

HEARING TO RECEIVE TESTIMONY ON GENERAL AND FLAG OFFICER REQUIREMENTS

WEDNESDAY, SEPTEMBER 14, 2011

U.S. SENATE,
SUBCOMMITTEE ON PERSONNEL,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:07 p.m. in room SR-232A, Russell Senate Office Building, Senator Jim Webb (chairman of the subcommittee) presiding.

Committee members present: Senators Webb, Ayotte, and Graham.

Majority staff members present: Jonathan D. Clark, counsel; Gabriella E. Fahrner, counsel; and Peter K. Levine, general counsel.

Minority staff member present: Richard F. Walsh, minority counsel.

Staff assistants present: Jennifer R. Knowles and Kathleen A. Kulenkampff.

Committee members' assistants present: Brad Bowman, assistant to Senator Ayotte; and Sergio Sarkany, assistant to Senator Graham.

OPENING STATEMENT OF SENATOR JIM WEBB, CHAIRMAN

Senator WEBB. The subcommittee will come to order.

The subcommittee meets today to receive testimony on general and flag officer requirements. We are holding this oversight hearing to examine the growth over time of general and flag officers in the military. It has been 66 years since the end of World War II, and there have been an estimated 10 studies and reviews of general officer requirements during that period, but this is the first hearing on this issue, I think, in recent memory.

This hearing will consist of two panels. On the first, we have the Under Secretary of Defense for Personnel and Readiness, Dr. Clifford Stanley, and the Director of the Joint Staff, Vice Admiral William Gortney, who served as co-chairs of The General and Flag Officer Study Group established by the Secretary of Defense in August 2010. This study group conducted a baseline review of active duty general and flag positions as they existed in fiscal year 2010.

Based on the results of this study group's work, the Secretary of Defense in March 2011 approved changes to 140 general and flag officer requirements, including the elimination of 102 general and flag officer positions, and reduction to a lower grade of an additional 23 positions.

We are interested in the scope of the study group's efforts and also learning if the Department plans any future reviews of general and flag officer positions.

Also on our first panel is Dr. Benjamin Freeman, a National Security Fellow at the Project on Government Oversight, often referred to as POGO. Using data provided by the Department of Defense, Dr. Freeman is conducting a comprehensive study of trends in the numbers of general and flag officers on active duty and the relationship of these numbers to the size of the military. Dr. Freeman will provide us with historical data on these changes and also will discuss the relationship of these requirements to the size of the force.

The second panel will consist of the vice chiefs of staff of the Army, Navy, and Air Force and the Assistant Commandant of the Marine Corps. These witnesses will help us to understand each Service's stated requirements for the numbers of general and flag officers and what drivers exist to explain the growth in the numbers over time.

I would like to make an observation at this time. The last hearing that we held here involved JAG positions.

And I welcome the ranking member, Senator Graham, and there is nothing that I have said that you would have not heard before. So you are coming in at the right time. Welcome.

And I was just beginning to make a point. As a result of our last hearing where we had extensive discussions on the issue of judge advocates general in a room full of lawyers with the bench full of lawyers and most of the people on the subcommittee are lawyers. Our conversations went on for a very long period of time, and I am conscious of the work of people here in the Senate and also those of you who are helping in the defense in the country.

So I am going to ask, first of all, that all the witnesses adhere to the traditional 5-minute rule in terms of summarizing your testimony. Your full written testimony is a part of the record. It has been examined thoroughly by staff and will be available for follow-on. And also for those members of the subcommittee to adhere to a 7-minute rule in terms of questions. If people on the subcommittee have follow-on questions, they will certainly be entertained.

I first raised this issue in this subcommittee in April 2010 when I asked the Department for information on the number of generals and admirals in the military. This issue was addressed again in this subcommittee's hearing 2 months ago when we discussed the number of general and flag officers serving in the Judge Advocate Generals Corps in each branch of the armed services. At that time, I noted the disparity among the services in the numbers of general and flag officers.

In preparation for this hearing, we have collected the data reflected on this chart that is now up on the screen. I am going to just spend a minute or 2 talking over. What we asked the Department of Defense to provide us was a comparative timeline from fiscal year 1986 and then 2001 and then today snapshots of the authorized end strength of the different Services and the number of general and flag officers by service and by rank.

And you will notice on these charts, it is just going from 1986 to 2011, the Army's end strength having gone from 780,800 down to 480,000 in 2001 but up to 569,000 today, their total number of general officers having gone from 412 to 315 to a ratio of 1 general officer for every 1,800 people on active duty, although the numbers of three star and four stars are fairly constant. In fact, they are directly constant in terms of four stars and just slightly down in terms of three stars.

The Navy having gone from 586,000 to 328,000 on active duty, the total number of flags actually having gone up by one during that period, a lot more in terms of the three-star ranks and two more in terms of four-star and rather consistent at the 0-7 level.

The Marine Corps, 199,500 in fiscal year 1986 to 202,000 in fiscal year 2011, the number of overall general officers from 65 to 86, fairly constant at 0-7, up in the other three—well, only one up in terms of four stars but doubling in terms of three stars.

The Air Force having gone from 611,500 in 1986 to 332,000, its total number of flags having gone from—of general officers having gone from 339 to 314, its number of four stars having gone from 12 to 13, three stars to 43.

And in comparing the overall numbers in 2011, we can see that the ratio of the Air Force is about 1 general officer for every 1,000 people on Active Duty; the Marine Corps, 1 for every 2,350; the Navy, 1 for every 1,279; and again, the Army 1 for every 1,808.

We all know that when someone looks at the rank on an active duty member's shoulders and sees the general officer or an admiral, they pretty much tend to think—and I hope rightly so—that there is equivalence in terms of what it takes to become a flag officer or a general officer in terms of history and also in terms of criteria. And this is what we have asked to examine in this hearing today.

This is not intended to be an adversarial hearing. More than anything, it is an informational hearing. We would like to hear from the people who conducted this study and also the vice chiefs of the services and the assistant Commandant in terms of how these ranks are agreed upon and what the requirements are and how people feel about the growth that has occurred. We can understand some of this growth explained by post-September 11 increases in joint requirements, and I look forward to hearing from our witnesses what other reasons might be behind them.

The numbers provided this subcommittee indicate a particular disparity in the distribution of four-star generals and admirals. As shown in the next chart, data provided by the services reflects that as of October 1, 2011, the Army will have 10 four-star generals: five in the institutional Army and five in joint and other competitive assignments. The Navy will also have 10 four-star admirals: six in the institutional Navy; four in joint assignments. The Marine Corps will have four four-stars: two in institutional force; two in other assignments. The Air Force will have 13 four-stars: nine in the institutional Air Force and four in other assignments. The disparity in the number of four-star positions in the institutional forces, I think, warrants an examination and I am curious as to whether the Efficiencies Study Group looked at this and other disparities as part of their examination.

And at this point, I would like to invite Senator Graham to make any opening statement that he would like.

Senator GRAHAM. No, Mr. Chairman. I think this is good for the committee to get the information and look at the issue. I appreciate the effort to listen and learn.

Senator WEBB. Thank you very much.

Secretary Stanley and Vice Admiral Gortney, welcome. There was a joint written statement which we have examined, and each of you, I understand, are prepared to give a short opening statement. We will proceed from Secretary Stanley to Admiral Gortney and after that, we will hear from Dr. Freeman. So, Secretary Stanley, welcome.

**STATEMENT OF HON. CLIFFORD L. STANLEY, UNDER
SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS**

Dr. STANLEY. Thank you, Mr. Chairman and Senator Graham. Thank you very much. Admiral Gortney and I have prepared one joint statement, as you have just said and we wanted to have this particular statement here just to go over some comments very briefly.

The General and Flag Officer Efficiencies Study Group, or the study group as we referred to, was directed by the Secretary of Defense to take a critical look at the number and grades of the Department's active duty general and flag officer positions with an eye toward reducing where appropriate. The Secretary of Defense specifically directed Samuel Gortney and I to conduct a baseline review of all active duty general and flag officer positions, identify at least 50 for elimination, and to make recommendations to realign general and flag officer positions based on organizational missions. In addition, the Secretary directed that we seek every opportunity to eliminate bureaucracy, reduce overhead, and develop policies to better manage future general and flag officer growth. And while there is clearly more work to be done with respect to the Reserve components, we are here today to report on the results of last year's active component review.

