

# **EXHIBIT B**

## Federal News Service

February 3, 2010 Wednesday

HEARING OF THE HOUSE ARMED SERVICES COMMITTEE;  
SUBJECT: THE FY 2011 NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST  
FROM THE DEFENSE DEPARTMENT;  
CHAIRFD BY: REPRESENTATIVE IKE SKELTON (D-MO);  
WITNESSES: DEFENSE SECRETARY ROBERT GATES; CHAIRMAN OF THE JOINT  
CHIEFS OF STAFF ADMIRAL MICHAEL MULLEN;  
LOCATION: 2118 RAYBURN HOUSE OFFICE BUILDING, WASHINGTON, D.C.

**SECTION:** CAPITOL HILL HEARING

**LENGTH:** 34964 words

REP. HOWARD "BUCK" MCKEON (R-CA): (In progress) -- the 2011 Quadrennial Defense Review. You write that your efforts to rebalance the department in 2010 continued in the Fiscal Year 2011 budget and were institutionalized in this QDR and outyear budget plan.

While we all commend you for your laser focus on the wars in Iraq and Afghanistan, I believe your efforts to make balance a fixture in the QDR and the outyear budget is too focused on the short term and puts the department on the wrong path for the next 20 years. Choosing to win in Iraq and Afghanistan should not mean our country must chose to assume additional risk in the conventional national defense challenges of today and tomorrow.

Last April, we received a glimpse of the cost of balance when you announced over \$50 billion in cuts to the defense programs. This year the impact is more subtle but I fear more severe. In my view, the QDR understates the requirements to deter and defeat challenges from state actors, and it overestimates the capabilities of the force the department would build.

This QDR does an excellent job of delineating the threat posed by those with anti-access capabilities, notably China, but does little to address the risk resulting from the gaps in funding capability and force structure.

If this is really a vision for the defense program for the next 20 years, as the statute requires, then why does the QDR lay out a force structure for the next five years, not to mention one that looks a lot like today's force. The QDR is supposed to shape the department for 2029, not describe the Pentagon in 2009.

I look forward to hearing from you and Admiral Mullen today, and Undersecretary Flournoy tomorrow, about the assumptions underlying the QDR's decisions. Further, I'm anxious for the QDR's independent panel to begin its work and provide the Congress with an alternative viewpoint on how the Pentagon should posture itself for the next 20 years.

Let me conclude by addressing two controversial policy initiatives that the president has raised in recent weeks: repealing "don't ask, don't tell" policy and moving Gitmo detainees to the United States.

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With respect to "don't ask, don't tell," I also look forward to you addressing the president's State of the Union call to repeal "don't ask, don't tell." Before the president or special interests force a change in the policy or law, Congress deserves to see from the services concrete, in-depth evidence that readiness concerns require a change and that such a change would not degrade wartime military readiness in any measurable, significant way. Many of us on this committee have serious concerns with putting our men and women in uniform through such a divisive debate while they're fighting two wars.

As far as the future of Gitmo, the administration requested a \$350 million transfer fund to finance all aspects of detainee operations at the U.S. naval station in Guantanamo, Cuba, or the Thompson Correctional Center in Thompson, Illinois. In my view, such a flexible transfer authority reflects the overall problem with this administration's detainee policy. There is no clear policy on how we will handle the detainees held at Gitmo.

Mr. Secretary, let me make my view clear: I do not support authorizing funds for a facility which will hold Gitmo detainees in the United States.

Once again, thank you for being here today and I look forward to your testimony in the question and answer session. I yield back my time.

REP. SKELTON: Before I ask our witnesses to give their remarks, let me speak very, very briefly about the unexpected occurrences as reflected by conflicts since 1977 -- unexpected: Operation Desert One, 1979; Lebanon, 1982; Grenada, 1983; Libya, 1986; Panama, 1989; Operation Desert Storm, 1990; Somalia, 1992; Haiti, 1994; Balkans- Bosnia, 1995; Balkans-Kosovo, 1999; Afghanistan, which began 2001; Iraq, which began 2003. And it gives us a bird's eye sketch of the unexpected. That's why we need the full spectrum of capability, and that's what we ask you to testify to today.

Our committee will meet until the lunch break around 12:15, probably along with a few votes we'll have at that time, and we'll reconvene after 45 minutes and the hearing will continue until 3:00 this afternoon.

So with that, Secretary Gates, we welcome you, and, Admiral Mullen, we thank you. Secretary Gates.

SEC. GATES: Mr. Chairman, members of the committee, thank you for the opportunity to appear before you to discuss the president's budget requests 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.

The budget requests being presented today include \$549 billion for a base budget, a 3.4 percent increase over last year, or a 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 FY 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 we do business, especially in the area of acquisitions; finally, the commitments made in the programs funded in the OCO and supplemental request 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 our 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 FY 2011 budget build upon the substantial changes that the president made, in the FY 2010 budget request, to allocate defense dollars more wisely and reform the department's processes.

The FY '10 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 FY '11 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 FY '11 request took additional steps aimed at programs that were in excess or performing poorly.

They include terminating the Navy EPX intelligence aircraft, ending the third-generation infrared surveillance program, canceling the next-generation CG(X) 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 risk, set priorities, made trade-offs 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 non-state 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 -- apropos of the chairman's recitation of the conflicts since the mid-'70s -- that the wars we fight are seldom the wars that we plan. 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 recently read, 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.

REP. SKELTON: Mr. Secretary, we thank you. Admiral Mullen?

ADM. MULLEN: Mr. Chairman, Mr. McKeon, 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 '11 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 a testament in no small part to your dedication and stewardship.

I have seen many of you in the war zone, in hospitals and at bases all over this country. 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

speaking 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 '11 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 more than 40 years of service.

