

**HEARING TO RECEIVE TESTIMONY ON
WHETHER THE CHIEF, NATIONAL GUARD
BUREAU SHOULD BE A MEMBER OF THE
JOINT CHIEFS OF STAFF**

THURSDAY, NOVEMBER 10, 2011

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

The committee met, pursuant to notice, at 10:03 a.m., in room SD-G50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, Akaka, Nelson, Webb, McCaskill, Udall, Hagan, Begich, Manchin, Shaheen, Blumenthal, Inhofe, Wicker, Brown, Ayotte, and Graham.

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

Majority staff members present: Jonathan D. Clark, counsel; Jessica L. Kingston, research assistant; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; Michael J. Noblet, professional staff member; and William K. Sutey, professional staff member.

Minority staff members present: David M. Moriss, minority staff director; Paul C. Hutton IV, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Jennifer R. Knowles, Hannah I. Lloyd, and Breon N. Wells.

Committee members' assistants present: Bryon Manna, assistant to Senator Lieberman; Carolyn Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Ann Premer, assistant to Senator Nelson; Gordon Peterson, assistant to Senator Webb; Stephen Hedger, assistant to Senator McCaskill; Lindsay Kavanaugh, assistant to Senator Begich; Joanne McLaughlin, assistant to Senator Manchin; Chad Kreikemeier, assistant to Senator Shaheen; Anthony Lazarski, assistant to Senator Inhofe; Lenwood Landrum, assistant to Senator Sessions; Clyde Taylor IV, assistant to Senator Chambliss; Joseph Lai, assistant to Senator Wicker; Charles Prosch, assistant to Senator Brown; Brad Bowman, assistant to Senator Ayotte; and Andrew King and Sergio Sarkany, assistants to Senator Graham.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee meets today to receive testimony on whether the Chief of the Na-

tional Guard Bureau should be a member of the Joint Chiefs of Staff.

I believe that this hearing is a first, the first time that we have had every member of the Joint Chiefs of Staff testify at a single hearing. Each of them has appeared before us individually and in different combinations, but never all together.

In addition to all the members of the Joint Chiefs, we have the Department of Defense general counsel, and we have the Chief of the National Guard Bureau with us today. We welcome each of you to this hearing. We look forward to your testimony on a very important issue.

The role of the National Guard, as well as the role of the other Reserve components, has grown significantly since 9/11. Substantial numbers of National Guardsmen and reservists have deployed to and continue to serve in combat operations in Iraq and Afghanistan.

Large numbers have served multiple tours. Many have given their lives in service to our Nation, and many more have returned with wounds of war. Their service has been outstanding, and we commend them for their dedication, courage, and patriotism.

The National Guard has also risen to the challenge by serving in diverse homeland defense and civil support missions. The Reserve components have made a highly successful transition from a strategic Reserve to an operational Reserve.

The question of whether to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff is a complex issue with significant policy implications. To properly address this issue requires an understanding of the role of the National Guard, the role of the Joint Chiefs of Staff, and the role of the Chief of the National Guard Bureau. I believe that we have the right witnesses before us today to help us understand all aspects of this issue.

When individuals enlist or accept a commission in a State National Guard unit, they simultaneously enlist or are commissioned in the Army National Guard of the United States or the Air National Guard of the United States, which are components of the Army and the Air Force. These individuals retain their status as State Guard members unless and until they are ordered to active Federal service, and they revert to State status upon being relieved from Federal service.

There is a third hybrid status, commonly referred to as "Title 32 status," where the members are in a federally funded State status. I understand that Mr. Johnson, the DOD general counsel, will discuss some of the ramifications of these different statuses in which members of the National Guard serve.

The composition of the Joint Chiefs of Staff is defined by statute and consists of the Chairman, the Vice Chairman, and the military service Chiefs of the Army, Navy, Air Force, and Marine Corps. The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

The other members of the Joint Chiefs may submit to the Chairman advice in disagreement with or in addition to the advice pre-

mented by the Chairman, and the Chairman must present that advice at the same time that he presents his own advice.

Additionally, the other members of the Joint Chiefs provide military advice when requested by the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. A member of the Joint Chiefs may make recommendations to Congress relating to the Department of Defense after first informing the Secretary of Defense.