Our review differed from earlier general and flag officer reviews—and this is since World War II—in several distinct ways. The review was conducted in the midst of a war. The amount of time allotted was very compressed, and the objective was not to determine the exact number of general and flag officers required but instead to identify organizational efficiencies which would allow us to more effectively align the general and flag officer force with the priority of missions.

The most significant difference may be that the Secretary has approved a new governance structure that will maintain the number of general and flag officers below statutory ceilings and provide us needed flexibility to rapidly adapt service force structures to meet the emerging requirements. This is a significant change to the way we will manage our general and flag officer forces in the future, and we understand the values of this flexibility rests with an understanding of our previous force management practices.

In the past, the Department always maintained the number of general and flag officers as close to statutory ceilings as possible. While this provided sufficient numbers of general and flag officers

to meet the most pressing needs, anytime a new requirement arose, delays ensued while an offset was identified and then downgraded or eliminated.

Now, just as this committee gave flexibility to the joint community through new legislation in 2009, the creation of the joint pool, the Secretary of Defense has directed reductions which through self-imposed policies will similarly allow the military departments to operate below authorized ceilings and gain that same flexibility. We refer to this as a service buffer or services buffer. Now, this buffer served as a shock absorber against new requirements allowing an offset position to be eliminated without negative impact on the mission or personnel caused by ill-timed action.

Our review began with the identification of 952 authorized and funded general and flag officer positions in the active ranks: 294 joint and 658 positions. And while the number of serving general and flag officers and the specific positions fluctuated slightly over time, 952 of our fiscal year 2010 baseline starting point—and this was the basis from which we identified positions for elimination and reduction.

After careful and thoughtful deliberation, including extensive discussions with senior officials from the military services, Vice Admiral Gortney and I recommended 110 positions for elimination and the Secretary of Defense ultimately approved 103 general officer and flag positions.

23 additional positions were identified for reduction to a lesser grade, and then finally, 10 positions were restructured and reallocated in support of joint organizations such as Cyber Command.

As I previously stated, the Secretary chose to create flexibility and enhance readiness across the Department by establishing a policy framework rather than seek statutory changes. Operating below authorized grade and strength ceilings gives the Department the ability to rapidly change force structure. As I am sure you fully appreciate, speed is critical in modern warfare. Maintaining this buffer against future senior office requirements ensures rapidly adaptable force structure which is essential to our military forces.

This concludes my verbal statement. My co-chair, Vice Admiral Gortney, will cover the details regarding how we came to these recommendations. Thank you, Senator Webb, Senator Graham, and members of this committee.

[The prepared joint statement of Dr. Stanley and Admiral Gortney follows:]

Senator WEBB. Thank you very much, Secretary Stanley.

Admiral Gortney, welcome.

STATEMENT OF VADM WILLIAM E. GORTNEY, USN, DIRECTOR, JOINT STAFF

Admiral GORTNEY. Thank you, Dr. Stanley.

Mr. Chairman, Senator Graham, members of this distinguished subcommittee, thank you for allowing us to testify on this important subject.

As Dr. Stanley stated, I will discuss the methodology used to arrive at the recommendations we provided to the Secretary of Defense for his ultimate decision.

The study group was comprised of members of the Office of the Secretary of Defense, the Joint Staff, and from each of the service's general and flag officer management offices.

Our goal from the very beginning was to develop a disciplined, credible, defensible, and executable process that would result in meeting the Secretary's intent while accounting for the equities of the four services and the joint commands and staffs.

4 weeks before the Secretary directed the Efficiency Study, the Chairman of the Joint Chiefs directed me to begin coordinating with the services to review the general and flag officer positions. Each Service evaluated their own general and flag officer positions and sorted them into four tiers: "must have," "need to have," "good to have," and "nice to have." And they were directed to put 10 percent of their positions into the "nice to have" category.

Additionally, drawing upon the knowledge of previous general and flag officer studies, we requested the services consider various lines of operation that we identified as operations, intelligence, service support, information operations, cyber, and headquarters and command and control and further break those into categories identified as military operations, military support, military presence, and military experience.

Now, this information that gave us a head start provided by the services was absolutely essential in our ability to complete the study in the allotted amount of time.

Armed with this information, the study group then created a set of assumptions that were approved by the Secretary and also established business rules to objectively sort the positions both vertically within the service hierarchy and then horizontally across the services. Meeting one of the established criteria was not a trigger for position elimination but rather a signal to the study group that a position required further review and justification. Now, this methodology allowed us to view every position from multiple angles, and both our assumptions and business rules have been submitted with our executive summary.

After 6 weeks of meeting daily, the study group had completed the vast majority of the work and had identified a few areas that required more knowledge and more senior officers to make better educated decisions. We then established a general and flag officer working group comprised of members from the Joint Staff to take a deeper look at those more challenging issues for resolution, and these issues consisted of areas of training and education, installation management, and accessions.

The study group went after growth, and the majority of the growth was in overseas contingency operations. The Secretary approved 103 positions for elimination, of which 47 are from overseas contingency operations. 12 were eliminated from the joint pool, 38 from the services to which the services agreed, and six additional positions where they did not agree.

The services were full partners in this endeavor in order to ensure transparency and elicit responses and discussion that would aid us in creating the intended efficiencies. Every member of the group had an equal vote at the table. The group followed a preplanned agenda to permit the services to come prepared to each meeting to discuss specific positions and organizations, and Dr.

Stanley and I provided monthly updates to the Chairman and the service chiefs.

And thank you for this opportunity to discuss this, and I look forward to your questions.

Senator WEBB. Thank you very much, Admiral.

Dr. Freeman, welcome.

STATEMENT OF DR. BENJAMIN J. FREEMAN, NATIONAL SECURITY FELLOW, PROJECT ON GOVERNMENT OVERSIGHT

Dr. FREEMAN. Thank you, Senator Webb, for having me. Also, thank you, Ranking Member Graham and the members of the subcommittee as well.

I am pleased to have the opportunity to present the Project on Government Oversight or POGO's investigation of the increasing number of general and flag officers in the U.S. military. Founded in 1981, POGO is a nonpartisan, independent watchdog that champions good Government reforms. We have a long history of examining the size of the military's officer ranks, especially in relation to the number of enlisted personnel at the Department of Defense.

Our interest in the number of officers in the U.S. military was reignited in August 2010 when the Secretary of Defense launched these Department efficiency initiatives. They limited the increasing proportion of officers relative to enlisted personnel, as well as the tendency for higher ranking officers to do work that could reasonably be done by lower ranking officers. This is known as "brass creep" or as "officer or rank inflation."

The focus of my testimony here is the growing proportion of general and flag officers relative to the rest of the uniformed force, a subset of brass creep that I refer to as 'star creep.' While star creep has occurred since at least the end of World War II, the pace of star creep has accelerated in the 20 years since the Cold War ended, culminating in today's unprecedented top-heavy force structure. The average general and flag officer today has nearly 500 fewer uniformed personnel under their command than they did in 1991, and as of June 2011, the U.S. military had more three- and four-star officers than at any point since the Cold War ended.

Whether the DOD has expanded or contracted, star creep has persisted. During the drawdown in the decade following the end of the Cold War, lower ranks were cut much more than higher ranks. In the decade since the war in Afghanistan began, higher ranks grew at a much faster rate than lower ranks. The top officer ranks, general and flag officers, have grown faster than enlisted and lower officer ranks, and the three- and four-star ranks have increased faster than all other components of the DOD's force structure. Even with the onset of the war in Afghanistan, the U.S. military continued to become more top heavy, which is noteworthy because this is the first major U.S. conflict in which the military has increased the general and flag officer ranks at a higher rate than all other uniformed ranks. Throughout the conflicts in Iraq and Afghanistan, the average number of uniformed personnel beneath each general and flag officer fell. In fact, from 2001 to 2007, the DOD added 28 general and flag officers while cutting more than 5,500 uniformed personnel from lower ranks. This trend towards a more top-heavy

military continued from 2007 to the present, with the growth rate of the top brass nearly doubling the growth rate of lower ranks.