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. 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. Another 150,000 or so are meeting our security commitments elsewhere around the globe, and many of those missions are no less dangerous and certainly no less significant.

I'm sure you have stayed abreast of our relief efforts in Haiti, where more than 20,000 of your soldiers, sailors, airmen, Marines, 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 United Nations 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 a primary goal.

We have already moved nearly 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 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 winning. Eighteen months from now, if we've executed our strategy, we'll know that they aren't, and they will 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 are asking you to fully fund our Fiscal Year '10 supplemental and the Fiscal Year '11 overseas contingency operations requests. 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 the 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 '12.

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 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 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 \$16 billion, procuring 10 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 construction on a five-year build cycle, resulting in a long-term force structure of 10 carriers by 2040.

Our budget request also seeks \$10 billion for ballistic missile defense programs, including 8.4 billion (dollars) for the Missile Defense Agency. And it devotes 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. And that's my final point.

This QDR and this budget build upon superb support you and this department have provided our troops and their families for much of the last eight years. Stretched and strained by nearly constant combat -- many of them on their fifth, sixth and even seventh deployments -- our men and women are without question, and almost inexplicably, the most resilient and battle-ready force 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, marital 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 too are tired. Quite frankly, many of them are worried about their futures, their livelihoods, their children.

And 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 '11 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 don't know yet fully, nor understand fully, how or to what extent.

So even as we work hard to increase dwell time, time at home, 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, members of this committee, thank you again for your time and for the long-standing support of this committee for 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.

REP. SKELTON: Admiral, thank you so very much.

At the witness table, Undersecretary Bob Hale, the comptroller, is also in attendance, and I understand he will remain available for questions as they would arise.

I'll just ask one question to begin with. We have excellent attendance today and we'll be under the five-minute rule. Let me ask each of you -- and as I mentioned before, since I've been in the Congress we've engaged in 12 military operations, and almost none of them did we see coming.

Both of you have emphasized that we must win today's wars, and of course we must. But we must also be prepared for the unexpected contingencies that sure as God made little green apples will come to pass.



How does your strategy as embodied by the QDR as well as your budget prepare the Department to do both of these things, Mr. Secretary?

SEC. GATES: First of all, I would say that we clearly are improving the capabilities and resources that we have for the kind of fights we have been in since the Vietnam War; a broad array of conflicts, requiring a broad array of capabilities. The mantra that I have used is the one that I used in my opening statement. We must acquire the greatest, the most versatile possible set of capabilities for the broadest possible range of conflict because I believe one of the lessons of Desert I and of the invasion of Iraq in 2003 is that it is unlikely for another power to come at us head on. They will come at us asymmetrically, coming at us where we are vulnerable not where we are strong.

But we have put into this budget capabilities such as the growth and capabilities of the Special Operations Command and Forces is now in the base but we are moving that into the base budget out of the supplementals and the overseas contingency operations funds. Helicopters, ISR, the full range of capabilities that are needed to deal with the kind of fights we're in today, the kind of fights we've been in for the last 35 years, and I believe the most likely kind of fights that we're going to face in the future.

But by the same token, I would take the strongest possible issue with those who say we are neglecting the potential future fight or the capabilities needed to take on high end adversaries. The reality is in this budget, half the procurement budget is going for systems that are purely associated with modernization of conventional capabilities, about 7 percent for, if you will, the fights we're in, and about 43 percent for dual purpose capabilities -- C-17s, and other capabilities that will be used no matter what kind of fight we're in. But just let me run through the list in about 30 seconds here of what we have in this budget in terms of conventional modernization capabilities.

We have an initiative for long range strike, an initiative for conventional prompt global strike, a new generation bomber, a new SSBN, the F-35, the MQ-9, ballistic missile defense, the Virginia class attack submarines, new Army ground combat vehicle, upgrades to the B-2 and the B-52, and a number of initiatives on cyber. And I would just use one statistic before turning the microphone over to Admiral Mullen. And that is even with the restructured F-35 program in 2020, the United States will have 20 times more fifth generation aircraft than the Chinese, and about 13 to 15 times more than the Russians. And the gap only gets bigger after that. So I think there is a broad balance in this budget and it takes into account what I think is its underlying premise, which is most versatile possible array of capabilities for the widest possible range of conflict.

REP. SKELTON: Thank you. Admiral Mullen.

ADM. MULLEN: I strongly share those sentiments and let me just talk to a couple aspects of that. In both the QDR and in the budget, the emphasis is on winning today's wars. But that doesn't mean it is just what we have for today that will be -- that it will only be used today. I think a significant amount of our investments which is as the secretary has laid out will be well placed for the future, that the kind of ISR capabilities that we have, the rotary wing capabilities, the investment in special forces, will play significantly in the future. And if you just lay out the 12 kinds of unexpected conflicts as you did earlier, Chairman, those kinds of capabilities -- there's a versatility in those that many of these capabilities would play very strongly in the future.

Secondly, I've been working in the Pentagon a long time and there are thoughts that we have somehow moved out of the conventional world, which is not the case. As indicated by the invest-

ment profile, and this is a hard place to move the pendulum and we continue to move it to get the right balance. By no means is the pendulum swung too far at this point.

And then the third point I would make is the most important investment we can make to assure and insure our security from a future standpoint is in our people and their families. They are our most critical strategic asset and in the uncertainty that you have described, and we have seen just in these last eight years, they are the ones that will truly make a difference for the future.

Now that is not an unbounded pot, there is a significant amount of money invested in our military families and civilians in this budget. It's roughly 50 percent of the budget and we have to make sure we have that right for the future. But that's what'll make a difference now and it'll clearly make a difference in the future.

REP. SKELTON: Admiral, we thank you. Mr. McKeon.

