. Thank you, Mr. Chairman.

First let me compliment Senator McCaskill for her line of questioning. Claire, Harry Truman would be proud. You're focused on saving the taxpayers' money. It reminds me in a previous incarnation when I was our State's governor during difficult financial times. I used to scrub the budget so carefully I had a nickname in some quarters as "Evaneezer." So I really do appreciate your efforts.

Mr. Secretary, I'd like to begin by complimenting you and associating myself with what Senator McCaskill was saying. It was a breath of fresh air that you're bringing increased accountability to some of these programs. Some of the practices that have been allowed to exist for too long in Defense Department contracting of weapons systems, as you know, would never survive in the private sector. So the fact that people are being held accountable and the contractors themselves are being asked to share some of the burden for the delays and the cost overruns I think is absolutely the right thing to do. I want to commend you for that and I hope we'll see more of the same.

As you know, we are gathered here at a time of great financial and economic distress for the American people and for our government. People are being asked to make sacrifices. The President has called for a freeze and non- security discretionary spending, and yet we are being asked to appropriate, I think you indicated, a 3.4 percent increase in defense spending. Is that correct?

Secretary GATES. 1 percent, 1.8 percent in real growth.

Senator BAYH. In real growth. My point is I support that because of the challenges that we face. I just wanted to put it in the context of people are being asked to make real sacrifices. It makes even more important your efforts to try and save tax dollars wherever possible.

It seems to me that, looking at the big items, the prospect for any real meaningful savings in the future have to do with our commitments in Iraq and Afghanistan and perhaps the prospect that they will head in a better direction, allowing us to perhaps save some money there. So I'd like to ask you about both of those conflicts.

I know you've given us your best—or your most likely case estimate about what it will take in both of those conflicts. If you had to say that it was going to be something other than the most likely case—let's start with Iraq. The way things are trending there, would it be more or less likely that we would be able to withdraw more aggressively there than you're currently planning on, and in so doing save some of the money that we're being asked to commit to to Iraq?

Secretary GATES. I think that General Odierno's view would be that it would be very risky to try and accelerate the withdrawals beyond the timetable that he already has.

Senator BAYH. So no real prospect for savings beyond what has been estimated there?

Secretary GATES. I think not.

Senator BAYH. In Afghanistan, my own view is that skeptics who look at that conflict and say, we're going to do our part, we're making a major commitment to stabilizing that country, to keeping the Taliban and the al Qaeda from having a platform to attack us—there's no doubt in my mind we'll do what is necessary. The question is whether the Afghans are capable and willing to do their part. You look at the history of that country, the complexity of that country, I think skeptics kind of wonder whether even with our best efforts we'll be able to get the job done.

Would it be your assessment that there probably is not much prospect for—well, if events are going to deviate from the most likely scenario, it's more likely to be on the down size than the up side in Afghanistan, no real prospect for additional savings there?

Secretary GATES. I suspect not. But I would tell you, Senator, that, as the President announced, there will be a review of our strategy in Afghanistan at the end of this year, and I think both Admiral Mullen and I are committed that if we determine that our strategy is not working that we will not recommend just plunging ahead blindly without a change of course.

Admiral MULLEN. If I could just quickly, I think a healthy skepticism is good. I think a terminal skepticism at this point is—it's far too soon. In fact, we see signs in many places now of uplifted

spirits on the part of the Afghan people where security has turned around. I'm not underestimating the significance of the challenge, but from a strategy standpoint, a resourcing standpoint, a leadership standpoint, and a commitment on the part of the Afghans that we can see as a result of what the President announced, it's better than it's ever been and we're just a few months into it.

Senator BAYH. Well, we're all hopeful, but I think we all realize we have to be realistic as well. Mr. Secretary, I think that's what you've outlined here: a review in progress, assessing our partners both in Pakistan and Afghanistan, and then making the hard decisions at the appropriate time.

Let me ask a couple other questions. Have you requested all the Predators and Reapers you can use and you need?

Secretary GATES. Yes, sir. We have pretty much maxed out the lines. I would just say that those capabilities in some instances, in more than a few instances, the challenge is not just the airframe or the platform; it's the ground station, it's the crews, it's the linguists that enable us to use the information. So it's the whole package that we have to put together.

Senator BAYH. For a long time there was a shortage of pilots as I recall. But we've—

Secretary GATES. Well, it was both airframes and platforms. But I would say the Air Force—over the last year to 15 months, the Air Force has really leaned into this problem, and General Schwartz has told me that they are now training more UAV pilots than they are fighter- bomber pilots.

Senator BAYH. That's quite a change. But it's one of those systems, as you know, that's really been delivering for us here. So I'm delighted at your request.

Finally—and my time has expired—along with five of my colleagues, I was in Kabul and at the Bagram Air Base earlier this month, or last month now that it's February, and I just want to—please convey, we have met with many of the members of the armed forces, and particularly the Special Operations folks down there at Bagram, they're doing an outstanding job and I want you to, if you can, please relay our appreciation for the service they're rendering our country.

Chairman LEVIN. Thank you, Senator Bayh.

Senator Reed.

Senator REED. Thank you, Mr. Chairman.

Thank you, gentlemen, for your testimony. Some points have been raised with respect to the trial of Abdulmutallab and I think, Mr. Secretary, you sort of indicated that that decision was the province of the Attorney General. But just as a matter of fact, had he been turned over to military custody he would have been provided a lawyer, I presume; isn't that correct?

Secretary GATES. Yes, sir.

Senator REED. And given the fact that we've harmonized the rules of interrogation between the FBI and other agencies of the government, including the military, that the tools available for an interrogation would have been very much the same?

Secretary GATES. Yes, sir.

Senator REED. I think something else, too. Again, this is not a question of venue; this is a question more of how we combat these

terrorists. A lot of them describe themselves as holy warriors, and if we reinforce their self-described holy warrior description, trying them essentially in a military trial and not a civilian trial, doesn't that reinforce what they think they are, which is basically that they're not terrorist criminals, they are some type of holy warrior?

Secretary GATES. Well, I suppose that that's the case. I just think that we're—we are in a good place when you have the ability to use both the civilian court system and the military commissions and to be able to make decisions on how to prosecute an individual based on a case by case basis depending on those specific circumstances. The Attorney General consulted with me in terms of the decision on the Christmas Day bomber and I told him that I would defer to him on that. I think we need to use both of those venues, but I think it will depend on the circumstances in each case.

Senator REED. Thank you, Mr. Secretary.

Admiral Mullen, in Afghanistan there has been I believe an increase in recruits to the Afghani forces, which are absolutely essential to our long-term strategy. I know there's been a pay increase that has helped. But what other factors have helped?

Admiral MULLEN. I think an intangible that I would put out there is the fact that the commitment on the part of the United States and NATO nations specifically to this fight and to the totality of it, not just the military side. I think the leadership in Afghanistan visibly more committed, General McChrystal out in battlefield circulation with the President, who has connected with his people in ways that have been very important as well, along with—and I think it's a combination of standing up for their country, which I am told routinely and which their leaders feel strongly about, in addition to the incentivized pay increases specifically.

What we're struggling with is, while the recruiting was at 116 percent over the last couple of months, is having the institutional capacity both from a training infrastructure standpoint as well as trainers to absorb that many. That's just, quite frankly, an area that we haven't focused on enough in the past and we're trying to get right right now.

Secretary GATES. I should correct the record. The Attorney General consulted with me on the 5–9–11 terrorist, not the Christmas Day bomber.

Senator REED. Thank you, because it's important to have the record accurate.

Mr. Secretary, you have I think once again proposed robust funding for basic science in the Department of Defense in this budget. I think that's critical. Could you give an idea of where you're proposing to spend this money?

Secretary GATES. Let me do that for the record if I might.

[The information referred to follows:]

[COMMITTEE INSERT]

Senator REED. You're quite welcome to do that for the record.

Admiral Mullen, in the QDR there is a discussion of dealing with anti-access environments and utilizing the advantages of sub-surface operations, which I presume is not just submarines, but also unmanned undersea vehicles. Can you amplify what your plans are?

Admiral MULLEN. Broadly, I think the presumption is exactly right. We've focused on investments there for some years. I'd have to get back to you with what the specifics of that would be. I would only say, from actually every capability area that we have, that the ability to sustain, create and sustain access globally, oftentimes is very important. Oftentimes this is very focused on the Western Pacific, but, quite frankly, it's much broader than that and those capabilities are vital for our future.

Senator REED. Thank you very much.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator BEGICH.

Senator BEGICH. Thank you very much, Mr. Chairman.

Thank you all for being here, and I am the last one standing I think on this round of activity. So let me try to be very quick. I have some very Alaskan issues, but first a little more global.

Again, thank you for all the work you're doing in Haiti and the impact that we have down there. Can you tell me, just so I have the number correct, what's our total capacity down there right now in regards to troops that we have there?

Admiral MULLEN. We actually had over 20,000. With the release of the aircraft carrier Vinson, who actually left her helicopter capability ashore in Haiti, but with the release of her we're down to just under 17,000 today.