Every branch of the military has increased its general or flag officer ranks, especially the three- and four-star ranks since the tragic events of September 11th, but the disparities between the branches are surprising, as Chairman Webb has already noted. The Army and Marines, which bear the greatest burden in the war on terror, have added far fewer top brass than the Navy and the Air Force. In fact, the Navy and the Air Force have each added more top brass than the Army and Marines combined. And the Navy and the Air Force added this top brass while cutting more than 70,000 enlisted personnel and lower ranking officers.

Furthermore, the Air Force has a historically low number of planes per general, and the Navy is close to having more admirals than ships for them to command.

This progression towards a more top-heavy force is not without its consequences. It is a burden for both taxpayers and military commanders. The cost of officers increases markedly with their rank. So taxpayers are overpaying whenever a general or flag officer is in a position that could be filled by a lower ranking officer.

Additionally, military personnel experts know that unnecessarily top-heavy organizations hinder military effectiveness and they slow decision cycles. Former Secretary of Defense Robert Gates said that in some cases the gap between he and an action officer maybe as high as 30 layers, and this results in a "bureaucracy which has the fine motor skills of a dinosaur."

The growth in the DOD's top ranks documented in our investigation will not be fully eliminated when military operations in Iraq and Afghanistan end, nor will Gates' commendable efficiency initiatives fully reverse this trend towards a more top-heavy military, unfortunately.

To further combat star creep and gain a better understanding of its cost to taxpayers and impact on military effectiveness, much more work is needed. We believe that the Government Accountability Office, the DOD's Director of Cost Assessment and Program Evaluation, and Secretary of Defense Leon Panetta's office can contribute significantly to this effort. And we implore the subcommittee to utilize these invaluable resources.

For our part, we at POGO will continue our work to better understand this issue, and that is why we are grateful for this hearing. And we look forward to learning more from the other panelists and the members of the subcommittee.

I look forward to answering any questions you may have, and I thank you once again, Chairman Webb and Ranking Member Graham, for holding this hearing.

[The prepared statement of Dr. Freeman follows:]

Senator WEBB. Thank you, Dr. Freeman.

Again, I would like to express my appreciation to all three of you for your testimony and to note again that your full written testimony will be entered into the record, along with your oral statement.

Let me begin by asking you, Dr. Stanley—I would assume that Secretary Panetta also supports this process that Secretary Gates put into play.

Dr. STANLEY. That is definitely a valid assumption, Senator Webb. We have embraced this. We have not talked about this specifically, but he is on board and has accepted the policies and the things put in place by his predecessor.

Senator WEBB. Thank you.

Can you give us an overview—maybe, Admiral, you would also like to participate in this—in terms of just how the statutory ceilings work? You mentioned they were a key ingredient in your study. Do they give you overall DOD numbers from which at the OSD level you allocate, or do these numbers come up Service by Service so that you are in an approval mode?

Dr. STANLEY. Senator Webb, if I understand your question correctly in terms of statutory ceilings, the number we were dealing with was 952 that was given to us as a statutory ceiling. We worked with that number and the Secretary told us in our narrow scope to work with this particular study of doing it within a very short period of time to reduce by 50 general and flag officers. That is our focus on this particular time. This was not a study or anything to look at for—you know, looking at long term because we do not know what the emerging requirements—

Senator WEBB. I understand that. In fact, I am going to ask you another question about that in a minute. But just in terms of the process, Admiral, you may want to comment on this.

Admiral GORTNEY. Yes, sir. One of the key assumptions that we made that we had the Secretary approve up front before we went down the study was what was the base number that we would work from, and that was the statutory limits that included the joint pool numbers.

And then the second assumption was how did we want to adjudicate it. Did we want to ask for legislative lowering of the limits or would we want to manage it within the statutory limits that we have right now? He chose to leave the limits where it was and then use his authorities within the joint pool to control the numbers. He felt it was his responsibility to manage the Department with the authorities that he already had.

Senator WEBB. So essentially in terms of how this process works inside the Department of Defense, you have a statutory ceiling in terms of the number of flags that can be allocated among the services. Is that correct?

So then how was it determined which service has a certain number of those flags, or were you doing it—you seem to have been doing it the other way around, just sort of like trimming rather than—

Admiral GORTNEY. Well, when it comes to the joint pool, each service has a fair share for their numbers assigned to them within the joint pool, and we used that percentage through the study. But the legislated numbers, or the maximum of four stars/three stars for their service positions, were the ones that we used.

Senator WEBB. Right. I understand but you could have a totally different allocation among the services if the Secretary of Defense, for instance, were to decide—is that a correct assumption—from this statutory ceiling.

Admiral GORTNEY. It is my understanding that the services each have their own statutory numbers, and I could be wrong.

Senator WEBB. We will get some follow-on input on that.

You indicated in the study—I will start, Secretary Stanley, with you again—that the objective in this case was not to determine how many general and flag officers were required. What would have been your methodology if you actually were to determine how many were required?

Dr. STANLEY. Well, Senator, I do not want to put a hypothetical in here. I mean, we were definitely focused on what the Secretary asked us to do. I am not sure—when we looked at the numbers required and where we are, we looked at looking for efficiencies within the general and flag officer ranks. And the conditions on the ground, not only the wars we are fighting, but engaging where we are right there, looking across the services in the Department, actually got us to your question of what is required because at the end of the day, that is where we ended up in terms of our determination in working with—getting to the actual numbers of what is required. So even though the Secretary said come up with 50, we identified more than that, actually 103, which gave us the answer to what was actually, we thought, required.

Senator WEBB. Admiral?

Admiral GORTNEY. We were looking for the efficiencies, go after the growth that was out there and any efficiencies that we could eliminate or reduce or transfer to the Senior Executive Service. We did not go after a—which from your question, it would imply a roles and mission.

I think if you wanted to look at what is the true requirement, I think you would need to pick a point in time out, say, 2020–2025, and what are the roles and missions of each one of the services and what are the roles and missions of the joint commands and joint staffs that happened to be out there. And that might lead you to another set of numbers. We did not have the time in order to do that. That was not our tasking from the Secretary.

Senator WEBB. So here is what I am trying to get at. Where is it decided that each of these services has the justification or the requirement for the flags that we see here? Where is it decided and how is it decided? We may get into this more in the second panel. How is it decided that the Air Force—I am not picking on the Air Force—with 332,000 people should have 151 brigadier generals when the Navy with 328,000 should have 129 and the Army with 569,000 people should have 144? Where is that decided?

Admiral GORTNEY. A fair question, sir. I am not exactly sure where the decision. We have the statutes that we live by. The services have mandated statutory limits. We have a joint pool and we manage them within those numbers.

Senator WEBB. So you get overall statutory authority from the Congress.

Admiral GORTNEY. I believe so. I believe that is the answer.

Senator WEBB. From there, I mean, who is deciding? How do you compare a brigadier general one service to another? Who does that?

Admiral GORTNEY. A fair question, sir.

Senator WEBB. That is why we have this hearing.

Senator Graham.

Senator GRAHAM. To build on Senator Webb, this is a good hearing, and I was thinking, well, we will come in here—I have learned a lot.

One, I think maybe we need to reconstitute this committee to answer that basic question. Somebody has to say 334 versus whatever number and have a reason for it.

But the committee's charter was to find 50 reductions. Right? You came up with 103. But as I understand it from the Vice Admiral, you really did not look at roles and missions. So I am not so sure I agree with you, Secretary Stanley, that you went to what the force needs are because if you do not look at roles and missions 25 years down the road, I am not so sure that is an accurate statement. But the fact of the matter that you are looking and we are trying to deal with star creep is a very good thing.

I have a unique perspective here being a judge advocate. What I want to try to inform the committee of and particularly Senator Webb is that this idea of having a top-heavy force, too many general officers is something we should be concerned about. I totally agree with that.

But the Senior Executive Service is a designation. It is a high-paid civilian. Right? Does the SES make about the same as a brigadier, or do you know, Dr. Freeman?

Dr. FREEMAN. I am sorry. I do not have that answer.

Senator GRAHAM. I think they do.

Now, here is what the Air Force does. And I do not mean to be overly defensive here. But the Air Force has 10 Senior Executive Service legal support people. They are civilians beyond GS-15 or whatever the top grade is. The Army has 22, 100 percent more. The Navy has 16, about 40 percent more. And the Air Force and the Navy and the Army can tell us why you have more high-paid civilians in one service than the other, and maybe they can tell us why you have more generals versus less Senior Executive Service.