REP. MCKEON: Thank you Mr. Chairman. Mr. Secretary, Admiral, I mentioned in my opening statement, "don't ask don't tell" and Gitmo. With respect to "don't ask don't tell," first I would like to echo the concerns raised by my counterpoint on the Senate Armed Services Committee yesterday. You made clear in your testimony that the military stands ready to implement a repeal of "don't ask don't tell." Yet this position in support of repeal comes before your service chiefs have had the opportunity to conduct an in-depth review of the impact a repeal would have on military readiness.

It seems that your path places the cart before the horse. On that point, I wrote to both of you outlining a series of issues and questions that must be answered before any objective decision can be made by the president, the Department of Defense and this Congress about repealing or amending the current law. I ask that that letter and the attachment which set out major shortcomings in the 1993 RAND studies be entered into the record.

REP. SKELTON: Without objection.

REP. MCKEON: I'd also ask when this committee should expect a response from the Department to that letter.

SEC. GATES: Let me check into it Mr. McKeon. We will get back to you with an answer to that question tomorrow.

REP. MCKEON: Thank you very much --

SEC. GATES: Do you want me to --

REP. MCKEON: From Istanbul? (Laughs.)

SEC. GATES: I'm sorry?

REP. MCKEON: From Istanbul?

SEC. GATES: Yeah.

REP. MCKEON: (Laughs.)

ADM. MULLEN: We have reach. (Laughter.)

REP. MCKEON: Thank you. On the transfer of the Gitmo detainees, giving the rising recidivism rate around 20 percent of former Gitmo detainees returning to the fight, are you reevaluating the Defense Department's Gitmo transfer policy?

SEC. GATES: Well the president has made the decision to close Guantanamo as you know. But at the same time recognizing reality and particularly after the Christmas bombing attempt, he has suspended the returns of the Yemenese from Guantanamo to the Arabian Peninsula. And while his decision has not changed, we are clearly looking at the next steps.

We -- as you indicated in the opening statement, we have money in the budget for detainee operations which includes funding for our part of the prison at Illinois. I think that's about \$150 million for that prison and that clearly is the intent of the president at this point.

REP. MCKEON: One hundred and fifty million (dollars) when we had the briefing before the holiday break, they added up several costs and I think it was more like 500 million (dollars).

SEC. GATES: Yeah, that's just our part Mr. McKeon, there is a Justice Department element and a Homeland Security piece.

REP. MCKEON: Right. Do you agree with the policy that prohibits transfer of Gitmo detainees to countries that are, one, on the state sponsored terrorism list; two have active al Qaeda cells within their borders; and three have confirmed cases of former Gitmo detainees that have returned to the fight?

SEC. GATES: Well I would say that I certainly would have a problem returning them to countries that are on the terrorism watch list. If you take countries where there's been a recidivist problem that would include both Saudi Arabia and Afghanistan I don't think I'm prepared to draw that kind of a limit. And we after all -- we don't even know if we have al Qaeda cell here in the United States. So, you know, Somalia, Yemen for sure, North Africa and different places. So I frankly think that's probably too restrictive. Having a cell doesn't mean that the government isn't concerned about terrorists and isn't acting aggressively against those terrorists. We find ourselves in that same position.

REP. MCKEON: Last week, Mayor Bloomberg made it clear that he was opposed to holding the trial to prosecute the September 11th mastermind Khalid Sheikh Mohammed in a Manhattan courthouse. Do you believe that KSM and the 9/11 co-conspirators should be tried in a federal criminal court rather than a military commission?

SEC. GATES: I am comfortable deferring to the Attorney General in terms of the proper jurisdiction for those who have engaged in terrorist acts. I think it's important that we have available to us both the civilian courts and the military commissions. I remind you we had a lot of problems with terrorism in the 1970s and 1980s in this country, and they all went -- when we would capture terrorists, they all went through the federal courts. We had no alternative at that time, we're actually in a more robust position at this point.

REP. MCKEON: We did do a lot of work on that in the last reauthorization, improving the military commissions. Why would this choice of trial forum, the civil courts, given that you're the chief civilian authority for military commissions, why would you not prefer to have them done in the military commission?

SEC. GATES: Well, the attorney general did consult with me about the five 9/11 bombers and where he was headed with his decision, and as I indicated a minute ago, I deferred to him on the judgment where he thought that prosecution was best carried out.

REP. MCKEON: Did he consult with you before the FBI interrogated the Christmas Day bomber and before they were given their Miranda rights?

SEC. GATES: No.

REP. MCKEON: What impact did giving the Miranda rights have on our ability to collect intelligence, if any, when we gave those rights to Abdulmutallab -- I'm having trouble learning how to say these long words -- a known al Qaeda operative, only 50 minutes after beginning the interrogations?

SEC. GATES: Well, I think that -- I mean, I don't know because I haven't read the interrogation reports. I have been told that valuable information was obtained from him prior to that time. I think we have protocols in place now for a high-level interrogation group that is comprised of experienced FBI and intelligence community interrogation experts that will be available for future such cases, and the reality is, under existing law, if a person who has attempted a terrorist act or is an alleged terrorist, is deemed a threat to the national security, there is the authority in the law to delay Mirandizing so that a full interrogation can take place.

REP. MCKEON: I think the concern that I've heard expressed by many is that when he was caught and was being questioned during that first 50 minutes, as on the 9/11 attacks, there could have been other planes in the air with other people trying to blow them up at the same time, and I don't know that 50 minutes -- I'm not an expert, but I've heard from experts that maybe 50 minutes wasn't quite enough to get all the information that could have been very necessary at that time.

SEC. GATES: Well, I would just say that, you know, the president asked for a review of several aspects of this, and I think it's fair to say that there were some useful lessons learned from that experience.

REP. MCKEON: So, in your personal opinion, should al Qaeda detainees in the U.S. be given Miranda rights?