Senator BEGICH. Do we have an idea of what the resource cost has been so far to DOD?

Secretary GATES. It's about $150 million so far.

Senator BEGICH. Do you have an estimation of what you think in this budget process that you're planning to expend for the next year?

Mr. HALE. Well, I am not sure the duration and length of this. We estimated 3 to $400 million during the first 30 days, and I think we'll have to revise that depending on how long we're there and the degree of our commitment.

Senator BEGICH. Do you have within the budget that the President has presented the resources to meet that goal?

Secretary GATES. No.

Senator BEGICH. Okay, that's good. That's what we need to know.

Secretary GATES. We can cash flow it, but we need to be repaid.

Senator BEGICH. Understood.

Mr. HALE. We do have the money right now, thanks to the committee and the Congress, to cash flow it.

Senator BEGICH. Okay. Do you think and believe you have a clear mission of what you should be doing there yet defined, Secretary Gates?

Secretary GATES. Yes, I think we do.

Admiral MULLEN. Yes, sir. It's very clear and it's in support of, obviously, first of all the Haitian people, the Haitian government, the UN mission. We're in support of USAID, who has also been magnificent in this effort. So it is a supporting effort specifically.

Senator BEGICH. Very good. If I can go very quickly on another subject that Senator McCaskill brought up, on Oxycontin. The other piece I would like, maybe at another time for the record, not only what the drug activity in the sense of distribution, but the ef-

forts for individuals who are trying to get off of it. I have talked to several soldiers who have had Oxycontin as their pain management and other things, but now they're trying to get off it and we have limited resources. So if you could, maybe for the record, just give me kind of how that works and what you do for those soldiers that are trying to now get themselves out of that situation, if you could do that for the record, Admiral.

Then give me the Iraq status again? We had a year ago how many troops there were there roughly, about a year ago?

[The information referred to follows:]

[COMMITTEE INSERT]

Admiral MULLEN. Sorry?

Senator BEGICH. How many troops did we have in Iraq about a year ago? What was our peak level, do you think? 140?

Admiral MULLEN. Yes, I would say 140, 150. We're at 104,000 today.

Senator BEGICH. 104,000 today?

Admiral MULLEN. Right. And the marines are out.

Senator BEGICH. Then by the end of August, you think we'll be down to?

Admiral MULLEN. About 50.

Senator BEGICH. 50,000 remaining?

Admiral MULLEN. Right.

Senator BEGICH. Then the other date of next August, where will we be?

Admiral MULLEN. The following year, actually end of 2011, we'll be out.

Senator BEGICH. And again to echo what I think you said to Senator Udall, we're on track?

Admiral MULLEN. We are.

Senator BEGICH. Very good. I'm trying to rapid-fire these, knowing my time is limited.

Do you still in your DOD presentation of the budget, do you still have a very robust—another issue, separate—alternative, renewable energy program? I know that's been a big plus, to be very frank with you, with the military. You have been leaders in this area. Are you still fairly in your mind aggressive in this arena?

Secretary GATES. Yes.

Senator BEGICH. Let me now be parochial, as you probably had anticipated. But first with regards to the GMD, I appreciate the missile ground defense system and the work you've been doing in Alaska and the efforts you've done over the years in kind of transition of what's been going on with overall missile defense.

The way I understand this is you'll finish off field 2. Do you have the resources in this budget or do you allocate utilizing other resources to get to that final completion of the 12 and then the decommissioning of the 6?

Secretary GATES. That's budgeted for.

Senator BEGICH. In this cycle?

Secretary GATES. Yes.

Senator BEGICH. Is there anything beyond even the six decommissioned? Do you have to budget for that or do you think you have that also in this cycle?

Secretary GATES. I think it's all in the budget.

Senator BEGICH. If there is a difference, you'll let us know?

Climate change, Arctic policy. I know you mentioned it and you started talking about it within this process, and I think it's important. There is an issue, and maybe again at a later time—as you know, we have three, the European, the Northern, and the Pacific Command that kind of manages it all together. Is there a process you're going through now to try to bring some unified command, be it a joint command. How do we deal with that, because I know that's an issue that keeps popping up. Are you going through the process now, Admiral?

Admiral MULLEN. I think, Senator, we would use the normal process, which would bring all of that back here certainly from the combatant commander's standpoint. We do that routinely across a host of issues. There's no view that I've heard of or certainly I don't see it from an intention standpoint to create another command to handle this. But we are looking at the policy. We actually want to give Thad Allen and the Coast Guard a lot of credit here because they've actually done great work and brought it to our attention in the last couple years. We've moved ahead. We still have a long way to go there.

Senator BEGICH. My time is up, but that is exactly—you stated that the Coast Guard's really been hollering out there at all of us. As you move forward on that, I would love to be engaged in that. As you're well aware, a huge opportunity, also potential huge conflicts. So your work there would be greatly appreciated.

My time is up. I tried to give you a variety pack and you did a great job.

Thank you very much.

Chairman LEVIN. Thank you, Senator Begich.

Senator Chambliss is on his way. He has not had a first round yet. I think maybe we'll just see if anyone has one question for a second round. I have one, and then I'll see if others do. Okay, I'll cal on you too, Senator Burris.

My question is the following. There was a study that the Institute for Defense Analysis did on that alternate engine for the F–136. My question is: It's now about 3 years old. They looked at how much was invested, how much would need to be invested to develop it, what would be the possible benefits, what would be the costs for that alternate engine. My question is, will you ask the Institute for Defense Analysis to update that study, since we've had a couple of years now of additional investment? Can you do that, Secretary Gates?

Secretary GATES. Let me take a look at it, Senator, Mr. Chairman. I don't know why not, but let me get back to you.

Chairman LEVIN. All right. Is there anyone—let's just try one question for everybody. Senator Burris—well, wait a minute. Let me see. Senator Collins would be next if you had a question.

Senator COLLINS. No.

Chairman LEVIN. Are you okay?

Okay, Senator Burris.

Senator BURRIS. Thank you, Mr. Chairman.

My question, gentlemen, goes to the ability of small contractors to have the opportunity to do business with the Defense Department, where they may need some type of assistance with their de-

velopment product—development project, which I understand that there are millions of dollars sometimes spent to get a piece of equipment that the military may need. I have a specific company in mind where it's been cleared through generals and been authorized, but you can't get the decision to be made, because we're talking about saving—this is technical equipment for our space stations and our drones and other military aircraft. It seems like the bureaucracy with the bigger companies just seem to charge much more money and they sometimes try to subcontract or either sub-sub with these contracts, but this could be sold directly to the military, but there just seems to be a bureaucracy that these small companies run into.

Gentlemen, is there some system or device that a small business can really get an opportunity to sell their product to the Defense Department, which is a better product and a cheaper product, which will save taxpayers' dollars?

Secretary GATES. Let me give you an answer for the record on how we deal with small business, Senator. And if you will provide us with the specifics of the case you have in mind, we'll look into it.

Senator BURRIS. Mr. Secretary, I certainly will do that.

Admiral?

Admiral MULLEN. If I just could respond briefly, my experience in this is exactly what you've said, Senator. I think it's very difficult to get small, innovative, creative companies into the business. My experience is too often competing against the bureaucracy, they just can't afford it. They can't afford the overhead. They don't have the people. It puts them out of business. So they go too often in the private sector. And there are some great ideas out there. I've seen small companies go other places, put out of business, or be consumed by the larger defense contractors.

My engagement with larger defense contractors over the years has been to try to get them to support these smaller companies. Some of them have. But it's a real challenge, and I think it's a shortfall in what we do overall, in our overall contracting business, if you will, as we try to look to the future.

Senator BURRIS. Mr. Secretary, we will get this information on this small company, because we're talking about saving, if the numbers are correct, hundreds of millions of dollars.

Chairman LEVIN. Thank you.

If you can just have one question, because we need to take a 5-minute break here for everybody's sake.

Senator BEGICH. Mine's very quick. Secretary and Admiral Mullen, I just want to follow from the comment you made earlier in regards to I think it was the life cycle of equipment and so forth and how the procurement process works and how sometimes the line folks are not engaged in that. I guess the question is, are you making efforts to change that, because I agree with you 100 percent, if the line people are not involved you end up with a product—and a good example might have been the payroll issue, but I won't go into that. As a former mayor, I dealt with payroll transformation. It's a nightmare. But line people—is there something you're working on to make that transition?

Admiral MULLEN. I think in the area of acquisition reform, this is an area of focus. But we have a system right now that would only allow me to pull something in. It does not come to me naturally or, quite frankly and more importantly, to the service chiefs naturally, particularly on the acquisition side.

Senator BEGICH. Are you working to change that?

Admiral MULLEN. Yes, I am. But I don't see—I don't see healthy change coming in that regard in the near future, because that fundamental principle that was laid out in 1986 in Goldwater-Nichols that separates us is still there.