But the one thing I would say in my little area of the world is that a two-star judge advocate general position did not serve us well during Abu Ghraib and Guantanamo Bay discussions. There is a real tension that this goes beyond party politics between the Office of the General Counsel who serves the Secretary of Defense and each Service Chief—they are civilians—and the military uniformed lawyer loyalty-wise to the commander.

And we had a very bad problem in the Bush administration that the Obama administration, quite frankly, has corrected. The civilian lawyers in the Bush administration in my view shut out military legal advice and tried to make a power grab saying that the judge advocate general had to clear their legal advice to their commanders through the civilian Office of General Counsel. That to me was an exercise of control of legal independence. Our commanders need their lawyer.

And the Surgeon General was a three star. The Corps of Engineers professional was a three star. And we learned during the course of these hearings, Senator Webb, at the two-star rank you got shut out of meetings. You were either sitting on the wall or not in the meeting rather than at the table. And Congress decided to elevate the judge advocate generals so they would be in the room.

And we in this committee—and I am very proud of this—have reinforced the idea that the military legal community owes allegiance to their military commander. We all believe in civilian control of the military, but what we do not want is some political appointee being able to shape legal advice to someone whose career is on the line. So that is a tension between responsibilities, political accountability, and rank does matter.

But I think what Senator Webb is trying to do here is very helpful.

Now, on the Air Force side, we have four brigadier generals that service the major commands. Like Air Combat Command, they drop bombs. And my belief is that having that brigadier general on the Air Combat commander's staff is probably a very good thing when it comes to rules of engagement interpretations in a kinetic war.

But I am very open-minded about how we can deal with star creep. And the one thing I would just suggest to Senator Webb is that we need to look at the Senior Executive Service utilization in terms of cost and why one service would go heavy on the generals side and light on the civilian side and listen to their rationale. There may be a good reason why you would have 10 Air Force Senior Executive Service level and four brigadier generals. The Army has 22 Senior Executive Service attorneys and I think three brigadier generals. I would just like to hear from their point of view why they make those decisions. And maybe we could expand, if Senator Webb would entertain this, looking at the Senior Executive Service levels, because that is, I would probably guess, at least the equivalent of brigadier general in terms of compensation, and see why each service goes the way they do.

But yes, it is a good question. How could somebody have 334 in the Air Force? Who makes that decision? You apparently have a statutory ceiling, and beyond that, you leave it to each service to make the decisions about how many general officers, and I would like to know more about that.

So thank you.

What I would like to do is actually maybe get the group to go back and look at roles and missions in terms of the general officer force we would need and look at the Senior Executive Service and see how that has been growing or not growing.

So that is it. Thank you.

Senator WEBB. I thank Senator Graham for those comments.

Let me be clear about a couple things. I totally agree with you. I think that this is an area that we are just beginning to get a look at, and there is a guard and Reserve component in here that has not been examined. Dr. Freeman mentioned that in his testimony, and I am not one to be sitting here saying that the Air Force is the Army or the Marine Corps. Each service has its own characteristics, and we are looking forward to hearing—

Senator GRAHAM. And being an Air Force officer, I think the Air Force has some explaining to do.

Senator WEBB. Senator Ayotte, welcome.

Senator AYOTTE. I guess I better say I am married to a guard and Reserve lieutenant colonel.

I very much appreciate the study that you undertook, Secretary Stanley, and just want to follow up on a couple of things.

Number one, the fact that we did not look at roles and missions. I think that is very important in terms of this analysis so that we get this right because we need in my view to look at our grand strategic environment when we make the decision on what is appropriate in terms of flag grade officers or, of course, everything that we do in the military in terms of readiness.

If you look at where we are post-September 11, we have stood up Strategic Command in October of 2002; Africa Command, 2007; Cyber Command, 2010. So I fully agree that we need to look at this issue of star creep and grade inflation and unwanted growth overall of the Pentagon bureaucracy, but I think also with creating new needs in our strategic environment, if we do not look at roles and missions, we could make some poor decisions in terms of leadership.

So as Tom Donnelly of the American Enterprise Institute has said, given the threats we face and the wars we are in, it is not surprising that the headquarters require experienced, strategically savvy, and politically sensitive commanders. We are fighting a very different conflict in terms of what we are dealing with.

To what degree did the joint requirements and the creation of the commands I just described and the wars in Iraq and Afghanistan—did we look at that in terms of the growth in the number of flag officers since September 11?

Admiral GORTNEY. Absolutely, ma'am. As we plotted over time from 2001 to today doing the study, it was clear that is where the majority of the growth was, and we have identified those positions to go away. And we applied the conditions that those positions will go away. So as long as we are in the fight, they will remain. When they are done, they will fall off.

Additional billets were actually billets that we thought we would identify for elimination, but we transferred them over to CYBERCOM because we were standing up CYBERCOM and we needed to take some of those positions. So we did identify positions for elimination but took those positions and applied them over into—

Senator AYOTTE. And some of this reduction is going to occur naturally based on end force reductions that are coming as well.

Admiral GORTNEY. That is the next step, is where are we headed into the future, and then we have to continue to study what needs to go down as the force reduces coming out of Iraq and Afghanistan. Executability of the study was very important to us. How are we going to implement it? and the Services asked for 5 years and that is what the Secretary approved, 5 years to implement the changes. And that allows them—because the services control the input and they control the output of their flag and general officers. On an average, 11 or 12 percent can come in, and on an average, 11 or 12 percent go out for the last 5 years. And it is mandated by law, by age, or time and grade that they must retire. It allows the services over 5 years to control that input so that it is less than the output.

Senator AYOTTE. But if we have not looked at roles and missions, how do we know we are going to get this right?

Admiral GORTNEY. Well, once again, our goal was to find the efficiencies, go after the growth and find the efficiencies that were out there for elimination, reduction, or transfer to the SES. I think one of the reasons we were able to execute our plan as quickly as we did was because we bounded it to that. And it is a fairly subjective argument. We were trying to apply objective measures to it as best we could, frame the problem in that regard, and that is why we were able to come up with the reductions that we did.

Senator AYOTTE. And what are the plans with regard to the Senior Executive Service? What percentage growth have we seen in that service since September 11? And what type of analysis are we going to undergo with regard to the SES in terms of making sure that this has not occurred within the Pentagon rather than just focusing on the flag officers?

Dr. STANLEY. Well, the Secretary actually took that into consideration, again not roles and missions. But what he did do was as the general and flag officer group was meeting, we also had the Senior Executive Service efficiency group meeting. And again, everything was actually focused just on efficiencies, not roles and missions, and quite frankly, they tiered it looking at the technical, looking at the leadership, and looking at the SES, as well as highly qualified experts, and looked at all of those and looked from an efficiency standpoint what are they doing now, which ones are the "nice to have"—it was pretty subjective in that part—and then identifying those, what they called the "easy takes." And they literally identified over 176. We were asked to come up with 150. He gave us a goal. We came up with 176 and actually took a number of those. Some of those billets or those positions had not been filled. Some we knew were going away. Some, the mission had actually changed.

So I happened to have sat on both of them as a co-chair in both, and so I was able to—as we were talking about the general and flag officer piece, I could see where we were going with the SESs. But again, not roles and missions. Very bounded in efficiencies. That was it, knowing that we had other studies to do later on.

Senator AYOTTE. So if you sat on both, can you help me? What is the percentage growth among—if you look at the percentage growth post-September 11 among flag officers versus SES over that same period, can you give us some kind of sense of how you compare the two?

Dr. STANLEY. Well, this particular study that we did, we were not looking at the percentage growth in terms of where we were. We literally were just given here is a number. We know we have grown, and we knew that going into it. We were looking at some easy efficiencies where we were. The Secretary was anticipating this year in terms of having too many people, a lot of growth, how do we address this, how do you deal with the OCO from the general and flag officer piece in terms of those who are actually committed now, and letting the conditions on the ground drive that, as well as SES. But it was a very, very kind of like quick look at what we were doing in the same period of time. They both ended up at the same time.