I am looking forward to the testimony of the members of the Joint Chiefs of Staff as they provide more information on the role that the Joint Chiefs play in our National security, how the interests of the Army and Air National Guard are addressed by the Joint Chiefs, and how the Chief of the National Guard Bureau interfaces with the Joint Chiefs of Staff.

The National Guard Bureau is a joint activity of the Department of Defense. By statute, it is the channel of communications on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States between the Department of the Army and the Department of the Air Force and the several States.

The Chief of the National Guard Bureau is a principal adviser to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on matters involving non-Federalized National Guard forces and on other matters as determined by the Secretary of Defense. He is also the principal adviser to the Secretary of the Army and the Chief of Staff of the Army and to the Secretary of the Air Force and the Chief of Staff of the Air Force on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

Beginning in 2009, when the position of the Chief of the National Guard Bureau was increased to a four-star rank, the Chief of the National Guard Bureau was given a standing invitation to attend meetings of the Joint Chiefs. I look forward to General McKinley's testimony to further elaborate on the role and function of the Chief of the National Guard Bureau and how that relates to the role and function of the Joint Chiefs of Staff.

At Congress's direction, the Commission on the National Guard and Reserves addressed the issue that we are looking at today, and they did so in its second report to Congress, dated March 1, 2007. The commission recommended against making the Chief of the National Guard Bureau a member of the Joint Chiefs.

And this is what that commission said, "The commission does not recommend that the Chief of the National Guard Bureau be a member of the Joint Chiefs of Staff on the grounds that the duties of the members of the Joint Chiefs of Staff are greater than those of the Chief of the National Guard Bureau. For example—and this is a long quote from that commission report.

"For example," they said, "the Chief of the National Guard Bureau is not responsible for organizing, manning, training, and equipping the National Guard to the same extent as are the service Chiefs of Staff. The qualifications to be selected as a service Chief of Staff," they said, "also are materially different from and more rigorous than those for selection to be Chief of the National Guard Bureau."

Moreover, they said that “making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff would run counter to intra- and interservice integration and would reverse progress toward jointness and interoperability. Making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff would be fundamentally inconsistent with the status of the Army and Air National Guard as Reserve components of the Army and the Air Force.”

Finally, the commission concludes that this proposal “would be counter to the carefully crafted organizational and advisory principles established in the Goldwater-Nichols legislation.”

Now I note that Congress has implemented many of the recommendations of that commission, including the following: increasing the grade of the Chief of the National Guard Bureau from lieutenant general to general and making him a principal adviser to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on matters involving non-Federalized National Guard forces.

Another of their recommendations, which was implemented by Congress, was establishing the National Guard Bureau as a joint activity of the Department of Defense, enhancing the functions of the National Guard Bureau to include assisting the Secretary of Defense and coordinating with other Federal agencies, the adjutants general of the States, and the combatant command with responsibility for the United States homeland, the U.S. Northern Command.

We require that at least one deputy of the U.S. Northern Command—again, the combatant command with responsibility for the United States—that at least one deputy be a National Guard officer in the grade of lieutenant general, and we have increased the number of unified and specified combatant command positions for Reserve component officers.

We all are grateful to the witnesses, to the men and women with whom they serve for service to our Nation. We thank the witnesses for being with us today.

And I, before calling on Senator Inhofe, will note that we have two votes today scheduled for 12:05 p.m., I believe.

Senator Inhofe?

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Thank you, Mr. Chairman.

I believe that is right. I looked back in the 8 years I spent in the House and the 17 years in the Senate. This is the first time that all members of the Joint Chiefs are here. So this is kind of a neat deal.

I think the greatest trust that is placed upon Congress by the American people is to provide for their security and maintain a strong national defense. Our Constitution gives Congress specific national security authorities—to declare war, raise and support armies, provide for the Navy, establish rules and regulations for our military forces, and organize and arm the militias in the States.

Chairman LEVIN. I hate to interrupt you, Senator Inhofe, but we do have a quorum here now, and we have got some business that we can attend to if we can interrupt your statement.

Senator INHOFE. Sure. Let us do that.

Chairman LEVIN. There is a quorum now present, and we were about to lose that quorum, by the way. So that is why I am interrupting our friend, Senator Inhofe.