Senator BEGICH. Let us know how we can help. I agree with you on what you're trying to do.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

We're going to call just now on Senator Chambliss, Senator Lieberman. We're going to really break no later than noon here. We all need a 5-minute break. Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Mr. Secretary, I was not going to get into a discussion on F–22 particularly. We've been down that road. But when you responded to Senator McCain's question about why you didn't discuss the problems with the F–35 when we were having the debate last summer, your response was that you didn't have the independent cost analysis that you have now. I thought it was pretty ironic that the report from the independent commission came out about 2 days after the vote in the Senate, where the F–22 in effect was killed. And I couldn't understand why you didn't know about that, didn't know that report was coming.

But really, the 2009 report was simply a validation of exactly what that same commission reported in 2008. Now, I assume you knew about the 2008 report and for whatever reason you didn't give much credence to it. Am I incorrect in that assumption? Did you not know about the 2008 report from that independent commission, or did you just seek to ignore it?

Secretary GATES. I honestly don't remember, Senator. The restructuring of this program has been due not just to the report of the JET from last fall, but to the time that the Under Secretary for AT and L spent on this issue just in the last few weeks, and that's the reason that the restructuring has only been announced in the last few days. It's because he completed his investigation, of which the JET was one part, just within the last couple weeks or so.

Senator CHAMBLISS. Well, I heard your comment yesterday about your not intending to in any wise revisit the F–22 issue. Is that a correct statement?

Secretary GATES. Correct.

Senator CHAMBLISS. And that's even in spite of the fact that we now know that the assumptions that you based your decision on last year were wrong, that the F–35 is going to slip, and that your Department has no idea of what the cost of an F–35 is going to be, as we've been told in a hearing by Dr. Carter. And now it's gotten to the point where I understand you've even relieved your program manager of his duties as of yesterday on the F–35.

So you're not going to in any wise revisit that, even though we're struggling with the issues that we talked about might come about with regard to the F–35?

Secretary GATES. No, sir, because the IOCs, based on information that I was given in preparation for this hearing, the IOCs for the services, for the arrival of the training squadron at Eglin, all remain pretty much on track. The difference will be somewhat fewer aircraft delivered.

Senator CHAMBLISS. Do you intend to allow the expiration of foreign military sales of the F–22?

Secretary GATES. My impression is that that's prohibited by law.

Senator CHAMBLISS. Well, you've been instructed in the authorization bill last year that you will do a review of foreign military sales and the prospect of those sales. And there's another independent commission outside the Department of Defense that's also tasked with that. So is that review not under consideration at this point?

Secretary GATES. I'll have to check, Senator.

Senator CHAMBLISS. Could you get me an answer on that, please, sir.

Secretary GATES. Sure, sir.

Senator CHAMBLISS. Let me jus ask you a quick question on the budget. I want to go back to the MRAP that's specifically designed for Afghanistan. Tell me again about that vehicle? What's the difference in that and what we're using in Iraq, and what's the budget difference there?

Secretary GATES. The cost per vehicle is roughly the same for the all-terrain vehicle and the, for example, the R–31 MRAP. The MRAP being designed for Afghanistan has much more—is designed to operate off-road, where the MRAPs in Iraq, designed for Iraq, were designed to operate on the road. So there's quite a difference in the engineering as well as in the power train and so on.

Senator CHAMBLISS. Any of those vehicles in Afghanistan today?

Secretary GATES. Yes, sir. We probably have somewhere between 500 and 700 of them now. We're ramping up the production right now and our expectation is that we'll be sending in between 500 and 1,000 a month pretty quickly here.

Senator CHAMBLISS. Do you have any idea when that will begin? Will it begin before the weather warms up?

Secretary GATES. Yes, sir. Again, we're probably either this month or next going to be at 500 a month going into the country.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Thanks to the witnesses for your service. It strikes me after 3 hours that we're coming close here to violating your rights under the Geneva Convention. But I thank you for your strength as shown here today.

Frankly, seriously, I don't think we've had a better team than you at the Department of Defense in a long time, and I thank you for your service in every way. I think this is a very good budget. Obviously, we'll go over it in a series of subject matter hearings,

but I think it meets the needs of our military within the resources that we have.

I want to ask a question I think hasn't been addressed. Both of you talked about, Secretary Gates, Admiral Mullen, about the proper balance between allocating funds to meet the unconventional threats we're facing in the war against Islamist extremism, terrorism, and then being set to meet threats later on from large potentially peer competitors. Somewhere in the mix with both of those is Iran, now still the major state sponsor of terrorism in the world, according to the State Department.

It seems to me that it is also the most significant threat multiplier out there if it goes nuclear. We all want to find a diplomatic way to get the Iranians not to go nuclear. The Senate passed a very strong sanctions bill last Thursday unanimously, which goes to conference now and hopefully it will come back soon.

But I wanted to ask you the extent to which the budget that you present to us will enable us to deal with this threat. If Iran goes nuclear, it greatly strengthens their terrorist proxies, including some that have killed a lot of Americans in Iraq and are causing some trouble in Afghanistan. It probably ends the nonproliferation, nuclear nonproliferation regime.

Admiral Mullen, at one point I saw you quoted somewhere a while ago that said just in the normal dispatch of your responsibility you are preparing—it's your responsibility to prepare plans for potential use of military force against Iran regarding nuclear weapons. Then General Petraeus said something similar recently. I wanted to ask you if that's the case and how you would describe that, in what context you would put that preparation?

Admiral MULLEN. Well, I put it in the context I think, Senator, that you laid it out. I think the potential for instability is still there, that I'm, as many are, hopeful that the engagement dialogue has legs and actually can produce something. I would agree with your assessment that them achieving that capability, it becomes a whole new ballgame in terms of what the down side potential is. I don't see much upside potential. We certainly over a long period of time have recognized that and focused on that. We work contingencies all the time, and it was really in that context that I was speaking of that.

The President has said, Secretary Gates has said, I've said, all options remain on the table and certainly the military is one of them.

Senator LIEBERMAN. Secretary Gates, let me ask you a different side to this. In recent trips over the last year or so that I've taken to the Middle East, both to the Arab countries and to Israel, it seems to me that there is a kind of increasing military connection in a very positive sense between ourselves and our allies there. I wonder if you'd comment on that, and to what extent you see it in relationship to the current or future Iranian threat?

Secretary GATES. We have made considerable progress over the past 2 years or so in developing a regional maritime surveillance, air and missile defense cooperation in the Gulf region. It is a step at a time. It is in my view clearly motivated—they are motivated because of their concerns with Iran's armaments programs and, leave aside nuclear weapons, the number of missiles they're build-

ing and so on. So we have made considerable progress in those relationships.

Senator LIEBERMAN. I thank you. My time's up. I know we want to give you a minute or 2 off. Thank you again.

Chairman LEVIN. Thank you very much, Senator Lieberman.

That concludes this hearing. The chart I referred to, which I prepared relative to the Afghan Army, will be made part of the record. Secretary, we would ask you and Chairman Mullen to present this chart to your folks, make sure that it's accurate. If there's any errors in it, please let us know immediately, and ask General Rodriguez please to provide us the information that he has committed to provide.

Admiral Mullen, you have your hand up.

Admiral MULLEN. Just one for the record, and it's brief. On Senator Thune's question, he was asking about decommissioning bombers and in fact what I didn't say was there is consideration for a reduction in the number of bombers in the overall START negotiations, which are ongoing and which have not come to conclusion yet.

Chairman LEVIN. We will ask his staff to give him that information.

We're going to recess now for 5 minutes. When we come back, after opening statements we are going to call on Senators in the same order that we called on them for the first hearing. We'll stand adjourned for 5 minutes.

[Recess from 12:03 p.m. to 12:08 p.m.]

Chairman LEVIN. The committee's now going to receive testimony from our senior leadership of the Department of Defense as we begin the task of addressing the "Don't Ask, Don't Tell" policy on gays in the military. I believe that ending the policy would improve our military's capability and reflect our commitment to equal opportunity. I do not find the arguments that were used to justify "Don't Ask, Don't Tell" convincing when it took effect in 1993 and they are less so now.

I agree with what President Obama said in his State of the Union address, that we should repeal this discriminatory policy. In the latest Gallop Poll, the American public overwhelming supports allowing gays and lesbians to serve openly in the military. 69 percent of Americans are recorded as supporting their right to serve and many in fact are serving.

As former Chairman of the Joint Chiefs General John Shalikashvili said—and he supports ending the policy—"A majority of troops already believe that they serve alongside gay or lesbian colleagues." One recent study estimated that 66,000 gays and lesbians are serving today, at constant risk of losing their chance to serve.

Other nations have allowed gay and lesbian servicemembers to serve in their militaries without discrimination and without impact on unit cohesion or morale. A comprehensive study on this was conducted by Rand in 1993. Rand researchers reported on the positive experiences of Canada, France, Germany, Israel, and The Netherlands and Norway, all of which allowed known homosexuals to serve in their armed forces. Senator McCain and I have asked the Department of Defense to update the 1993 report.

Ending this discriminatory policy will contribute to our military's effectiveness. To take just one example, dozens of Arabic and Farsi linguists have been forced out of the military under "Don't Ask, Don't Tell" at a time when our need to understand those languages has never been greater. Thousands of troops, 13,000 by one estimate, have been forced to leave the military under the current policy. That number includes many who could help the military complete some particularly difficult and dangerous missions.