Senator AYOTTE. Well, I guess I am trying to understand are we looking at that side of it too, and is it there is a greater percentage of growth there versus what is happening on the—

Dr. FREEMAN. If I may, Senator.

Senator AYOTTE. Yes.

Dr. FREEMAN. Since September 11, we have added over 100,000 DOD civilians total. I do not have the figures for the SES'ers, but their growth rate does rival the growth rate of generals and flag officers overall. Very comparable growth rates there.

Senator AYOTTE. So in your view, we need to undertake a similar stringent analysis on that end.

Dr. FREEMAN. That is absolutely correct. POGO personally—that is where we are headed next and we certainly hope the committee and the DOD looks at that issue as well.

Senator AYOTTE. Well, I appreciate that and particularly want to make sure that we are not just—and I do not mean to use a term the wrong way—picking on the military side and not doing a similar stringent review on the civilian side.

Dr. STANLEY. Could I just make one comment?

Senator AYOTTE. Yes.

Dr. STANLEY. What we do know is that from the intelligence side, there was a significant increase, and even when we started this part of our study, we did not touch all of those. I mean, there were things that happened in the intelligence side that we needed since September 11 and it was not just a matter of percentages as much as we were not going to touch those.

Senator AYOTTE. Well, I am very glad to hear that, of course, because I could appreciate why that would enhance.

May I ask one more brief question?

Senator WEBB. I would remind the Senator we are on a 7-minute rule, but go ahead.

Senator AYOTTE. Just on the JAG officer issue, we have heard a lot of testimony before this committee, particularly in the Navy JAG program, with concerns about the program. And I guess I would just, as a comment, echo on Senator Graham's comments to say given the importance of the JAG program, I hope that that is taken into account when you are looking at leadership and making sure that we have the right type of leadership to stress the importance of that program.

Senator WEBB. Thank you, Senator.

Could staff put up slide 2?

Just as a clarification, to reemphasize where were at the beginning of this hearing, there was a discussion on growth in the joint commands. One of the questions that we have on this hearing is the number of flag and general officers inside what we call the institutional services. And one of the things that was brought to the attention at the beginning of the hearing is the number of Air Force four-star generals who are in what is called the institutional service and also Navy, by the way, compared to their overall strength. We have nine general officers in the Air Force in institutional positions, meaning inside the Air Force, as compared to the numbers that you see: two in the Marine Corps; five in the Army; and six in the Navy.

Was this issue addressed during your study, Dr. Stanley?

Dr. STANLEY. It was but in a very limited scope. What we did, Senator, was actually looked at—first of all, as we looked at the different services and where they were, we were more focused in terms of not only what was happening within the headquarters but COCOM headquarters and what the—

Senator WEBB. So this is something that you would be continuing to examine as we put the—

Dr. STANLEY. Absolutely.

Senator WEBB. I would think because, quite frankly, I do not think there is anybody in the Pentagon who, if given a choice between being a four star and being an SES, would pick being an SES.

Thank you very much for your testimony. We will now hear from the second panel.

We now welcome the second panel: General Peter Chiarelli, Vice Chief of the Army; Admiral Mark Ferguson III, Vice Chief of Naval Operations; General Dunford, assistant Commandant of the Marine Corps; and General Breedlove, Vice Chief of Staff of the Air Force.

I would like to proceed again reminding the witnesses if you could summarize your testimony within 5 minutes. Your full written statement is a part of the record. And then we will have a 7-minute rule on questions afterwards.

General Chiarelli, welcome.

STATEMENT OF GEN PETER W. CHIARELLI, USA, VICE CHIEF OF STAFF, U.S. ARMY

General CHIARELLI. Chairman Webb, Ranking Member Graham, distinguished members of the subcommittee, I thank you for the opportunity to appear before you today to discuss the issue of general officer requirements in the U.S. Army. On behalf of Secretary McHugh, our new Chief, General Ray Odierno, and the more than 1.1 million men and women serving on active duty and in the U.S. Army Reserves and Army National Guard, Army civilians and their families, I want to thank you for your continued and strong support over the past decade. It is largely through your efforts that we have had the resources and manpower required to sustain us in the current fight while simultaneously preparing and training soldiers for the next fight.

We are all aware of the challenges posed by the current fiscal crisis, and I can assure you your Army remains committed to instilling a culture of cost savings and accountability. This includes force structure and manpower authorization specific to our general officer corps.

For 13 years, from 1995 to 2008, our authorized general officer active duty end strength remained unchanged at 302. Over the past 4 years, per directives issued by Congress and by senior leaders of the Department of Defense, the Army incrementally increased our general officer end strength to meet the requirements for senior leadership in Iraq and Afghanistan and also to assure our ability to meet internal Army and joint requirements. These additional authorizations have proven absolutely critical to ensuring our force is able and capable of meeting the demands of the current environment both at home and in theater.

Looking ahead, as we draw down operations in Iraq and eventually in Afghanistan, we recognize the military services will be required to make reductions to end strength to include within our flag and general officer ranks. I assure the members of the subcommittee the Army's senior leaders are prepared to do our part. By 2014, as a result of the Secretary of Defense's efficiency review and reductions in our joint pool minimum, we will reduce our internal general officer authorizations by 11 and our joint contribution from 102 to a minimum of 82, for a projected total general officer end strength of 301, one below the end strength in place from 1995 to 2008. We believe this projected end strength will be sufficient to meet our need for senior leadership both internal to the Army and across the Department of Defense.

That said, any further reductions or acceleration of planned reductions would jeopardize our ability to effectively meet those requirements. Bottom line, as we look at making reductions for force structure in coming days, we must ensure we remain a flexible force with a general officer population capable of leading institutional change while concurrently providing needed skills to our combatant commanders.

Mr. Chairman and members of the subcommittee, I thank you again for your continued and generous support and demonstrated commitment on behalf of the outstanding men and women of the United States Army and their families.

I look forward to your questions.

[The prepared statement of General Chiarelli follows:]

Senator WEBB. Thank you very much, General Chiarelli.

Admiral Ferguson, welcome.

**STATEMENT OF ADM MARK E. FERGUSON III, USN, VICE CHIEF
OF NAVAL OPERATIONS, UNITED STATES NAVY**

Admiral FERGUSON. Chairman Webb, Ranking Member Graham, and distinguished members of the subcommittee, thank you for the opportunity to discuss the Navy's flag officer end strength as part of the Department of Defense's efficiency study and efforts.

From September 11, 2001 until today, the additional demands for flag officers have resulted in additional growth of flag positions for the United States Navy. This growth has occurred primarily in additional joint billets supporting ongoing operations and meeting new mission areas in areas such as cyber, explosive ordnance disposal, special operations, and intelligence.

Contrasting what we have experienced in the joint arena, Navy in-service flag numbers over the past decade have essentially remained flat at approximately 160 officers. Our in-service flags serve as both operational commanders of naval forces dispersed around the globe and on their operating staffs or are associated with the Title 10 responsibilities to man, train, and equip the force.

Within our current authorized end strength, we believe we have the flexibility both to seek greater efficiencies as well as more effective staff alignments, as well as respond to emerging operational demands.

This Navy flag end strength also supports the United States Marine Corps in the form of senior health care executives and flag officers, chaplain corps officers, judge advocate general corps, and ac-

quisition professionals that provide support for the entire Department of the Navy.

Our participation in the Secretary of Defense's flag officer review resulted in changes to approximately 25 positions for the Navy. This review eliminated 11 Navy flag officer positions resulting in a projected end strength of approximately 149 flag officers assigned to the service when the efficiency measures are completed. An additional 14 flags were reduced as part of our joint contribution, leaving a total of 60 in the referred to joint pool. In addition, we downgraded 50 officers. Flag positions were converted then to Senior Executive Service.

We fully support these reductions and believe that we are appropriately sized for our current tasking. We have begun planning for the reductions and execution and we use adjustments in both promotion opportunity for flags, as well as retirements, to meet these new end strength targets.

In the future, we remain absolutely committed to create a more agile, flexible, and effective flag officer staff structure for the Navy to deliver the finest naval forces that we can to the Nation.

On behalf of the Secretary and the Chief of the Naval Operations Center, thank you for the support of the committee, and we look forward to answering your questions.

[The prepared statement of Admiral Ferguson follows:]

Senator WEBB. Thank you very much, Admiral.