But I ask the committee to consider a list of 4,022 pending military nominations. All of these nominations have been before the committee the required length of time. Is there a motion to favorably report these?

Senator INHOFE. I so move.

Chairman LEVIN. And is there a second?

Senator REED. Second.

Chairman LEVIN. All in favor, say aye.

[A chorus of ayes.]

Chairman LEVIN. Opposed, nay.

[No response.]

Chairman LEVIN. The motion carries.

Thank you, Senator Inhofe.

Senator INHOFE. You bet. Well, anyway, let me just mention that I have had—we are all close to the militaries—all the branches, the active, the Reserve, the Guard—and I don't think there is a person up here on this committee who hasn't had very close relationships with active duty and have visited quite often in the areas where they are stationed, they are deployed.

In my case, we have 3,000 members of the Oklahoma 45th Infantry Brigade Combat Team, our Oklahoma National Guard. I went down when they were deployed from Camp Shelby in Mississippi and talked to them and then left about 3 weeks later and talked to them over there. And I know that it is one where you have probably a closer relationship because they are sitting there in your hometown, and you visit with them, General McKinley. And so, I know that that happens.

And I have very close friends, you know, in Oklahoma 45th, when they were—they weren't deployed until July, and yet we have lost 14 of our people over there. One of them was—his wife worked in my office.

And I remember so well during the August recess going into a small town in Oklahoma where she was there, and we were making arrangements. I was getting ready to go to Afghanistan so I could meet with Chris Horton, her husband, and 2 days before I left, he was killed in action. And so, you know, these are things that we are all very, very close to, the people in all the services.

Earlier this week, our Oklahoma 45th helped in capturing this Bari Ali, a mid-level insurgent leader in Afghanistan, and his brother, as well as weapons and hand grenades, tactical fighting gear, and cell phones that were there. And they did it without firing a shot.

They did great work over there. Their efforts will lead to a stable Afghanistan and prevent insurgents from gaining safe haven.

Our National Guard has transitioned from a strategic to an operational Reserve Force. This means that the National Guard has got to be trained and equipped the same as our active units and the Reserves. It also means that we must fully integrate our active and Reserve components so they can seamlessly execute any mission this country asks them to do.

I am proud of the contributions that have been made and the sacrifice that our military and their families have made and continue to make. And we have made a lot of progress. I think General McKinley will probably have this—I read part of his statement—in terms of the relationship between the Guard and the active units.

And I have to say, I think this might be the first time that I can remember ever coming to a committee hearing—I had dinner the other night with Bud Wyatt, the Air Guard Chief, and he started talking about this. And I said, “Bud, leave me alone here. We are going to have a hearing. Let me hear from everybody at the same time.”

So I was going to say, Mr. Chairman, this might be the only time I have ever come to a hearing where I am really open on this. And I want to hear the answers, and we have specific questions.

So I think this is going to be a very helpful hearing, and I appreciate your holding it.

Chairman LEVIN. Thank you very much, Senator Inhofe.

We are hearing from members of our family. These witnesses are part of our family, our American family and this Senate committee’s family. And we are personally close to each of you. And so, we have a difficult policy decision to deal with. We do that as family members.

And while there may be differences, and there obviously are, that is what democracy is all about. And we need to consider these as members of one unit with all having the same mission, which is the security of this country. And you all have that mission, and we all have that mission.

We are going to call on our witnesses today in the following order. First will be the general counsel to the Department of Defense, Jeh Johnson. Then will be the Chairman of the Joint Chiefs of Staff, General Dempsey. Then will be the Vice Chairman of the Joint Chiefs of Staff, Admiral Winnefeld. Then will be the Chief of Staff of the Army, General Odierno; the CNO, our Chief of Naval Operations, Admiral Greenert; the Commandant of the Marine Corps, General Amos; the Chief of Staff for the Air Force, General Schwartz; and the Chief of the National Guard Bureau, General McKinley.

So let us start with you, Mr. Johnson.

**STATEMENT OF HON. JEH C. JOHNSON, GENERAL COUNSEL,
DEPARTMENT OF DEFENSE**

Mr. JOHNSON. Thank you, Mr. Chairman, Senator Inhofe, members of the committee. Thank you for the opportunity to testify here today.

You have asked me to discuss a provision of the proposed legislation that would make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff.