SEC. GATES: I think that if a person is identified as an al Qaeda operative or has attempted a terrorist act that the authorities that are available in existing law and this high-level interrogation group that has been assembled should be brought to bear with that individual and that gives them the flexibility not to Mirandize as long as they believe they can get useful intelligence about impending attacks.

REP. MCKEON: Was Abdulmutallab considered to be al Qaeda during that 50 minutes or was that found out later?

SEC. GATES: I'm just not sure.

REP. MCKEON: Thank you. Thank you, Mr. Secretary. Thank you, Mr. Chairman.

REP. SKELTON: I thank the gentleman. The gentleman from South Carolina, Mr. Spratt. We are now under the five-minute rule.

REP. JOHN SPRATT (D-SC): Thank you all for your testimony and for the service you render our country every day. I was in Afghanistan last week and impressed with the team we've got in place but also impressed, as I always am, with how daunting the challenge is if we want to accomplish what we do there. Let me ask you something that may seem a bit mundane, but is important to getting the budget to reflect reality as well as possible. That is the practice of putting a plug in the outyears for what it's likely to cost.

As I understand it, we've provided so far \$130 billion for Iraq and Afghanistan and, to some extent, Pakistan. We're to add 30 billion (dollars) to that, it'd take it up to 160 (billion dollars) that'd

make next year's level, approximately. In the years thereafter, under the budget you've submitted in the QDR, there's a plug, \$50 billion, which I don't think is a realistic plug; \$50 billion is a big comedown from \$160 billion in a one year period of time.

How do you plan to fill that plug and to give us realistic, likely expenditures for sustaining this effort in Iraq, Afghanistan and, increasingly, Pakistan?

SEC. GATES: Mr. Spratt, I think that the most accurate answer to your question is that I don't think a \$50 billion plug for the next couple of years reflects reality either. That's basically the direction that we've been given by OMB, but clearly, as we have done with both FY '10 and FY '11 through the preparation of the overseas contingency operations budgets, we can, closer to the time when combat is taking place and we know how many troops will be available or will be in the theater and so on, we can give a realistic estimate.

While I believe, for example, for FY '12 \$50 billion is too low, by the same token I could not give you a figure today or put a figure in the budget that I would have confidence would come close to being what the real number will be that is closer, so I acknowledge that the \$50 billion plug is inadequate, but beyond FY '11, it's just difficult to know what the right number would be.

REP. SPRATT: Given the difficulties we are experiencing right now in Iraq, do you expect that that period for withdrawal drawdown could be stretched out?

SEC. GATES: Based on recent conversations the chairman and I have both had with General Odierno, we do not expect that, no.

REP. SPRATT: Turning to a different subject, the F-35, you just yourself personally intervened to see what's happening with that program. Would you care to tell us -- give us an update on this problem?

SEC. GATES: Well, I think if I had to put it in a sentence, I would say that the program office was too optimistic in their estimates. The reality is the program has not experienced problems unlike those with developmental combat aircraft in the past. The reality is it's a good airplane. It's meeting the performance parameters. Part of the restructuring program is to put more money into test aircraft and a greater investment in software to limit the slip to about 13 months for the program. This means we'll also be buying fewer aircraft in advance of testing, but we think that we have a good program, as the chairman indicated in his opening statement.

We have funded this plane in recent years based on the estimates of the joint program office, partly due to the law that was passed here in the Congress but partly due to our own undersecretary, Ash Carter. We now have funded this program on the basis of the joint estimating team, the independent estimate of what the funding will be. So we believe that the funding that we have in this budget and in the outyears is a much more realistic profile of the funding for the aircraft.

REP. SPRATT: One news account indicated that you visited the plant in August and thought the F-35 was in better shape than you learned it to be in December. Is that an accurate statement and, if so, do you think there needs to be an improvement in variance analysis and in management reporting systems so we can keep a much better, more timely, real time connection with what's happening with weapon systems in development?

SEC. GATES: Well, I think that what happened was that Undersecretary Carter not only had the jet estimate from last fall, but we also had a second jet estimate. Undersecretary Carter personally invested about two weeks of time, full-time, going into every aspect of the JSF program and

getting into the contracts, getting into conversations with the contractor, the program office, and various others, and it was basically his decision to restructure this program or to recommend the restructuring of the program and that decision was really only made within the last two or three weeks.

And I think it was the right decision and I obviously took the personnel action I did. I think we have processes in place now to monitor the performance of this program and, frankly, one of the reasons why we're getting a new program manager is to make sure that those kinds of things don't happen again.

REP. SPRATT: Thank you very much.

REP. SKELTON: Thank the gentleman. Mr. Bartlett.

REP. ROSCOE BARTLETT (R-MD): Thank you both for your selfless service. Mr. Secretary, you mentioned that they were going to come at us where we are vulnerable, not strong. I would suggest that one of our greatest vulnerabilities, our susceptibility to EMP attack, many of our weapons platforms are not hardened at all and those that are hardened may not be hardened enough. If, indeed, the threat is 100 to 200 kilovolts per meter, as the Russian generals told the EMP Commission, then we may have little hardening.

I suspect that after a robust EMP lay down, we would have little fighting capability remaining. You mentioned the political interest that's driving the Congressional interest and the Joint Strike Fighter engine. If there is an interest in the district I have the honor of representing I don't know of that interest, but yet I'm a strong supporter of this alternate engine because I think it's the right thing to do.

Just a couple observations that a noninitiate might make, looking at our advanced planning. First there's a couple of inconsistencies. We have unmanned planes and unmanned submarines, yet we still have people in ships and tanks.

And if you look at the mission of the Predator and the tank, the Predator in the sky gets information and it blows up things and that's pretty much what the tank does. And one might ask why do we still have people in tanks.