General Dunford, welcome.

**STATEMENT OF GEN. JOSEPH F. DUNFORD, JR., USMC,
ASSISTANT COMMANDANT, U.S. MARINE CORPS**

General DUNFORD. Chairman Webb, Ranking Member Graham, distinguished members of the subcommittee, I appreciate the opportunity to address the impact of the efficiencies initiative affecting general officer and Senior Executive Service authorizations within the Marine Corps.

Currently the Marine Corps' authorized active duty end strength is 202,100. Of those, 87 are general officers.

Title 10 limits the number of general officers on active duty internal to the Marine Corps at 60. The staff judge advocate to the Commandant of the Marine Corps is exempt from internal active duty general officer limitations. Counting the staff judge advocate, there are 61 generals supporting internal Marine Corps requirements. General officers currently comprise .04 percent of the active component of the Marine Corps. Our internal ratio of active duty general officers is 1 for every 3,300 active duty marines.

General officers serving in joint assignments, as authorized by the Secretary of Defense, are not counted against the internal general officer numbers. Our current fair share to the joint pool is 26, and that number is expected to be reduced to 21 by 2015.

Our overall ratio of active general officers is currently 1 for every 2,300 active duty marines when you count that joint authorization. And that ratio will change to 1 to 2,500 when our joint requirement is reduced.

The current mix of Marine Corps general officers represents the proper balance to support Marine Corps operating forces and sup-

porting element demands across the globe, and we are satisfied with our joint representation.

Civilian senior executives perform an invaluable role to the Marine Corps total force team. They provide crucial leadership to ensure continuity in vision and policy in the midst of active duty general officer rotations.

The Marine Corps currently has 22 Senior Executive Service billets and two Senior Leader billets. The efficiencies review resulted in the elimination of one Marine Corps SES position. The incumbent vacated this position in August of 2011 and the position was eliminated. We also believe we have the right mix of senior executives to support our requirements.

Thank you for the opportunity to be here. I look forward to your questions.

[The prepared statement of General Dunford follows:]

Senator WEBB. Thank you very much, General Dunford.

General Breedlove, welcome.

**STATEMENT OF GEN. PHILIP M. BREEDLOVE, USAF, VICE
CHIEF OF STAFF, UNITED STATES AIR FORCE**

General BREEDLOVE. Chairman Webb, Ranking Member Graham, Senator, thank you for this opportunity to speak to this important subject today, and thank you for your continued support.

The United States continues to need a strong and agile military to confront a dynamic international security environment composed of a diverse range of threats. With our joint partners, the Air Force defends and advances the interests of the United States by providing unique capabilities across the full spectrum of conflict in order to succeed in today's wars and in future conflicts. I thank you and this committee for your strong and continued support of our Air Force as it does this mission.

A key element of the Air Force's continued ability to provide combat power to the joint team is the depth and breadth of its senior leadership team. Our senior leadership consists of two different but mutually supportive elements: Air Force general officers and Senior Executive Service civilians. We rely on our general officers for their years of command experience and military judgment. Our SES civilians bring broad area expertise, as well as stability and continuity not achievable under the current military promotion system.

Due to their comparable level of job complexity, scope of responsibility, span of control, inherent authority, and influence on joint and national security matters, the Air Force advocates a deliberate and balanced approach to flag-level leadership as we believe that GOs and SESs should be viewed as partners as we move forward.

According to the 2009 National Defense Authorization Act, the Air Force is authorized 300 general officer billets with 208 of those being service positions and 92 being in the joint service. Of the total SES authorizations allocated to the Department of Defense, the Air Force has been apportioned 197 SES billets.

In response to Secretary Gates' efficiency study earlier this year, the Air Force has targeted 39 general officer positions and nine SES positions for elimination. When these reductions are complete in 2014, the Air Force senior leadership will consist of 261 general

officers and 188 SES's, a level lower than that of the Air Force senior leadership team on September 11, 2001, and the lowest level of Air Force general officers ever. When normalized to its end strength, the Air Force senior leadership size is in line with the service requirement and those of our sister services. Ultimately, we believe that we have the correct mix of military officers and civilian executives to provide the Air Force with the best leadership team.

As America's source for air and space power, the Air Force remains a reliable partner in the joint team. Along with our sister services, we have reevaluated our senior leadership team and have taken targeted reductions in order to reduce overhead. Our team of general officers and senior executive civilians provide the Air Force with an extensive breadth and depth of expertise to provide America global vigilance, reach, and power.

I look forward to your questions, sir.

[The prepared statement of General Breedlove follows:]

Senator WEBB. Thank you very much, General Breedlove.

Again, I would like to thank all of you for your oral statements and repeat that your full written statements will be entered into the record along with your oral statements.

Let me begin by asking General Breedlove and Admiral Ferguson both to discuss the number of four stars inside your institutional services which are both higher than the Army and considerably higher than the Marine Corps. General Breedlove, maybe you can begin by just explaining how this process was examined and who makes the decisions.

General BREEDLOVE. Senator, thanks for the opportunity.

Of course, in that 13 general officer team, 1 is the Chief of the National Guard Bureau which will rotate out of the Air Force next summer and will rotate to a sister Service. We are about one-quarter of the Guard force strength. So we can expect that to rotate back to us in about four positions down the line.

As far as the other nine general officers in our institutional force, which rightly was your concern as you began your discussion, our sister services typically organize themselves along regional or functional lines, and I will allow them to talk to that.

In the Air Force, we have aligned along both because of the responsiveness required to the combatant commanders and the responsibilities of those functional commands.

Let me talk first to the regional commands, the Pacific air forces and USAFE. The scope and breadth of their requirements of the air forces that they deal with, all being led by very senior officers, led the combatant commander to advocate strongly that he needed a four-star airman in order to carry on airmen's business in his area of responsibility. Each of the major air forces in the Pacific region are typically led by four stars and for an Air Force airman to be at the table on behalf of the commander of Pacific Command, he would have to be a four star. And so there was strong advocacy.

In that theater, there are multiple three-star joint force air component commanders who would lead the fight if we had one for Korea, who would lead the fight if we had one in the South China Sea, who would lead the fight, God forbid if we ever had another one, in or around Japan. And so in order to lead those three-star joint force air component commanders that are part of the

COCOM's force structure, he asked for four-star airmen to be there.

In USAFE, it is much the same. In USAFE, the USAFE commander wears four NATO hats, all of them commanding NATO forces. As the commander of Headquarter Allied Command, Commander Brunson, the Theater Missile and Air Defense Commander, and also as you saw, responding in Libya. In the near future, as we build the phase-adaptive approach, which is the missile defense of Europe, you had heard Admiral Stavarenis advocate that the U.S. needs to lead that effort because it will be primarily an Air Force force defending in that missile defense piece. And so as the other allied nations in Europe are four stars, we are advocating for a four-star U.S. commander to be able to do that.

Across the functional commands, we have four stars leading them.

The Air Education and Training Command by itself is the fourth largest air force in the world.

Air Force Materiel Command, a huge portfolio, including all of our depots, all of our nuclear business, all of our acquisition business, all of that in the Air Force. We have sought a four star to lead that business.

Air Mobility Command, which moves all of the air freight all around the world, takes our soldiers to and from the battle and responds to every combatant commander in our military, we have led with a four star.

And then finally, Air Force Space Command, which takes care of space for far more than just the U.S. Air Force, as you are aware, for all the other users of space in our Government, has been led by a four star.

So, sir, in the bottom line, we have looked at both a functional alignment and a regional alignment and the scope and breadth and depth of the requirements of those, and over time, the combatant commanders in each case have advocated through the various NDAAs that four stars lead those Services.

Senator WEBB. Where is it that the decision is made that these are four-star billets? Is it the Secretary of the Air Force, Secretary of Defense? I would assume the Secretary of Defense.

General BREEDLOVE. Sir, it is not the Secretary of the Air Force. I cannot tell you that it is the Secretary of Defense. I just do not know that answer. We need to get back to you on that.

Senator WEBB. All right. Thank you.

Admiral Ferguson?