I have long admired the merit-based system of advancement employed by the U.S. military that allows service men and women of varied backgrounds to advance to positions of high leadership. An Army is not a democracy. It is a meritocracy, where success depends not on who you are, but on how well you do your job. Despite its necessarily undemocratic nature, our military has helped lead the way in areas of fairness and anti-discrimination. It has served as a flagship for American values and aspirations, both inside the United States and around the world.

We will hold additional hearings to hear from various points of view and approaches on this matter. This committee will hold a hearing on February 11th, when we will hear from an independent panel. The service secretaries and service chiefs will all be testifying before this committee during the month of February on their various budgets, and they of course will be open to questions on this subject as well during their testimony.

My goal will be to move quickly, but deliberatively, to maximize the opportunity for all Americans to serve their country, while addressing any concerns that may be raised. We should end "Don't Ask, Don't Tell" and we can and should do it in a way that honors our Nation's values while making us more secure.

My entire statement will be made part of the record. A statement of Senator Gillibrand will also be inserted in the record following the statement of Senator McCain.

Senator MCCAIN.

[The prepared statement of Senator Levin follows:]

[COMMITTEE INSERT]

Senator MCCAIN. Thank you very much, Mr. Chairman. I want to thank you Secretary Gates and Admiral Mullen for what's turning into a very long morning for them. We appreciate your patience and your input on this very, very important issue.

We meet to consider the "Don't Ask, Don't Tell" policy, a policy that the President has made clear, most recently last week in his State of the Union Address, that he wants Congress to repeal. This would be a substantial and controversial change to a policy that has been successful for 2 decades. It would also present yet another challenge to our military at a time of already tremendous stress and strain.

Our men and women in uniform are fighting two wars, guarding the front lines against a global terrorist enemy, serving and sacrificing on battlefields far from home, and working to rebuild and reform the force after more than 8 years of conflict. At this moment of immense hardship for our armed services, we should not be seeking to overturn the "Don't Ask, Don't Tell" policy.

I want to make one thing perfectly clear up front. I'm enormously proud of and thankful for every American who chooses to put on

the uniform of our Nation and serve at this time of war. I want to encourage more of our fellow citizens to serve and to open up opportunities to do so. Many gay and lesbian Americans are serving admirably in our armed forces, even giving their lives so that we and others can know the blessings of peace. I honor their sacrifice and I honor them.

Our challenge is how to continue welcoming this service amid the vast complexities of the largest, most expensive, most well-regarded, and most critical institution in our Nation, our armed forces. This is an extremely difficult issue and the Senate vigorously debated it in 1993. We heard from the senior uniformed and civilian leaders of our military on eight occasions before this committee alone. When Congress ultimately wrote the law, we included important findings that did justice to the seriousness of the subject.

I would ask, without objection, Mr. Chairman, that a copy of the statute, including those findings, be included in the record.

Chairman LEVIN. It will be.

[The information referred to follows:]

[COMMITTEE INSERT]

Senator MCCAIN. I won't quote all those findings, but three points must be made. First, Congress found in the law that the military's mission to prepare for and conduct combat operations requires service men and women to accept living and working conditions that are often spartan and characterized by forced intimacy with little or no privacy.

Second, the law finds that civilian life is fundamentally different from military life, which is characterized by its own laws, rules, customs, and traditions, including many restrictions on personal conduct that would not be tolerated in civil society.

Finally, the law finds that the essence of military capability is good order and unit cohesion and that any practice which puts those goals at unacceptable risk can be restricted.

These findings were the foundation of "Don't Ask, Don't Tell" and I'm eager to hear from our distinguished witnesses what has changed since these findings were written such that the law they supported can now be repealed.

Has this policy been ideal? No, it has not, but it has been effective. It has helped to balance the potentially disruptive tension between the desires of a minority and the broader interests of our All-Volunteer Force. It is well understood and predominantly supported by our fighting men and women. It reflects, as I understand them, the preferences of our uniformed services. It has sustained unit cohesion and unit morale while still allowing gay and lesbian Americans to serve their country in uniform. And it has done all of this for nearly 2 decades.

Mr. Chairman, this is a letter signed by over 1,000 former general and flag officers who have weighed in on this issue. I think that we all in Congress should pay attention and benefit from the experience and knowledge of over a thousand former general officers and flag officers, where they say: "We firmly believe that this law which Congress passed to protect good order, discipline and morale in the unique environment of the armed forces deserves continued support." So I think we should also pay attention to

those who have served, who can speak more frankly on many occasions than those who are presently serving.

I know that any decision Congress makes about the future of this law will inevitably leave a lot of people angry and unfulfilled. There are patriotic and well- meaning Americans on each side of this debate, and I have heard their many passionate concerns. Ultimately, though, numerous military leaders tell me that "Don't Ask, Don't Tell" is working and that we should not change it now. I agree.

I would welcome a report done by the Joint Chiefs of Staff based solely on military readiness, effectiveness, and needs, and not on politics, that would study the "Don't Ask, Don't Tell" policy, that would consider the impact of its repeal on our armed services, and that would offer their best military advice on the right course of action.

We have an all-volunteer force. It is better trained, more effective, and more professional than any military in our history, and today that force is shouldering a greater global burden than at any time in decades. We owe our lives to our fighting men and women and we should be exceedingly cautious, humble, and sympathetic when attempting to regulate their affairs.

"Don't Ask, Don't Tell" has been an imperfect but effective policy, and at this moment, when we're asking more of our military than at any time in recent memory, we should not repeal this law.

Thank you, Mr. Chairman.

[The prepared statement of Senator Gillibrand follows:]

[COMMITTEE INSERT]

Chairman LEVIN. Thank you, Senator McCain.

Secretary Gates.

Secretary GATES. Mr. Chairman, last week during the State of the Union Address the President announced he will work with Congress this year to repeal the law known as "Don't Ask, Don't Tell." He subsequently directed the Department of Defense to begin the preparations necessary for a repeal of the current law and policy.

I fully support the President's decision. The question before us is not whether the military prepares to make this change, but how we best prepare for it. We received our orders from the Commander in Chief and we are moving out accordingly. However, we can also take this process only so far, as the ultimate decision rests with you, the Congress.

I am mindful of the fact, as are you, that unlike the last time this issue was considered by the Congress more than 15 years ago, our military is engaged in two wars that have put troops and their families under considerable stress and strain. I am mindful as well that attitudes towards homosexuality may have changed considerably, both in society generally and in the military, over the intervening years.

To ensure that the Department is prepared should the law be changed, and working in close consultation with Admiral Mullen, I have appointed a high-level working group within the Department that will immediately begin a review of the issues associated with properly implementing a repeal of the "Don't Ask, Don't Tell" policy. The mandate of this working group is to thoroughly, objectively, and methodically examine all aspects of this question and

produce its finding and recommendations in the form of an implementation plan by the end of this calendar year.

A guiding principle of our efforts will be to minimize disruption and polarization within the ranks, with special attention paid to those serving on the front lines. I am confident this can be achieved.

The working group will examine a change of lines of study, all of which will proceed simultaneously. First, the working group will reach out to the force, to authoritatively understand their views and attitudes about the impact of repeal. I expect that the same sharp divisions that characterize the debate over these issues outside of the military will quickly seek to find their way into this process, particularly as it pertains to what are the true views and attitudes of our troops and their families.

I am determined to carry out this process in a way that establishes objective and reliable information on this question, with minimal influence by the policy or political debate. It is essential that we accomplish this in order to have the best possible analysis and information to guide the policy choices before the Department and the Congress.

Second, the working group will undertake a thorough examination of all the changes to the Department's regulations and policies that may have to be made. These include potential revisions to policies on benefits, base housing, fraternization and misconduct, separations and discharges, and many others. We will enter this examination with no preconceived views, but a recognition that this will represent a fundamental change in personnel policy, one that will require that we provide our commanders with the guidance and tools necessary to accomplish this transition successfully and with minimum disruption to the Department's critical missions.

Third, the working group will examine the potential impacts of a change in the law on military effectiveness, including how a change might affect unit cohesion, recruiting and retention, and other issues crucial to the performance of the force. The working group will develop ways to mitigate and manage any negative impacts.

These are, generally speaking, the broad areas we have identified for study under this review. We will of course continue to refine and expand these as we get into this process or engage in discussion with the Congress and other sources. In this regard, we expect that the working group will reach out to outside experts with a wide variety of perspectives and experience. To that end, the Department will, as requested by this committee, ask the Rand Corporation to update their study from 1993 on the impact of allowing homosexuals to serve openly in the military.

We also have received some helpful suggestions on how this outside review might be expanded to cover a wide swath of issues. This will be a process that will be open to views and recommendations from a wide variety of sources, including of course members of Congress.

Mr. Chairman, I expect that our approach may cause some to wonder why it will take the better part of a year to accomplish the task. We have looked at a variety of options, but when you take into account the overriding imperative to get this right and mini-

mize disruption to a force that is actively fighting two wars and working through the stress of almost a decade of combat, then it is clear to us we must proceed in a manner that allows for the thorough examination of all issues.