I know why we have people in ships. It's not because you need them there to drive the ship because there's nothing on the ship you couldn't do 10,000 miles away; it's certainly easier to drive than a Predator aircraft. We have them there for damage control. It's because we have too few and too large a platform. So you just can't afford to lose one. So we put people on for damage control.

Which leads the non-initiate to make another observation, and that is that these too large and too few Naval assets are a real vulnerability. Indeed, I'm not sure we need to have that vulnerability. A study that was done by Art Cebrowski, one of three Naval architecture studies advocated a Navy of 6 (hundred) to 800 ships that would cost no more than our present 2 (hundred) to 300 ships.

Half the cost of keeping a ship at sea is the people on the ships. If you got half the people off the ship, you could buy 50 percent more ships. With the same budget, if you got all the people off ships, you could double the amount of money that we -- or the amount of ships that we have out there.

And then an observation about our deep strike bombers. Stealth is not invisible, it's just smaller. And with the Chinese ability to take out a satellite, one wonders a little about the survivability of these deep strike bombers. Would you comment?

ADM. MULLEN: Thank you, Mr. Secretary. (Chuckles.)

SEC. GATES: (Off mike, laughter.)

ADM. MULLEN: I think the unmanned -- at least, Mr. Bartlett, where I am on this is the unmanned piece is it's got to be a balance. We're never going to get to a point where there aren't people, first of all. Secondly, and more --

REP. BARTLETT: There aren't many people on Predators, sir.

ADM. MULLEN: -- and Predators are an important part, but they're not going to win it by themselves nor will other unmanned vehicles and systems do that at least as far as I can see into the future. That's just how I see things right now. With respect to the tanks in particular, what is instructive to me is when I visit with my friends from other countries who are in counter insurgency fights and when I talk to General Petraeus and McChrystal and Odierno, they will single out the importance of tanks in counter insurgency and how many lives they've saved. So, again, I think it's balance there.

As far as ships are concerned, I think you know me well enough to know that, you know, we've started work for years to try to get people off of ships for the exact reason that you've described. And I think Admiral Roughead is clearly there as well in terms of future initiatives and systems which don't take as many people.

I'm very aware of Cebrowski's study. It was very theoretical. And if I were going to take LCS specifically which was supposed to come in at a couple hundred million dollars and is now pushing 5 (hundred million dollars) or 600 million (dollars) per copy, I would use it as an example of a relatively small, relatively very fast and light ship per se with a much reduced crew with some significant capability. And without reliving that history, it's very hard to create some kind of sustaining capability which is where I am and which the Cebrowski didn't support from my perspective.

So I think we continue to proceed on this, and I take your point on stealth. We all understand that. All of it says to me is we've got to have a balance here. And we're not going to go unmanned overnight nor should we given the challenges that we have and the risks that are out there.

REP. BARTLETT: Thank you, Mr. Chairman.

REP. SKELTON: I thank the gentleman. Mr. Ortiz, the gentleman from Texas.

REP. SOLOMON ORTIZ (D-TX): Thank you, Mr. Chairman. Thank you both for being with us today, and I appreciate both of you detailing the Department's priorities. But you know many Army units that are not deployed face significant readiness shortfalls in equipment, personnel and training.

Assuming that the drawdown in Iraq takes place on schedule, how much will readiness improve for non-deployed Army units in Fiscal Year '11. And the reason that I ask this question is because I've had a chance to travel. We came back from Italy and then we went to Germany, and then we visited some local units. How much will that improve for non-deployed units in the Army especially?

ADM. MULLEN: What General Casey lays out with the build-up in Afghanistan and the draw down in Iraq, it is probably the end of 2011 before he will be at dwell time two to one -- twice as long at home as I am deployed. That's what we look at. The Marine Corps will be there much near the end of 2010. And both the Commandant and the Chief of Staff of the Army talk to that dwell time as a time when they can really start training to the broader spectrum of capability. And right now they're still obviously very focused on training to the wars that we were in.

I haven't seen for a long time any significant degradation in readiness for the units that are being tasked and trained and getting ready to fight these wars. There are still differences on some equipment requirements and those kind of things, but nothing substantially or nothing major across the board and that's from my visits in-country here as well as in theatre and discussions with the chiefs.

So I think it's roughly about a year from now for the Marine Corps and a year out before we start to build that. But primary for me in that is that the individuals and their families get to reset and build more resilience before the next deployment in addition to clearly the equipment and training piece of it.

ADM. MULLEN: Congressman Ortiz, as the Chairman has addressed the personnel side of it, let me address the equipment side. There is right now for Iraq roughly a \$19 billion bill for reset. That bill will probably be down to about \$14 billion by the end of this fiscal year and about \$6 billion by the end of 2011 for OIF.

We think that the reset then will take about two more years after that to be complete. So the full reset in terms of equipment would be for those forces in Iraq roughly 2013. The bill for Afghanistan for reset is estimated at about \$15 billion, and it will remain at \$15 billion until we start drawing down in Afghanistan. And then you'll see the same kind of glide path that I just described for Iraq.

REP. ORTIZ: A few moments ago I think it was Admiral Mullen described the different platforms and equipment and airplanes and carriers that we were trying to build for the future. Now how long do you anticipate it will take to build some of these weapons and some of these platforms that we're working on now?

ADM. MULLEN: Well, I mean I'll pick a couple. JSF which certainly is in my view at a time in a major program where there are often time struggles not just in aviation programs as the Secretary points out. But we get to this point when we're moving into testing and production, and there's going to be some bumps along the road. I'm not excusing them. It's just a really hard and difficult part of the program.

But the IOC for the first training squadron of 2011 is still on track. The IOC for the Marine Corps first squadron of 2012 is on track. For the Air Force, the 2013 is on track and the Navy in 2014. So we're at a point in time in the program that to me this is typical, and we need to work hard to make sure we stay on this track.