Admiral FERGUSON. Chairman Webb, for the Navy alignments, obviously, two of the four stars are the Chief of Naval Operations and the Vice Chief. When you look at our other four-star positions, they evolve historically either by the nature of our geographic dispersal in the fleets—so we have the Atlantic fleet, which is Norfolk, Commander of Fleet Forces Command, and then we have the Pacific fleet in Hawaii, which evolved historically and being geographically dispersed and working for the combatant commanders that direct operational forces in their major theaters.

The other two four stars. One was the Director of Naval Reactors who was dual-hatted with the Department of Energy, was created as a four star by an act of Congress to oversee the safe operation

of all nuclear propulsion plants. And that has been an historical mission and specified term lengths and responsibilities by the Congress and is dual-hatted.

And the other one is Commander of Naval Forces Europe who is also dual-hatted as a NATO four-star commander for the Southern Region. And so that is an agreed upon flag specified by NATO authorized by the Congress. He is also, for example, involved in the Libya operations currently ongoing but commands NATO forces in the south.

Senator WEBB. Thank you.

General Chiarelli, let me ask you one question before I run out of my time here. To what extent is the question that the gentleman from POGO raised about growth of general officers in the Guard and Reserve a portion of the Army situation here? In other words, how much have they grown in the Army Guard and Reserve and how does that interact with the numbers that you have here on the active duty side?

General CHIARELLI. I am going to have to get back to you on that because we did a review of guard and Reserve component general officer positions last time and did not raise the number. They were looking for a redistribution of numbers.

I can tell you right now we have on full-time support today 81 and 36 of those have a nexus to OEF or OIF. So they are on active duty today. Because if you look at the numbers, my numbers really are not 569,000 if you take a look at how many folks we have mobilized today. We are upwards of 700,000 soldiers that are currently on active duty, and those numbers go up and down based on mobilizations.

I might be able to help you on your answer at least from the Army's standpoint. The Army recently reduced a four star. We went from six internal four stars. We are authorized seven. We have been authorized seven by law for the longest period of time. We only had six filled. We reduced our USAREUR commander to a three-star position, Lieutenant General Mark Hertling who is currently in that position, and we, in doing that, coordinated with the Secretary of Defense who gave us the authority to go ahead and reduce down to five of our seven internal, taking the USAREUR position and making it a three-star position.

Senator WEBB. So it would be your view that the Secretary of Defense has the authority under the legislative umbrella to declare that to be a four star?

General CHIARELLI. Not being a lawyer, I would not want to say that definitively, but I was part of that particular process and working it, and I know it was coordinated through the Secretary of Defense.

Senator WEBB. It is rather interesting that we do not really have an answer to that question today.

And to the other question, if I understand you right, you are saying that the Guard and Reserve situation does not really have an impact on your numbers of active duty general officers.

General CHIARELLI. No. We use guard and Reserve officers in certain positions. We currently have a total of 81 that are on full-time support today, but that is basically being caused by deployments in Iraq and Afghanistan.

Senator WEBB. Yes, but you are saying that that number has not really changed.

General CHIARELLI. No. It goes up and down depending on the number of Reserve component soldiers we have mobilized and the requirements down range.

Senator WEBB. But I mean, in terms of guard and Reserve numbers themselves.

General CHIARELLI. No. I am going to have to go back and check that, but I do not believe it has. They were looking for a redistribution here not too long ago, and we did a very extensive study of guard and Reserve GO positions.

Senator WEBB. Thank you very much.

Senator Graham.

Senator GRAHAM. This has been fascinating. I am trying to figure out how you become a four-star general, not that that is going to happen to me anytime soon. But the whole idea of how you become a four-star general—I would assume the Secretary of the particular Service has to nominate you. Right? Is that correct?

Admiral FERGUSON. That is correct, Senator, but it is a process where the service chief—the service secretary goes to the chairman to the Secretary of Defense and then to the Senate for confirmation after the President endorses the nomination.

Senator GRAHAM. Okay. So this process—the Secretary of Defense has to sign off on it.

Admiral FERGUSON. Yes, that is correct.

Senator GRAHAM. Just like any other promotion from major to lieutenant colonel.

General CHIARELLI. Even in our internal positions, the Secretary of Defense signs off on it. Sometimes the service will go ahead and nominate an individual to take even an internal position—

Senator WEBB. Let me add an observation as a former Secretary of the Navy. The decision to move forward with a nomination is the President's decision based on a service secretary recommendation to the Secretary of Defense and then to the White House. Really the question I was trying to get at is who decides that this position is four stars and who decides that it is not.

Senator GRAHAM. That is what I am trying to say. I mean, how you become a four-star general versus just a general officer. I guess the service secretary will say, yes, I need a four-star general at USAFE. I need a four-star admiral at CINCPAC. Right?

General CHIARELLI. By law, in the United States Army, the Vice and the Chief of Staff of the Army are four-star generals. AMC commander, FORSCOM commander—

Senator GRAHAM. So you got statutory positions.

General CHIARELLI. Two out of our five that we currently have.

Senator GRAHAM. Okay. How many in the Air Force?

General BREEDLOVE. Two.

Senator GRAHAM. So the Congress has created two. All right.

So beyond those two, it seems to me that someone has to decide this command or this function or this region deserves a four-star commander. And that comes from the service secretary to the Secretary of Defense. Is that right? Because that is Senator Webb's question. I mean, do we know? And if we do not know—the answer is okay to say we do not know. I mean, his question is a good ques-

tion. How do you determine whether or not USAFE—I mean, you gave an explanation that makes sense to me. I just want to know how do you determine that is a four-star billet versus a three-star billet. You told us in the Army, United States Army Europe—you have gone from four to three. Somebody decided to do that. Who decided to do that?

General CHIARELLI. The Chief of Staff of the Army decided to make that recommendation to the Secretary of Defense based not only on ratios, because we think ratios lead you to some false comparisons—

Senator GRAHAM. Yes, and I am going to talk about that in a minute.

So the point is if you give up a slot in that process, I assume that is how you add a slot. So if you wanted to go from a three to a four star in United States Army Europe, you would go through the same process.

General CHIARELLI. And in the Army, we look at mission analysis, resource analysis, the number of not only military but civilians and Reserve component soldiers that are under that command. All those things go into an analysis. But we have three and we have had three forever other than the statutory ones. That is FORSCOM commander, TRADOC commander, and AMC commander.

Senator GRAHAM. I got you. I think I understand better now.

Let us look at roles and missions for a lack of a better term. When we leave Iraq, we will have, I hope, some force left behind in 2012. I hope it is enough to do the job, but whether it is 3,000 or 10,000 or 15,000, it is going to be a lot smaller than 100,000. General, what kind of level of command would you want to lead that force? What rank do you think would be appropriate given that commander's job in Iraq and with the Iraqi Government?

General CHIARELLI. Well, he will be supported by whoever the chief of the OSC is, as I understand it, which I understand is a three-star position.

Senator GRAHAM. What is OSC?

General CHIARELLI. Operation and Security Cooperation.

Senator GRAHAM. So that would be a three-star billet.

General CHIARELLI. That is my understanding.

Senator GRAHAM. Now, normally we would not have a three-star general commanding 3,000 people.

General CHIARELLI. No, but there will be a commander for those individuals.

Senator GRAHAM. So I am saying that is a role or a mission that we believe from a national security point of view you have got to have somebody with sufficient rank to deal with that position. That would be a three-star billet. Right?

General CHIARELLI. Which one is that, sir?

Senator GRAHAM. The OSC.

General CHIARELLI. Yes.

Senator GRAHAM. Now, under him, you will have an actual operational commander.

General CHIARELLI. Yes, you will.

Senator GRAHAM. What rank do you think that person will be?

General CHIARELLI. It depends on the number of folks.

Senator GRAHAM. Let us say it is 10,000.

General CHIARELLI. If the decision is made to leave a division headquarters there, they would leave a two-star general. If all that is left is a brigade headquarters and that is the decision of interaction with the Iraqis, it would be a colonel, I would imagine, unless special provisions were made.

Senator GRAHAM. Would that be a case where you would want special provisions to have a general officer?

General CHIARELLI. It would be one I would think that would be looked at because of the interaction with the Iraqi army.