An important part of this process is to engage our men and women in uniform and their families over this period, since, after all, they will ultimately determine whether or not we make this transition successfully.

To ensure that this process is able to accomplish its important mission, Chairman Mullen and I have determined that we need to appoint the highest level officials to carry it out. Accordingly, I am naming the Department of Defense General Counsel, Jay Johnson, and General Carter Ham, Commander of U.S. Army-Europe, to serve as the co- chairs for this effort.

Simultaneous with launching this process, I have also directed the Department to quickly review the regulations used to implement the current "Don't Ask, Don't Tell" law and within 45 days present to me recommended changes to those regulations that within existing law will enforce this policy in a fairer manner. You may recall that I asked the Department's General Counsel to conduct a preliminary review of this matter last year. Based on that preliminary review, we believe that we have a degree of latitude within the existing law to change our internal procedures in a manner that is more appropriate and fair to our men and women in uniform. We will now conduct a final detailed assessment of this proposal before proceeding.

Mr. Chairman, Senator McCain, members of the committee: The Department of Defense understands that this is a very difficult and in the minds of some controversial policy question. I am determined that we in the Department carry out this process professionally, thoroughly, dispassionately, and in a manner that is responsive to the direction of the President and to the needs of the Congress as you debate and consider this matter.

However, on behalf of the men and women in uniform and their families, I also ask you to work with us to insofar as possible keep them out of the political dimension of this issue. I am not asking for you not to do your jobs fully and with vigor, but rather that as this debate unfolds you keep the impact it will have on our forces firmly in mind.

Thank you for this opportunity to lay out our thinking on this important policy question. We look forward to working with the Congress and hearing your ideas on the best way ahead.

Chairman LEVIN. Thank you.

Admiral Mullen.

Admiral MULLEN. Thank you, Mr. Chairman, Senator McCain, and thank you for giving me the opportunity to discuss with you this very important matter.

The Chiefs and I are in complete support of the approach that Secretary Gates has outlined. We believe that any implementation plan for a policy permitting gays and lesbians to serve openly in the armed forces must be carefully derived, sufficiently thorough, and thoughtfully executed. Over these last 2 months, we have reviewed the fundamental premises behind "Don't Ask, Don't Tell" as well as its application in practice over the last 16 years. We under-

stand perfectly the President's desire to see the law repealed and we owe him our best military advice about the impact of such a repeal and the manner in which we would implement a change in policy.

The Chiefs and I have not yet developed that advice and would like to have the time to do so in the same thoughtful, deliberate fashion with which the President has made it clear he wants to proceed. The review group Secretary Gates has ordered will no doubt give us that time and an even deeper level of understanding. We look forward to cooperating with and participating in this review to the maximum extent possible, and we applaud the selection of Mr. Johnson and General Ham to lead it. Both are men of great integrity, great experience, and have our complete trust and confidence.

Mr. Chairman, speaking for myself and myself only, it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at this issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity, theirs as individuals and ours as an institution.

I also believe that the great young men and women of our military can and would accommodate such a change. I never underestimate their ability to adapt.

But I do not know this for a fact. Nor do I know for a fact how we would best make such a major policy change in a time of two wars. That there will be some disruption in the force I cannot deny. That there will be legal, social, and perhaps even infrastructure changes to be made certainly seem plausible. We would all like to have a better handle on these types of concerns and this is what our review will offer.

We would also do well to remember that this is not an issue for the military leadership to decide. The American people have spoken on this subject through you, their elected officials, and the result is the law and the policy that we currently have. We will continue to obey that law and we will obey whatever legislative and executive decisions come out of this debate.

The American people may yet have a different view. You may have a different view. I think that's important and it's important to have that discussion. Frankly, there are those on both sides of this debate who speak as if there is no debate, as if there is nothing to be learned or reflected upon. I hope we can be more thoughtful than that. I expect that we will be more thoughtful than that.

The Chiefs and I also recognize the stress our troops and families are under, and I have said many times before, should the law change we need to move forward in a manner that does not add to that stress. We've got two wars going on, a new strategy in Afghanistan, and remaining security challenges in Iraq. We're about to move forward under a new Quadrennial Defense Review. We still have budget concerns and a struggling economy, and we have a host of other significant security commitments around the globe. Our plate is very full, and while I believe this is an important issue, I also believe we need to be mindful as we move forward of other pressing needs in our military.

What our young men and women and their families want, what they deserve, is that we listen to them and act in their best interests. What the citizens we defend want to know, what they deserve to know, is that their uniformed leadership will act in a way that absolutely does not place in peril the readiness and effectiveness of their military. I can tell you that I am 100 percent committed to that.

Balance, Mr. Chairman, balance and thoughtfulness, is what we need most right now. It's what the President has promised us and it's what we ask of you and this body.

Thank you.

Chairman LEVIN. Thank you very much, Admiral.

So that everyone has a chance within a reasonable period of time, we're just going to have a 3-minute first round.

Senator MCCAIN. Mr. Chairman, we need more than 3 minutes. We need more than 3 minutes.

Chairman LEVIN. We can have a second round then. We have to also have a schedule here. So we'll go to a second round if we can fit that into Secretary Gates's schedule. If not, we'll pick this up at a later time.

Well now, this schedule was shared with everybody here, I know.

Senator MCCAIN. Not with me.

Chairman LEVIN. It was indeed shared.

Senator MCCAIN. You're the chairman.

Chairman LEVIN. Mr. Secretary, the Washington Post I think this morning reported that the military services will not pursue any longer disciplinary action against gays and lesbian servicemembers whose orientation is revealed by third parties. Is that one of the—is that one of the degrees of latitude within existing law that you're looking at?

Secretary GATES. Mr. Chairman, a preliminary assessment is that—and this fits within this 45-day review that I mentioned in my prepared statement. The preliminary assessment is that we can do the following within the confines of the existing law. We can raise the level of the officer who is authorized to initiate an inquiry. We can raise the level of the officer who conducts the inquiry. We can raise the bar on what constitutes credible information to initiate an inquiry. We can raise the bar on what constitutes a reliable person on whose word an inquiry can be initiated. Overall, we can reduce the instances in which a servicemember who is trying to serve the country honorably is outed by a third person with a motive to harm the servicemember. We also have to devise new rules and procedures in light of the appeals court decision in Witt versus the Department of the Air Force for the areas of the country covered by the appellate court.

So I would say all of these matters are those that will be reviewed within this 45-day period. So it's a little more complicated than the Washington Post conveyed.

Chairman LEVIN. But all of those are possibilities?

Secretary GATES. Yes, sir.

Chairman LEVIN. Now, would you—assuming that even if it requires legislation, would you support a moratorium on discharges under "Don't Ask, Don't Tell" during the course of this up to year-long assessment that the Department is going to be making?

Secretary GATES. I would have to look into that, because the problem that we have is that all of the issues that both Admiral Mullen and I described in terms of what we have to look into in terms of the effect on the force, in terms of everything else, is what we need to examine before I could answer that question.

Chairman LEVIN. While you're going to be examining the other points that you're looking at, the other flexibilities, would you add this to the questions you're going to look at and let us know promptly——

Secretary GATES. Sure.

Chairman LEVIN.—as to whether you would support a moratorium pending this period on discharges? That doesn't mean you couldn't discharge at the end of the period, but there'd be a moratorium.

Secretary GATES. We will look at it, Mr. Chairman. I would tell you that the advice that I have been given is that the current law would not permit that, but—

Chairman LEVIN. I'm saying would you support a change in the current law if necessary in order to permit that. That's what we need to hear from you on.

Senator McCain.

Senator MCCAIN. I'm deeply disappointed in your statement, Secretary Gates. I was around here in 1993 and was engaged in the debates, and what we did in 1993 is we looked at the issue and we looked at the effect on the military and then we reached a conclusion and then we enacted it into law. Your statement is the question before us is not whether the military prepares to make this change, but how we best prepare for it.

It would be far more appropriate, I say with great respect, to determine whether repeal of this law is appropriate and what effects it would have on the readiness and effectiveness of the military, before deciding on whether we should repeal the law or not. Fortunately, it is an act of Congress and it requires the agreement of Congress in order to repeal it. So your statement obviously is one which is clearly biased, without the view of Congress being taken into consideration.

Admiral Mullen, you're the principal military adviser to the President and you have to consult with and seek the advice of the other members of the Joint Chiefs of Staff and the combatant commanders. What in your view are the opinions of the other members of the Joint Chiefs and combatant commanders about changing this policy?

Admiral MULLEN. Senator McCain, as the chairman indicated earlier, they'll obviously be out in their posture hearings in the near future, and I would certainly defer to them in terms of exactly——

Senator MCCAIN. Well, in the near future I'd like you to ask them and we could have it on the record what their position is, in the near future.

Admiral MULLEN. Yes, sir.

Senator MCCAIN. I would like it as soon as possible.