For the Predators, the unmanned vehicles, they've actually come on line at an extraordinary pace. Because of the urgency of war, oftentimes it generates that kind of both focus and capability, and that's really been since 2003 where we really didn't understand. We for the most part didn't understand what ISR requirements were. We knew what ISR was, but how much, what kind, et cetera. And what the Predator gives us as any unmanned vehicle does, it gives us a persistence that you can't have oftentimes with manned vehicles.



So there are differences. But we're in the heart of building many of these systems right now. And I think they will start to deliver here in the next few years.

REP. ORTIZ: Thank you so much. My time is up.

REP. SKELTON: I thank the gentleman. Mr. Jones.

REP. WALTER JONES (R-NC): Mr. Chairman, thank you very much. Secretary Gates, Admiral Mullen, thank you for your leadership for our nation in leading our wonderful men and women in uniform. I had the pleasure of visiting Walter Reed yesterday and saw the real heroes, and they are very special young men and women.

Admiral Mullen, a couple weeks ago, maybe a week ago, I got a press call from Jacksonville, North Carolina, the home of Camp LeJeune and the question was about don't ask, don't tell and wanted to know my position, and I shared it with them. I told them that in the 15 years I've been in Congress, I've met many, many wonderful men and women in uniform of all services and I felt like I had a good feel for how they felt.

I realize that yesterday you said this was a personal feeling. I want to say I respect you for your personal feelings. But as chairman of the Joint Chiefs somewhat along the line of what Mr. McKeon was asking maybe in a letter but I'd like to ask you today, do you know the feelings of the service chiefs as to how they feel on a repeal of don't ask, don't tell.

ADM. MULLEN: Very specifically, Mr. Jones, it isn't a feeling on my part. It's a belief. And I was very clear in the construct that Secretary Gates laid out in terms of going through the review over the better part of this year --

REP. JONES: Right.

ADM. MULLEN: -- that I do not know what the impact will be and I do not know what the implementation requirements will be and I need to understand that. There's very little objective data on this. It is filled, as you know, with emotion and strongly-held opinions and beliefs, and that's the work we have to do over the course of this year. And I also spoke very clearly to the need to understand that in terms of what the senior military leadership's principal concern is, which is the readiness and military effectiveness of the force.

I don't speak for the chiefs in that regard. They will have an opportunity to do that. I've discussed this with them at considerable length. I would sum up their view to say that they need to understand that impact as well should this policy change -- if and when this policy changes, which can only change with a law change, which happens here.

REP. JONES: Certainly. I just want to make sure that I understand the process and your answer. There are times that you sit down with the service chiefs. I'm sure, whether we're talking about Afghanistan, Iraq, or any other situation involved in our military, that you do have discussions. I'm not asking you if you would say that the -- I mean, the general of the Marine Corps or the Army or whatever feels this way or that way but you have had these kind of discussions with the service chiefs and you do know -- I would hope that you as chairman of the Joint Chiefs -- I hope that you would know their feelings even though I'm not going to ask you to share those feelings with the committee at this time. But you do know how they feel about this issue.

ADM. MULLEN: We have had several discussions on this over -- oh, actually, over many months and, again, they will testify shortly and certainly, I would expect, to speak to it.

REP. JONES: Thank you. Mr. Chairman, I'd just like to -- because I want to wait to the next round possibly -- but, Admiral, I would like to on the next round, if there is another round, I would like to talk more in depth about the psychiatric needs of our military. There are some real serious problems and I know that you have done everything you can to reach out to try to bring more people who are trained as psychiatrists or psychologists. But this is an issue that I think I need the five minutes on the next round to pursue with you. So with that, Mr. Chairman, I'll wait until the next round. I'll yield back my 59 seconds.

REP. SKELTON: I thank the gentleman. Before I call on Mr. Taylor, Mr. Secretary, there are classified materials that were supposed to come in the QDR. Will they be forthcoming?

SEC. GATES: Let me look into it. I'm not sure, Mr. Chairman.

REP. SKELTON: We'd certainly appreciate that, and get back to us, please. Mr. Taylor.

REP. GENE TAYLOR (D-MS): Thank you, Mr. Chairman. I want to thank both -- all three of you gentlemen for your service to our nation. Mr. Gates -- Secretary Gates, when I saw the 82nd being deployed to Haiti, having been through something like that in my own district, it really struck me -- going back to Admiral Mullen's talk about the need to get as many of our troopers home for dwell time as they can.

I would really hope that you would explore every opportunity to fill that mission with volunteers from the individual augmentees from the Guard and Reserve. I've got to believe, given our nation's economic situation and the willingness of the Guardsmen and Reservists to serve, that you can fill that mission with people who want to be there and free these combat units up to have the dwell time at home that they deserve. Second thing is -- and is -- this is kind of following up on that -- I had, along with Chairman Spratt, the opportunity to visit some troopers from the 82nd down in Kandahar Province.

One of them was on his third deployment, the other on his second, and they both -- and they struck me as being extremely sincere and really unwilling to tell me this because on one hand they wanted to be good troopers -- on the other hand, they felt like they had to get it off their chest. They were extremely concerned about the rules of engagement. The trooper on his third tour said that, you know, here we are in Kandahar -- this is basically the first year of this conflict here and I'm experiencing rules of engagement in my first year of this conflict here that we were in in the fourth year in Iraq.

As things got better in Iraq we tightened up the rules of engagement. He was particularly disturbed at the idea of using the Afghan national police to search houses. And, again, this isn't me talking. I'm relaying a message that I told that young trooper I would. Interestingly enough, both of them mentioned that after this hitch they were getting out and, I think, to a large extent because of their concerns for the rules of engagement.