At the outset, I will tell you that there are no outright legal barriers to enacting this legislation. Nothing in the Constitution prohibits it, and the Joint Chiefs are a statutory creation. Congress can, therefore, change the membership of the Chiefs by statute if it so desires.

I believe it is important, however, that the committee be aware of some of the legislation's legal implications and complexities. Before I get to those, here are some general legal background on the National Guard, the Chief of the National Guard Bureau, and the Joint Chiefs of Staff. And Mr. Chairman, you alluded to some of this in your own remarks.

The National Guard is a unique entity that operates at different times under Federal and State authorities. All members of the Guard are members of both the State National Guard and the Federal National Guard of the United States. The Army and Air National Guards of the United States are two of the six Reserve components of the Department of Defense. The Army, Navy, Air Force, and Marine Corps Reserves are the other four Reserve components.

Members of the National Guard can serve in three distinct statuses, each of which has differing responsibilities and authorities. First, National Guard members may serve in what is known as State active duty. State law dictates when Guard members assume this status.

Typical State active duty missions include first responder responsibilities after a natural disaster. The State pays for and the Governor of that State commands the National Guard when it is on State active duty. The Department of Defense plays no direct role in that status.

Second, National Guard members may be ordered to duty under Title 32 of the United States Code, which I will call Title 32 duty. When the Guard performs Title 32 duty, it is performing federally funded military training subject to Federal standards or domestic missions, both of which are under the command and control of the State Governor. Examples of Title 32 missions include post-9/11 airport security, southwest border security, and counterdrug support.

Third, the Department of Defense may call the National Guard to Federal service, including in times of national emergency, as authorized by law. National Guard members ordered to active duty lose their status as members of the National Guard and become members of the Reserves of the Army or the Reserves of the Air Force. For example, this is the status of Guard members who have been called to serve in Iraq and Afghanistan.

The Department of Defense both commands and funds the Guard when it is in Federal service. Thus, at different times, the National Guard may act as either a State or a Federal entity.

Indeed, many of the functions the Guard performs are under neither the command nor the control of the Department of Defense. Rather, for much of what the Guard does, State Governors are in command. And when the National Guard does act in Federal service, it does so as part of the Reserves of the Army or the Air Force.

The Chief of the National Guard Bureau does not command the National Guard acting in any of these three statuses. Rather, by Federal statute, the Chief of the National Guard Bureau acts as a principal adviser to the Secretary of Defense on all matters involving Federalized National Guard forces. And he also has the statutory duty to advise the Secretaries and the Chiefs of Staff of the Army and the Air Force on all National Guard matters.

A Department of Defense directive further explains the Chief of the National Guard Bureau's authorities and responsibilities, consistent with guidance provided by Congress.

Now some legal background on the Joint Chiefs of Staff. The Joint Chiefs of Staff serve as the senior military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The Joint Chiefs are currently composed of six statutory members: the Chairman, the Vice Chairman, and the Chiefs of the four services.

The service Chiefs have a broad range of leadership and command responsibilities that extend throughout their respective services, encompassing both the active and Reserve components of the service. Each of the service Chiefs is the senior military officer of their respective service.

Against this backdrop, I turn to the proposed legislation, which would make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff. As a matter of practice, the Chief of the National Guard Bureau currently attends meetings of the Joint Chiefs, as does the Commandant of the Coast Guard.

The purpose of the proposed legislation is, thus, to make the Chief of the Guard Bureau's attendance at Joint Chiefs meeting a statutory entitlement, with its attendant statutory authorities and responsibilities. In connection with the legislation, I make two points. First, Goldwater-Nichols—the Goldwater-Nichols Department of Defense Reorganization Act of 1986 struck many carefully crafted balances of both intra- and interservice equities.

The Chief of the National Guard Bureau represents only the Army and Air National Guards, and the proposed legislation would thus alter some of Goldwater-Nichols careful balances by, for example, altering the fact that each service is statutorily represented by one service Chief in the Joint Chiefs, and, B, providing only two of the Department of Defense's six statutory Reserve components with additional Joint Chiefs representation.

Second, elevating the Chief of the National Guard Bureau to represent National Guard equities to the Joint Chiefs could create legal confusion as to whether the Army and the Air Force Chiefs of Staff continue to represent their total force. Current law requires the Chief of the National Guard Bureau to advise the Army and Air Force Chiefs of Staff on all National Guard matters.