Admiral MULLEN. Actually, I've worked very closely with them over the last months in terms of understanding what their concerns and what our overall concerns are, and I would summarize

them by saying it's really important for us to understand that if this policy changes, if the law changes, what's the impact and how we would implement it. Secretary Gates's point about the study is to really understand objectively the impact on our troops and on our forces, and that is their biggest concern.

Secretary GATES. I would say, Senator McCain, I absolutely agree that how the Congress acts on this is dispositive.

Senator MCCAIN. Well, I hope you will pay attention to the views of over a thousand retired flag and general officers.

Mr. Secretary, what kinds of partnerships or unions would the military be prepared to recognize by law in the event that this "Don't Ask, Don't Tell" is repealed?

Secretary GATES. That's one of the many issues that I think we have to look at, Senator.

Senator MCCAIN. So again, you are embarking on saying it's not whether the military prepares to make the change, but how we best prepare for it, without ever hearing from members of Congress, without hearing from the members of the Joint Chiefs, and of course without taking into consideration all the ramifications of this law. Well, I'm happy to say that we still have a Congress of the United States that would have to pass the law to repeal "Don't Ask, Don't Tell" despite your efforts to repeal it in many respects by fiat.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Udall.

Senator UDALL. Thank you, Mr. Chairman. Thank you for holding this very important hearing.

I want to acknowledge, Secretary Gates, the work you've done to put a plan in place. Admiral Mullen, I think the centerpiece of your statement will be long remembered for the courage and integrity with which you outlined your own personal beliefs and how we can proceed.

I'm proud to hale from a region of the country, the Rocky Mountain West, where we have a live and let live attitude. Some people would call it small "l" libertarianism. People's personal lives, the choices that people make, are not the government's business. I can't help but think about a great Arizonan—I grew up in Arizona. My father was an Arizonan, my mother was a Coloradan, and I have the great honor to represent Colorado now. Barry Goldwater once said: "You don't have to be straight to shoot straight." That's the opportunity that we have here today as Congress and the Pentagon moves forward.

I've got a few concerns I'd like to share in the couple of minutes that I have, and I'll pepper my comments with questions and hopefully there'll be time for you to respond. There have been a lot of studies done, Mr. Secretary, Rand, and there's a recent study in the Joint Force Quarterly. It's not clear to me that the study group needs a full year to study the implementation and transition. I want to just put that out there.

I want to ensure that the focus of the group is on how to implement repeal of the policy, not whether, and I want to ask you to assure me that the end point of the study would be a road map to implementing repeal, and that the Congress would then be in a po-

sition to take legislative action that the Pentagon as a whole could support.

Before you answer, I'd like your reaction to a legislative proposal that you may have seen. It would be to write into repeal legislation the period of time you suggest you need, say 1 year, while legislating that at the end of that time we would have finality, in other words a complete end to "Don't Ask, Don't Tell." During that year-long transition, the DOD would have full authority and discretion with respect to "Don't Ask, Don't Tell" investigations and discharges.

Language like this would certainly make me much more comfortable since I want, and so many others, a clear path to full repeal, and I'm not sure I see finality in the study.

Again, thank you, gentlemen, and hopefully there's a little bit of time left for you to answer.

Secretary GATES. Well, I think the purpose of the examination that we're undertaking frankly is to inform the decisionmaking of the Congress and the nature of whatever legislation takes place. It's also, frankly, to be prepared to begin to implement any change in the law. We obviously recognize that this is up to Congress and my view is, frankly, that it's critical that this matter be settled by a vote of the Congress.

The study is intended to prepare us along those lines so that we understand all of the implications involved. Frankly, there have been a lot of studies done, but there has not been a study done by the military of this, and this is the kind of thing that Admiral Mullen was talking about.

I would just say with respect to your second point that I think we would regard—if legislation is passed repealing "Don't Ask, Don't Tell", we would feel it very important that we be given some period of time for that implementation, at least a year.

Admiral MULLEN. Senator, if I may, the only thing I would comment about all the studies and all the polls, I would just urge everybody that's going to be involved in this, look at those studies and polls deliberately and what they actually looked at specifically, and to just reemphasize what the Secretary said: There really hasn't been any significant statistically significant and objective survey of our people and their families. That gets to the Chiefs' concern and mine as well, which really is engaging them in a way that we really understand their views on this. That just hasn't been done and, as urgently as some would like this to happen, it's just going to take some time to do that.

Chairman LEVIN. Thank you, Senator Udall.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman. I know this is an important issue. We need to think it through, and every American is entitled to fairness and justice as we deliberate these issues. I do think we should do it at a high level.

I would note, however, a bit of a concern that arises from something Senator McCain suggested. That is that the President as the Commander in Chief has announced a decision, and the Secretary of Defense apparently supports that decision. Admiral Mullen now has declared that he personally believes in this decision. So then presumably someone below you will do some work on the policy,

whether this is a good policy or not. So I guess if it was a trial we would perhaps raise the undue command influence defense.

I think we need an open and objective and fair evaluation of this. A lot of things that have been said I would note that are not accurate, at least in my view, at least misrepresent certain things. One of them is 10,000 people have been dismissed from the military or voluntarily left the military under this provision. But that's over 10 years. It would be 1 percent maybe, if it was 1 year less than that, maybe if it was 1 year less than that, maybe .75 of 1 percent. But over a decade, it would be one-tenth of 1 percent or less.

Also, there will be costs. I noticed—and I give the military credit. A lot of people don't know this, Admiral Mullen, how open the debate and discussion you are. There's an article in the Joint Forces Quarterly that basically supports this change. It was an award-winning article, and they raised a lot of different issues both for and against, and the military welcomed that. And I salute that. I think that's healthy.

But one of the points it made is that Charles Moscose, one of the original authors of the "Don't Ask, Don't Tell" policy, points out that the number of discharges for voluntary statements by servicemembers—presumably, they come forward and say that they are homosexual—accounts for 80 percent of the total, and the number of discharges for homosexual acts have declined over the years. Do you think that's approximately correct?

Admiral MULLEN. Senator Sessions, I think it is approximately correct. But it does go to again sort of a fundamental principle with me, which is everybody counts. Part of the struggle, back to the institutional integrity aspect of this—

Senator SESSIONS. Well, I know. I appreciate your view.

Admiral MULLEN.—and putting individuals in a position that every single day they wonder whether today's going to be the day and devaluing them in that regard just is inconsistent with us as an institution. I have served with homosexuals since 1968. Senator McCain spoke to that in his statement. Everybody in the military has, and we understand that. So it is a number of things which cumulatively for me personally get me to this position.

But I also want to reemphasize what I said, is I am not all-knowing in terms of the impact of what the change would have, and that's what I want to understand, and any impact and understanding readiness and effectiveness is absolutely critical.

Senator SESSIONS. Well, it's pretty clear what your view is and it would be clear on all your subordinates, every single servicemember in uniform. I don't think that they are required to lie about who they are. I think that's an overstatement, although I think the rule of "Don't Ask, Don't Tell" has seemed to work pretty well.

I would note from the Christian Science Monitor here that the Chiefs of the Services met with the Chairman, Mike Mullen—I'm quoting from the article—"and the consensus seemed to be that, the military fighting two wars and now responding to a new mission in Haiti, now is not the time to make such a big change to military policy." That's my understanding of the status of things.

I just hope that as we discuss it you'll recognize first that Congress has made the decision, it's not yours to make, and we'll have

to change it if we do change it; and second, you shouldn't use your power to in any way influence the discussion or evaluation of the issue.

Secretary GATES. Senator, I would just say that we can't possibly evaluate the impact on unit cohesion, on morale, on retention, on recruitment and so on, unless we encourage people to tell us exactly what they think and exactly what their views are honestly and as forthrightly as possible. Otherwise there's no use in doing this at all.

Again, I just can't emphasize enough, we understand from the beginning of this that this must be an act of Congress.

Chairman LEVIN. Thank you.

Admiral MULLEN. Senator Sessions, for me this is about—this is not about command influence. This is about leadership, and I take that very seriously.

Chairman LEVIN. Thank you.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

Secretary Gates, I want to say that I applaud your efforts in commissioning a thorough evaluation of the "Don't Ask, Don't Tell" policy and how to implement a repeal of the policy in order to minimize disruption in military readiness. I was just wondering, within this study how will you study—how will the study take into account the views of the combatant commanders in theater in order to minimize any disruption in the military readiness?

Secretary GATES. The combatant commanders and the service chiefs will all have a part in this. The one thing that I have asked is that as we go through this process we try to—try not to disrupt or impact the deployed forces, and particularly those in Afghanistan and Iraq. They have enough on their minds and it seems to me we can get the answers that we need to the questions that need to be asked by not adding to their burden. So the one limitation I've put on this, which obviously does not apply to the combatant commanders, is that we try and have as little impact on the deployed force as possible.

Senator HAGAN. Mr. Secretary and Admiral Mullen, as we move to end discriminatory practices within our armed forces, is there any reason to believe that the dedication and professionalism of our leaders in uniform is based in any way upon your sexual orientation, and that the moral fitness of our men and women should be based upon their sexual orientation? And if not, then on what grounds do you believe that there remains a need to discriminate based on a servicemember's sexual orientation?