Now, I understand what General McChrystal is trying to do -- that if you unnecessarily kill an Afghan you've got that entire clan against you for the rest of their lives. But I would hope that you would keep this in mind. There has got to be a better way. And interestingly enough, his suggestion was he had no problem with using the Afghan national army to search these houses if you had to have an Afghan face on that search. But he had zero confidence that the Afghan national police in that area were doing their job when it came to searching these houses for bomb-making materials.

Secondly, we're talking about reset. It was recently outside of Balad a amnesty day. Colonel from home had a -- told people turn in things that aren't on the books -- no questions asked. He had a two- mile long of vehicles that showed up outside his gate the next day for amnesty -- generators, fire trucks, ambulances, SUVs, everything under the sun -- all those things the taxpayers paid for that somehow made their way to Iraq. I don't have a problem with that.

But what I really want to see our department make is every effort to get those things home. Either get them back in your inventory or if you deem them something you don't need, given the budget constraints of our cities and states and counties get someone in the Guard or Reserve who used to be in local government, let them walk through and see if that generator has value back home -- if that fire truck has value back home -- if that SUV has value back home. Get the word to the state surplus agencies and let them decide whether or not they're willing to pay the cost to transport it back home. Taxpayers paid for these things.

We shouldn't let them go to waste and, above all, at the end of the day if you do it that way, if by some chance something shows up in the black market in Baghdad then we have at least given the 50 states in the territories an opportunity to purchase it first if they're willing to pay the cost of getting it home. And, again, the taxpayers paid for it. I know in the case of the Guard and Reserve they've got billions of dollars of shortfalls on equipment and I just think this is a heck of a lot better than leaving -- possibly leaving these things behind.

Lastly, on your Army new vehicle, I would highly recommend is somebody who gave this gentleman fits for the past four years -- General Brogan for that task. He's done a remarkable job of getting the mine-resistant vehicles tested, fielded, and delivered to Iraq and Afghanistan. It's my understanding his tour with the Marines is almost over. So whether it's in uniform or out of uniform, I would certainly hope that you would consider him for that job of developing that next generation of vehicle based on the great job he's done in his present capacity.

And lastly, in my 19 seconds, Admiral Mullen, someone came to my town meeting Monday night with their 13-year-old son and pointed to him and said the United States hospital ship Comfort saved this young man's life in the aftermath of Hurricane Katrina. You sent that ship to Pascagoula, Mississippi. Thank you very much for doing that. Thank you, Mr. Chairman.

REP. SKELTON: Thank the gentleman. Gentleman from Missouri, Mr. Akin.

REP. W. TODD AKIN (D-MO): Thank you, Mr. Chairman. I have been asking the question for two years and I was told I was going to get the answer when the Quadrennial Defense Review came out. Unfortunately, I'm still sitting here and I've still got the same question. So I'm going to lay out a list of I think what I believe are facts and then I'm trying to ask these things don't seem to add up. Here are the facts.

First of all, the Navy's estimate of fighter shortfall was 243 planes -- the most recent one. Over five years that would be 48 planes a year. Second thing is is you're talking about having 10 aircraft carriers and I would submit that they work better if you put airplanes on them. Third point -- you acknowledged that you need to keep F-18 line through 2013. Next point -- JSF is badly behind schedule.

You've had 16 of 168 flight tests that were planned for '09, and I'm not getting into the JSF and the condition of that other than the fact that it is slipping. Your own statement, Secretary Gates, shows -- you said choose a 75 percent solution over the 99 percent solution. If you've got something

that works well and doesn't cost as much, let's look at that. And then I've just heard that we're talking about reform -- reform the requisition process and has to be based on realism. Well, regardless of how many aircraft you think we need, because that number seems to be about as slippery as an eel, if you've got about five years to possibly purchase them we've several times now put multi years in the budget encouraging you to look at that. And if you look at what the last number of the shortfall was, if you take 10 percent of 243 -- that's about what you'd save -- that's 24 aircraft -- that my taxpayers are going to get 24 more aircraft by getting that 10 percent discount.

If you buy at the lower rate that you've suggested for this year at 34 aircraft or whatever it is, you got -- it's still 17 aircraft is what you make by going multi year. So what doesn't add up to me, first of all, I don't think it -- I don't have any kind of sense that there's a real number that you're willing to stand up to. It's exactly what the shortfall is. But second of all, even that, if you're going to buy some why not get them at a 10 percent discount? That's my question.

SEC. GATES: Well, as you suggest we have orders out -- outstanding for, and funding for, we're asking for -- either have or are asking funding for 59 FA-18s, 23 Es and Fs and 36 Gs. We have -- the question of multiyear funding has come up before. We have looked at it, and according to the analysis that is available to me, with multiyear funding at the numbers we're looking at the savings is about 6-and-a-half percent.

And because of the long-term financial commitment associated with multiyear funding, we have a threshold of 10 percent. And so, it's pretty well below the 10 percent threshold. I would say there have been -- the shortfall in naval aircraft is a number that has, as you suggests accurately, has been moving around. The last figure that I saw in preparation for these hearings is a shortfall of about 100 aircraft in 2018. And there are a number of strategies that people have in mind for -- for mitigating that shortfall. So I think that's responsive.

REP. AKIN: So the strategies would mean we're just not going to fly them as many hours I suppose, cut back on training or something like that. I mean, strategies don't change the life of an airframe.

SEC. GATES: No, the mitigating strategies involving -- involve aligning air wing readiness with carrier readiness. It involves reducing the size of the Marine Corps' FA-18C squadrons. It involves using FA-18 E and Fs attrition reserve aircraft. So there are a number of things that we have.

ADM. MULLEN: The only thing I'd like to add, Mr. Akin, to this is the whole -- the investment in this budget in the EA-18 Growlers is a huge deal and a very positive step. Because we've been without a national expeditionary deployed ashore future because the Marine airplanes are going away here in the next few years. And that is a huge investment on the part of this department; and it's one that's much needed.