Senator GRAHAM. Mr. Chairman, one special situation. The rule of law programs in Afghanistan were incredibly disjointed, inter-agency, all kind of cats and dog agencies, every alphabet soup agencies spending on rule of law. The administration decided to create an Ambassador for the rule of law, Ambassador Clem, and he has a one-star military deputy because the civilian-military partnership is the future of all conflicts. And that is just a case where I think the general officer made sense in terms of roles and missions. And I bet you we could find some situations where it is the other way too, that the general officer billet just really does not make sense in terms of what the mission is.

So I appreciate the thoroughness. I think we need to ask more questions. The Air Force has 10 Senior Executive Service billets for legal advisors. Now, the continuity—you are right. A Senior Executive Service person is just going to be there from administration to administration, from retirement to new people coming in. It gives you continuity. The brigadier general would have some operational experience where the uniform brings different aspects to the job.

Now, the Navy has 22. Do you know why the Navy has 22 Senior Executive Service personnel in their legal department and the Air Force would have 10? I do not mean to put you on the spot. I mean, I am just curious.

Admiral FERGUSON. Well, Senator, I would have to defer to the general counsel to answer that.

Senator GRAHAM. Yes, but I think that the purpose of this hearing is to find out why we have picked one and not the other and why we are growing so fast. And I just think some jobs require rank. Some jobs may just have been created for general officers just because that seems to be the trend.

And I know the Air Force pretty well. I think I understand their reasoning. The fact that they have 10 Senior Executive Service attorneys, the lowest of the group, probably explains the one or two additional brigadier generals. And I do not know if that is the right model. It is just something to consider.

From an Air Force point of view, how do you balance that? What are you looking at?

General BREEDLOVE. Senator, in preparing for this hearing, I have learned an awful lot about lawyers in the Air Force. And I guess the thing that was most instructive to me—

Senator WEBB. You should have been here 2 months ago.

General BREEDLOVE. It might actually help my Navy compatriot answer his question. What I learned was that the three services do law very, very differently. There is basically eight major functions that either JAG's or GC's do in all three of the services. In one of

the services, the JAG Corps does three of those and the GC does five. In another service, the JAG Corps does five of those and the GC does three. In my service, the JAG Corps does eight of those and the GC does one. So that explains a little difference, the number and difference of general officers and SES's across the four services because we do very different things with our lawyers within our own service construct.

Senator GRAHAM. Mr. Chairman, I am willing to relook at that construct, if it makes sense.

Senator WEBB. Thank you very much, Senator Graham.

Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I appreciate the work that all of you do and thank you all for your service and your leadership.

I wanted each of you to help me by telling me whether you are confident that we will not be increasing the legal risk that we are undertaking by cutting the JAG Corps field grade officers. I am really concerned that we have strong JAG Corps. So given this analysis and the efficiency initiatives that you are undertaking, where is this going to leave our JAG Corps overall in terms of leadership and importance?

General CHIARELLI. I believe the JAG Corps will probably assume a certain portion of the cuts as the Army gets smaller down to 520,000, but no more than any other branch would given a reduction in the number of forces we have and the size of its officer corps.

Admiral FERGUSON. Senator, I would say for the Navy and the program that we are submitting, we will be growing the Judge Advocate General Corps in response to commissions that are taking place down at Guantanamo—

Senator AYOTTE. Glad to hear that.

Admiral FERGUSON.—and in response to the recent commission that we have. So you will see the number of the officers grow over our program in a phased approach. And I do not believe we have any leadership reductions planned at the senior levels presently.

Senator AYOTTE. Thank you.

General DUNFORD. Senator, we did not grow the JAG Corps when we grew the Marine Corps, and we do not have any intention of reducing the JAG Corps as we draw down.

General BREEDLOVE. Senator, I cannot answer the broader JAG question. I can answer two things that we have been focusing on.

First of all, as you know, we have come through a period in the Air Force where we focused on acquisition excellence and recapturing some integrity pieces in our acquisition business. So we are focusing law into the acquisition business.

And the other place we will not be shrinking is in what I would call our combat—our rule of war law. We are continuing to focus on giving not only our air commanders but our joint force commanders, who typically the Air Force serves under in these combatant commands, the right kind of advice as we apply lethal force.

Senator AYOTTE. Since we have all of you before this committee, this is not on the topic of this hearing but I really want to hear from all of you on it, and that is, we had the nominee for the Dep-

uty Secretary of Defense, Ash Carter, before our committee yesterday and before the Armed Services Committee.

Can you tell us—you represent the branches if our Armed Forces. You are undertaking an analysis to cut between \$400 billion and \$450 billion over the next 10 years, and thereafter if, for some reason, the Congress fails to undertake its responsibility with the Super Committee and further funds were sequestered as a result of the failure of the Super Committee to act, what is the impact on each of your forces?

General BREEDLOVE. Senator, I will jump in here first.

As we look at what we now understand to be \$450 billion or more across 10 years, it is going to affect our service. In previous testimony, all four of us together have sort of had the same concerns, and that is, as we were beginning to look at this process when the cut was in the range of \$300 billion to \$350 billion, we thought that we could constrict our force, our Air Force, and continue to do all of the mission sets that we are currently asked to do, in other words, to drawn down capacity, but not change the complexion or character of the Air Force. And then that drawdown in capacity would manifest itself in increased risk in those missions that we are called to do, especially if we had to swing to a high-end conflict from the current COIN fight that we are focused on now.

In previous testimony, I also said if we go past \$350 billion, that we would begin to have to look at not being able to just constrict capacity, but we might have to look at the character and what kind of missions we would provide America through her Air Force. And I believe that we are to the point now where we are going to have to look at that. What are those missions that we may not be able to do that we have formerly provided? And that will then bring risk again into the equation as we look at how we service our joint force commanders around the world. I think that we can meet the requirements, but the risk will be very much increased.

General DUNFORD. Senator, Secretary Panetta has described any cuts beyond \$450 billion as catastrophic, and I do not know what the specific impact would be on the Marine Corps. But the only place that we could go to cut General Breedlove alluded to in the Marine Corps' case is capacity. 70 percent of the money that we spend is on people. And so if we were caused to reduce the size of the force, it would be capacity. We would see the impact of that capacity reduction would be in our ability to meet the needs of the combatant commander on a day-to-day basis, as well as crisis response and contingency response. But it is hard to scope that without knowing the exact cuts that would come the Marine Corps' way if the cuts exceeded the \$450 billion that you referred to.

Admiral FERGUSON. Senator, I would echo what Secretary Panetta and the other vice chiefs have said. It begins to affect the ability of the Services to meet the national defense strategy. It implies increased response time to crises, conflicts, and disasters. It starts to affect the ability to be forward deployed and engaged around the globe, and it starts to introduce higher levels of risk in ongoing operations when you go to those larger levels of cuts that are discussed. It starts to affect the ability for force training and readiness and force generation capacity, and it starts also to—a se-

sequestration would affect cuts in programs and start to affect the industrial base. And that is of concern to us for the generation of our future capacity.

And so, you know, our priority is to sustain the best Navy in the world and deliver for the Nation on that. And so the specifics of it we are still assessing based upon how events unfold.

General CHIARELLI. \$400 billion is challenging, but it is workable, and that is what we are doing. I think I would only echo what Secretary Panetta said that if we were to go into sequestration, it would hollow out the force, and that is our big worry. Our big worry is that whatever ramp you put us on, if it is down to 520,000, that it be a ramp that we can sustain the force and ensure that it is not hollowed out. After the Gulf War, we took 100,000 out in a year. What we ended up with was a very, very hollow force because when you take those kinds of numbers out so quickly, you basically take it out of whoever you can get to leave rather than ensuring you have the right numbers in the military occupational specialties to ensure that you have a balanced force. So for us, that is absolutely critical, given that we are a people-based organization.

Senator AYOTTE. Thank you.

I firmly believe that we should not undermine our national security from our failure to make the tough decisions here and deal with the entire budget. So I appreciate your answering my question.

Senator WEBB. Thank you very much, Senator Ayotte.

I thank all of you for your testimony today. It has been, I think, a very interesting hearing. As I have frequently said, this has been valuable not only to people who are here but to a number of staff people who will examine your testimony very carefully. We will probably have a continuing conversation on a number of these issues. And again, this has been very valuable to our committee. Thank you.

This hearing is closed.

[Whereupon, at 3:30 p.m., the subcommittee adjourned.]