Admiral MULLEN. Senator Hagan, I personally don't think sexual orientation, again, has a place for these kinds of decisions. I actually, I think there's a gap between that which we value as a military, specifically the value of integrity, and what our policy is. But again, that's personally where I am. I think it's really in the review that would take place over the course of the next—by the end of this year, that I would look to certainly understand it much more fully, understand the impact if and when the policy changes, the impact on our people.

That's really—rather than at the end of this, we're to some degree at the beginning of really trying to understand that. That's in

light of many other opinions on this, including the opinions of those who've retired, all those things. But it really is—what I need to understand is to get it from our people and their families, and incorporating that in addition to all the other requirements that are here will be the goal of the review over the next better part of this year.

Senator HAGAN. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Wicker.

Senator WICKER. Thank you, Mr. Chairman.

I too am disappointed with this decision by the administration. But I'll say this for our two witnesses. They understand the chain of command. I think we understand that elections have consequences, and these two gentlemen see their charge as moving forward with the directives of their commander. I think Secretary Gates said it explicitly in his statement: "We have received our orders from the Commander in Chief and we are moving out accordingly."

So we'll have a debate about this and we will appreciate the information that the Department gathers for us.

Senator McCain referenced in his statement more than a thousand retired flag and general officers. Actually, I think it's upwards of 1160 retired flag and general officers from all the armed services who have come out against a change in this policy. For my colleagues, their statement urging continued support for the 1993 law is contained at www.flagandgeneralofficersforthemilitary.com.

I would commend to the members of this committee an op-ed written by Carl E. Mundy, Jr., a retired four-star general and former Commandant of the U.S. Marine Corps, who points out—who mentions the strong support for the current policy by this overwhelming number of retired flag and general officers, and points out that certain findings were made by Congress in support of the 1993 law to ensure clarity concerning the rationale behind the current statute. Key findings included that the primary purpose of the armed forces is to prepare and to prevail in combat, not to promote civil rights or social justice or compassion or individual fairness, but to prepare for and prevail in combat.

Further findings include that success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion; and further, that one of the most critical elements in combat capability is unit cohesion, that is the bonds of trust among individuals servicemembers.

I would ask, Mr. Chairman, that this op-ed dated January 12, 2010, by General Mundy be included in the record at this point.

Chairman LEVIN. It will be made part of the record.

[The information referred to follows:]

[COMMITTEE INSERT]

Senator WICKER. So I appreciate the situation that our two witnesses find themselves in and I look forward to the debate and hope that the policy remains.

Thank you.

Chairman LEVIN. Thank you, Senator Wicker.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Gentlemen, let me see if we can review the facts here. This is obviously quite an emotional issue, but it's also a legislative issue. My understanding from hearing both of your statements is this year period that you're going to take in order to examine the issues will be followed then by clearer observations about the implications of changing the law. Would that be a correct way to state it? So you're not coming in here saying, we're going to change the law and this is the year that we're going to put into figuring out how to implement the change?

Secretary GATES. Our hope would be that the information we would develop during the course of this review would help inform the legislative process.

Senator WEBB. Right. I salute both of you for very careful statements. Admiral Mullen, I salute you for the courage, for what you said, but I want to also emphasize that you balanced that in your statement saying you don't know what's going to come out of this. We don't know.

What we're looking for here is an examination of the present law, what is the most damaging aspect of the present policy? I think, Admiral Mullen, you made a very powerful statement in terms of the integrity of the individual as your deciding factor on your personal view.

What is, on the other hand, what's the great value of this law if we were to do away with it and move into something else? And again, what are the perils of undoing the law? Where are we going? Would we know we are going in the proper direction? We don't. We can't really say that today.

I think that when you say that this is something that will ultimately be decided by the Congress, I'd also like to emphasize my own agreement with what you have been saying about how important it is to hear from people who are serving, because whether the ultimate decision might be here with the Congress, that decision can't be made in a proper way without a full and open input from all of those who are serving, not just combatant commanders—family members, people who are in the operating units.

The way that I am hearing this, which I would agree with, is that we have a duty here in a very proper way to understand the impact of this on operating units, to raise the level of understanding of the complexity of this issue among the American people and up here, as well as attempting to deal fairly with this issue.

So again, I salute you both for a very responsible and careful approach to how we examine this.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Webb.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Just as was stated by my friend Senator Udall, I think that a live and let live policy is not a bad policy to adhere to, and that's what we have in place in the military with "Don't Ask, Don't Tell" right now.

To you, Secretary Gates and Admiral Mullen, you're in a tough spot and we understand that. This is an extremely sensitive issue. Everybody on this committee, I'm satisfied, is very sensitive to the issue, both inside and outside the military. In the military, it pre-

sents entirely different problems than it does in civilian life, because there is no constitutional right to serve in our armed forces. Today we know we've got gay and lesbians soldiers serving. They've served in the past. They're going to serve in the future and they're going to serve in a very valiant way.

But the primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise. Military life is fundamentally different from civilian life in that military society is characterized by its own laws, rules, customs, and traditions, including restrictions on personal behavior that would not be acceptable in civilian society. Examples include alcohol use, adultery, fraternization, and body art. If we change this rule of "Don't Ask, Don't Tell," what are we going to do with these other issues?

The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order, and discipline, and unit cohesion. In my opinion, the presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would very likely create an unacceptable risk to those high standards of morale, good order and discipline, and effective unit cohesion and effectiveness.

I'm opposed to this change and I look forward to a very spirited debate on this issue, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Chambliss.

I believe Senator Burris is next. Senator Burris.

Senator BURRIS. Thank you, Mr. Chairman.

I'd like to extend my deep admiration for our two distinguished leaders and their position. Not only are you following the direction of the Commander in Chief, but, Admiral Mullen, you expressed your personal view, which is to be commended.

What we need is a policy that allows any individual who has the integrity and the commitment to serve this country, to serve this country. We can go back to President Truman, who took the audacity to integrate the services. At one time my uncles and members of my race couldn't even serve in the military. And we moved to this point where they're some of the best and brightest that we've had, generals and even now the Commander in Chief is of African American heritage.

So what we are doing here now is not looking at the integrity and the commitment that individuals can make, not based on their sexual orientation, but in defense of this country. I say the policy needs to be changed, the policy must be changed, and we must have everyone who is capable, willing, and able to volunteer to defend this country, defend this great American tradition of ours, to have the opportunity to serve regardless of their sexual orientation. So based on that, we must continue to have the American spirit and have individuals who are willing to serve.

I don't have a question, Mr. Chairman. I just have this statement. I hope that we will look at legislation. By the way, the House has drawn up a bill. There are 185 members on this House bill. It's House Bill 1283 and I'm hoping and praying that we will get it and move on this issue and not be wasting the taxpayers' time and all of the energy on something that is so basic in human rights and opportunities for individuals in this country.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Burris.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. Mr. Chairman, unlike my colleagues, I do have some questions rather than just a statement to ask.

Admiral Mullen, we know that many of our NATO allies allow gays and lesbians to serve openly and many of these countries have deployed troops who are serving with us in Afghanistan. Are you aware of any impact on combat effectiveness by the decision of our NATO allies to allow gays and lesbians to serve openly?

Admiral MULLEN. Senator Collins, I've talked to several of my counterparts in countries whose militaries allow gays and lesbians to serve openly and there has been, as they have told me, no impact on military effectiveness.

Senator COLLINS. We've heard today the concern that if "Don't Ask, Don't Tell" is repealed that it would affect unit cohesiveness or morale. Are you aware of any studies, any evidence, that suggests that repealing "Don't Ask, Don't Tell" would undermine unit cohesion?

Admiral MULLEN. I'm not. In fact, the 1993 Rand study focused heavily on unit cohesion and that became the principal point put forward by the military leadership at the time, and I understand that. I understand what it is, I understand what goes into it, and that there are—there's been no thorough or comprehensive work done with respect to that aspect since 1993. That's part of what needs to be addressed as we move forward over this year.

Secretary GATES. I would just underscore that. Part of what we need to do is address a number of assertions that have been made for which we have no basis in fact.

Senator COLLINS. Exactly.

Secretary GATES. We need—the purpose of the review that we are undertaking is to find out what the force, what the men and women in our armed forces, and, as Senator Webb said, and their families really think about this. The fact is at this point we don't really know.

Senator COLLINS. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Collins.

Senator Lieberman is next and then, assuming nobody else comes in, then Senator McCaskill would be next, and then Senator Reed. Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

I opposed the "Don't Ask, Don't Tell" policy when it was created by this committee in 1993 and I remain opposed to it today. Therefore I support repealing it as soon as possible. My feeling, stated simply, then was that what mattered most was not how a member of the military lived his or her private sexual life, but that they were prepared to risk their lives in defense of our country; and that my judgment was that in a combat situation a member of the military in a tank or an MRAP today is going to care a lot more about the capability and courage of the soldier next to them than they are about the sexual orientation of that soldier, just as over the years, as Senator Burris referred to, they came to care a lot less

about the race of the soldier next to them than about his or her courage or capability.