And the multiyear piece, those typically don't deliver unless you've got them out over many years. And the question obviously, I think for the FN-18 (sic\FA-18) is when is the line going to end? And part of this is matching up -- certainly, there are international buys that I'm sure you're aware of that are being sought to try to also strategically match that up as well. It's a great airplane, it's been a great airplane; we know that. But the JSF is the right answer for the future from the war fighting perspective, from my perspective.

REP. AKIN: Thank you, my time is up. Thank you Mr. Chairman.

REP. SKELTON: Thank you. Dr. Snyder.

REP. VIC SNYDER (D-AR): Thank you Mr. Chairman. And thank you gentleman for being here. We -- our nation is blessed to have you in the service that you provide to the country. It's particularly good, Mr. Secretary Gates, to see you here today without any sign of visible trauma from an encounter with ice or snow. I think the last time you were here you were -- at this time a year ago you had -- that was the time you had kind of splints, braces from falls on ice.

Mr. Secretary, I want to bring up a bit of a sore point. On January 27, 2009 when you testified here I asked about the issue of Berling. And you didn't have a response at that time, but you said you would get back to me for the record. We did get a response back -- coincidentally, it was exactly one year to the day later -- January 27, 2010. So it took one full calendar year to get a response, signed not by you but by Gail McGinn, the deputy undersecretary of defense for plans, performing the duties of the undersecretary of defense for personnel and readiness.

And I found the response unsatisfactory. Were you aware that it had taken a year for you to get back a written response to a question? And did you see this letter before it was sent last week?

SEC. GATES: The answer to both questions is no. And not getting a response for a year is inexcusable.

REP. SNYDER: That's what I think too, but thank you.

Mr. Chairman, I'd like to have this response and the attachments made a part of the record if we might by unanimous consent.

REP. SKELTON: Without objection.

REP. SNYDER: I know there has been some press interest in the topic over the last year. If any press person would like a copy of these materials; I'd be glad to get them.

Before he left office, Secretary Pete Geren formally evaluated whether the two men that were shot in Little Rock in front of the recruiter qualified for the Purple Heart. One was killed, and one was wounded. They were both in uniform at the time, on active duty at the recruiting station. The conclusion was that they were not -- that the alleged perpetrator was considered -- I believe the phrase is a lone wolf or something like that.

I was -- which is all we ask is that anyone, in any kind of a war, and anywhere in the country or world be evaluated properly. I was reminded of this yesterday when Secretary Panetta -- I'm sorry, Director Panetta responded to a question about what he saw as the threats of al Qaeda. He specifically referred to one of his three threats as being loners. And I don't want to ask for a response today.

But if we now consider loners to be part of the national security threat from groups like al Qaeda, it may be time to evaluate our policy with regard to Purple Hearts. Specifically, if we in fact think that people can get motivated -- the alleged perpetrator in Little Rock in fact traveled to Yemen -- no indications he had any connections with formal terrorist groups. But it may be that we need to evaluate that policy if in fact we consider part of the al Qaeda threat to be their ability to motivate the so-called loners. And I would just leave that as an unanswered question today.

A point -- I want to respond a bit to the ranking member's comment about don't ask, don't tell -- that the military somehow can't have a divisive debate. Somehow the idea that men and women in uniform cannot participate in great public policy debates. I remember my time in Vietnam. We debated while we were in Vietnam whether we thought we should be in Vietnam.

I mean, I know for a fact that when this debate went on in March of '03 when our troops went in to Iraq, that the debate continues. People don't lose their ability to debate policy issues because they're in the military at a time of war. So I think that that is a red herring; it's an argument that somehow men and women in uniform can't handle tough foreign --

REP. MCKEON: Would the gentleman yield?

REP. SNYDER: You have unlimited time Mr. McKeon. I only have five minutes. I'm sure the chairman will give you time at the conclusion here.

The only point I would want to make -- and I would extend this as an invitation to anyone here Republic or Democrat who has doubts about changing this policy. If you have not sat down with somebody who is currently on active duty, I don't mean somebody who has gotten out or been busted out, or quit. But somebody who is currently on active duty, I would be glad to arrange a telephone call to protect them.

But yesterday the secretary -- Admiral Mullen testified that people have to lie about who they are. They don't have to lie about who they are. They have to lie about everything in their life. They can't come back from a weekend. They can't talk about family illness. They can't talk about their partner's mother dying without having to choose their words carefully.

So if you're thinking about a policy that is bad for morale and divisive; think about the impact on these literally thousands of men and women in uniform, serving on active duty today that have to choose every word carefully. They can't confide in their brothers and sisters in uniform about what's going on in their personal life, whether it's about a miscarriage, a child, a death, a split-up. They have to lie about everything. That is what's divisive about this policy.

And if anyone would like to take me up on that offer, I'd be glad to try to arrange that kind of phone call so you could actually talk to somebody who is in uniform today on active duty. I appreciate you all's service.

REP. SKELTON: Thank the gentleman.

Mr. McKeon.

REP. MCKEON: Thank you Mr. Chairman. I'm concerned about the divisiveness of the debate, but I'm more concerned about the chance of something moving forward without a debate. That's my biggest concern. And I'd be happy to talk to you about it. I'll be happy to take you up on your offer.

REP. SNYDER: I'm not afraid of the debate. I don't think anyone is afraid of the -- the debate is going to be here. So I'm glad to hear that you're not afraid of the debate. It needs -- there is going to be a debate. There is going to be a --

REP. MCKEON: Reclaiming my time, I'm not afraid of the debate either. What I don't want is that the members of the service be precluded or excluded from the debate. Thank you.

SEC. GATES: Mr. Chairman, could I say something?

REP. SKELTON: Who is it?

SEC. GATES: This is me, down here.

REP. SKELTON: Oh yeah. (Laughter.) Certainly.