Therefore, I'm grateful that the President has said he supports the repeal of "Don't Ask, Don't Tell." I thank you, Secretary and Chairman, for saying that the question now is not whether, but how, and I think for us really when, we will repeal "Don't Ask, Don't Tell." Am I right that what you're telling us today is that what you're going to do as soon as possible, at least after 45 days, is to determine how you can reduce the impact of the "Don't Ask, Don't Tell" policy within the current state of the law? Is that correct?

Secretary GATES. Yes, sir. The numbers actually have gone down fairly substantially. They were about 600 and some in 2008, 428 in 2009. And we don't know—I mean, we can't quantify what the possible changes that I have talked about here, what impact they would have on that. But at least it would—if we are able to do something like that, would make these folks less vulnerable to somebody seeking revenge or whatever their motives in terms of trying to wreck somebody's career.

Senator LIEBERMAN. Am I correct, just to ask the question and get it on the record, that your judgment as advised by counsel is that it requires an act of Congress repealing "Don't Ask, Don't Tell" for the actual policy itself to be ended in the military? You can't do it by executive action.

Secretary GATES. Yes, sir, that is correct.

Senator LIEBERMAN. I wanted to ask you if—I'm sure one of the reactions to what you announced today will be that this is a delay. I want to ask you to consider not only the 45-day limit, but whether you would think about providing regular reports to Congress, and therefore the public, on the progress of the study that you're doing during this next year?

Secretary GATES. I don't see any reason why we can't do that.

Senator LIEBERMAN. I appreciate that.

Then the final obviously is that it's up to us in the Congress and in the Senate. We've got to get 60 votes to repeal "Don't Ask, Don't Tell" or else it will remain in effect.

Thank you.

Chairman LEVIN. Unless there's a provision inside the defense authorization bill that goes to the floor, which would then require an amendment to strike it from the bill, in which case the 60-vote rule would be turning the other way.

Senator LIEBERMAN. It's good. It is with great appreciation that I accept the higher wisdom of the chairman of the committee. I think that's a great way to go.

Chairman LEVIN. That's on the record, everybody. [Laughter.]

Thank you, Joe.

Senator McCaskill is next.

Senator MCCASKILL. Thank you, Mr. Chairman.

I just want to make sure that we're crystal clear about a couple of things here. First, are gay and lesbian Americans currently serving in our military?

Admiral MULLEN. Yes.

Senator MCCASKILL. And in fact isn't the foundation of the current policy that we welcome their service?

Admiral MULLEN. Yes.

Senator MCCASKILL. Are you aware of any morale issues or disciplinary problems surrounding the current service of gay and lesbian Americans as members of our military?

Admiral MULLEN. Certainly not broadly.

Senator MCCASKILL. Now, here's my—I think what you're embarking upon is important. I think it is welcome. But here's my problem. We now have established that we have gay and lesbian Americans serving in the military, that they are not broadly causing any kind of disciplinary or morale problems, that we welcome their service.

So the issue isn't whether or not gay and lesbian Americans are serving in the military. It's whether or not we talk about it. So how are you going to get their input in this survey?

Admiral MULLEN. Actually, my take on that is—well, hang on a second. [Pause.]

I think that we would have to look very carefully at how we would do that.

Senator MCCASKILL. That's the point I would like to leave you with today, is that unfortunately because of this policy we welcomed their service. They're serving bravely and well. We don't have any kind of issues with morale and cohesiveness surrounding their service. But yet when it comes time to evaluate their service, they're not allowed to talk about it. So you have a real challenge in getting perhaps maybe some of the most important input you may need as you consider this policy. I'll be anxiously awaiting how you figure that one out.

Admiral MULLEN. Yes, ma'am.

Senator MCCASKILL. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator.

Secretary GATES. One approach, Senator, is to talk to those who have been separated.

Senator MCCASKILL. And I think that's terrific. I think the ones who have been separated would be a great place that you can get good information. But I don't know that you're going to be able to get at those that are currently serving, because obviously they're not going to e able to step forward and talk bout it. But I agree, Secretary Gates, that's a great place because so many of them voluntarily separated because of issues of integrity.

Thank you

Chairman LEVIN. Thank you, Senator McCaskill.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

Mr. Secretary, I want to follow up the point that Senator Collins made. It was my understanding that both Canada and the United Kingdom have allowed gays and lesbians to serve openly, in the case of Canada since the early 90s and Great Britain since at least early 2000. They are fighting side by side with us today in Afghanistan, and in fact I would think that we would like to see more of their regiments and brigades there.

Does that I think suggest, as Admiral mentioned to me before, that their combat effectiveness has not been impaired and we've had the opportunity to work with them in joint operations. Does

that add credibility, evidence, or weight to the discussions that you're undertaking?

Secretary GATES. Well, I think that it is clearly something we need to address. We need to talk to those countries' militaries in a more informal and in-depth way about their experience. I think that their experience is a factor, but I also would say that each country has its own culture and its own society and it has to be evaluated in those terms as well.

Senator REED. I think one of the aspects you referred to in your prepared remarks is the at least presumptive difference in terms of the attitudes at different ranks within the military. Is that something you can comment upon now? Have you done any research or, Admiral Mullen, can comment about the attitudes based on age or based on other factors?

Secretary GATES. I think that really goes to the point of what we need to do in the months ahead. I think Admiral Mullen would agree that we don't know. We don't have information based on rank or anything like that.

Admiral MULLEN. Anecdotally, it would be my only comment: There really hasn't been any objective review of this. So I think it would be too soon to comment, because actually anecdotally, there are young poeople, NCO's, senior officers, on both sides this issue. It gets to this strongly held views driving this, as opposed to really understanding objectively what this policy change would mean.

Senator LIEBERMAN. Let me ask a final question, which I think is implicit in your overall testimony. That is—and this is rather simplistic, but there will be a decision and then there will be the implementation of that decision. I would assume that, at least in part, those have to be coordinated or referenced, so that part of this discussion and analysis going forward is not only a decision, but it's also about how this policy would be implemented in a very detailed fashion. And that would be something that would be available to the Congress before they made the decision, or can you comment at all about that aspect?

Secretary GATES. Let me just start by saying, sure, because one of the things that we will look at is, if there is a problem with unit cohesion, how would you mitigate it? How through training or regulations or other measures do you—if the Congress were to repeal the law, then how would we implement it, just as you say. And part of our review process is, as we look at the different aspects of it, what are the problem areas that we're going to see and how do we address those?

As I said in my statement, it's everything from base housing to various policies and regulations and so on. All of those have to be addressed.

Admiral MULLEN. For me, Senator, it's understanding the impact. It is then in that understanding that speaks in great part to potential implementation, and that then really goes to the core of where I am on this, which is leadership. So I mean, understanding that and they are integral to each other, impact and implementation, then says to me, Mullen, here's how you lead this, this is what you need to do to move through it if the law changes.

Senator LIEBERMAN. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

Just briefly following up Senator Reed and Senator Collins's point about other militaries, and Senator Reed's point that our military is fighting side by side and with militaries who do not have a discriminatory policy against open service by guys, have you noticed any impact on our troops who serve with Canadians or with Brits because of a British or Canadian policy that allows gays to openly serve? Admiral?

Admiral MULLEN. Since these wars started in 2003, it has not been brought to my attention that there's been any significant impact of the policies in those countries on either their military effectiveness or our ability to work with them.

Chairman LEVIN. I have to make one comment on a suggestion that somehow or other, Admiral, you were simply following orders here of your Commander in Chief, who's made a decision, in your testimony this morning. I think your testimony was not only eloquent, but it was personal. You made it very clear that you were reflecting your personal view, which you are obligated under the oath you take to give to us. We thank you for that, and I thank you not just because it happens that I agree with what you said, but more importantly because you are required to give us a personal view, and it was clear to me and I think clear to most of us that this was a view that you hold in your conscience and not giving to us because you were directed to by anybody, including the Commander in Chief.

This statement of yours in my judgment was a profile in leadership this morning. It's going to take a great deal of leadership to have this change made. I hope it is—the sooner the better, as far as I'm concerned. But with the kind of leadership you've shown this morning, I think it's very doable, hopefully in a short period of time.

One other comment and that has to do with what can be done in the interim—you're going to be looking at that—without legislative change. Secretary, it's my understanding that when servicemembers are discharged under the "Don't Ask, Don't Tell" policy with an honorable discharge, that DOD policy now is that they only receive half of their separation pay which is authorized by statute. You're authorized to either get half or full pay. Would you take a look at that as something we can do in the interim here to indicate a greater sense of fairness about this issue.

You know, you're sitting there quietly, Senator Udall. I should have asked, do you have a final question?

Senator UDALL. No, thank you.

Chairman LEVIN. I thank you both. It's been a long hearing this morning and we very much appreciate you, the men and women that serve with you and your families, and we will stand adjourned.

[Whereupon, at 1:23 p.m., the committee adjourned.]