Finally, I note that you have already received letters from the Chairman of the Joint Chiefs and the service Chiefs that detail their concerns with the proposed legislation. The Chairman, the Vice Chairman, and the service Chiefs are far more conversant than I with respect to the operational and administrative consequences of adding the Chief of the National Guard Bureau to the Joint Chiefs.

From my perspective, I hope that any legislation does not add ambiguities with respect to authorities in the place where we can tolerate such ambiguity the least—at the top of the service hierarchies, especially in a time of war.

Thank you again for the opportunity to appear here today, and I look forward to your questions.

[The prepared statement of Mr. Johnson follows:]

Chairman LEVIN. Thank you very much, Mr. Johnson.

General Dempsey?

**STATEMENT OF GEN MARTIN E. DEMPSEY, USA, CHAIRMAN OF
THE JOINT CHIEFS OF STAFF**

General DEMPSEY. Thank you, Chairman Levin and Senator Inhofe.

I want to point out before we begin, I appreciate the spirit of the family metaphor you used for this. I do want to make a point that as we have talked about this, Craig McKinley has been in the room in every instance. So everything we have done to try to talk about this among ourselves has been done with the Chief of the National Guard Bureau present. And so, I thank you for the opportunity to continue that discussion here with you today.

I would also like to thank my colleagues at the table. We share a bond of trust with each other and with the Nation that will be sustained regardless of how we answer the question before us today.

Let me be clear, I am both an admirer and an advocate for the National Guard. Our entire Reserve component makes an indispensable contribution to our national security.

Throughout our Nation's history and certainly in the decade since September 11, we have depended on our citizen soldiers and airmen to help defend us, our allies, and our interests. At home and abroad, the National Guard serves with courage, discipline, skill, and distinction.

I am proud to be their Chairman, the Chairman of our total joint force—Active and Reserves, civilian and families. And I take seriously my responsibility to give voice to their achievements and to their needs. I ensure their voice, including the voice of the Chief of the National Guard Bureau, is heard.

This said, I join the Secretary of Defense and the service Chiefs in counseling against making the Chief of the National Guard a statutory member of the Joint Chiefs of Staff. There is no compelling military need to support this historic change. Two primary concerns lead me to this conclusion—representation and accountability.

First, our success as a joint force is due in large measure to our ability to integrate the Active and Reserve components so that they are indistinguishable on the battlefield. I believe this is because—I believe we have accomplished this because the Service Chiefs of the Army and Air Force are the single voice for their respective services.

With the Service Secretaries, they bear sole responsibility for making the key resource decisions that produce an organized, trained, and equipped force, and this includes the National Guard and Reserve components. The proposed change could undermine this unity of effort.

As you know, each of our Services has a Reserve component, but only the Army and the Air Force have a National Guard. This proposal will also create a situation among our Reserve component forces whereby two of the six, as Mr. Johnson mentioned, would be represented differently, creating what could at least be the perception of inequity.

My second and more important concern, though, is one of accountability. Each of the Joint Chiefs is subject to the civilian oversight of a single appointed and confirmed Secretary. The Chief of the National Guard Bureau has no such oversight.

Elevation to the JCS would make him equal to the Service Chiefs without commensurate accountability. This seems to me to run counter to the carefully crafted organizational and advisory principles established by Goldwater-Nichols.

I don't find the argument to change the composition of the JCS compelling. It is unclear to me what problem we are trying to solve. Here is what I do know with certainty. The Chief of the National Guard Bureau has and will continue to attend meetings of the Joint Chiefs that I chair. I want and I need him in the tank.

The Chief provides valuable insights and experience for matters of importance to the National Guard and, therefore, the Nation. This advice is also carefully considered when the Army and Air Force Chiefs make decisions that affect their service. The Chief of the National Guard Bureau has a voice, and it is heard.

Over the last 10 years, the relationship between our active and Reserve components has grown into a well-integrated fighting force. You really can't spot the difference between active and Reserve component soldiers or airmen. We are and we will remain one force.

Again, I would like to thank the committee for its continued support to all of our men and women in uniform, as well as their families, and I look forward to answering your questions.

[The prepared statement of General Dempsey follows:]

Chairman LEVIN. Thank you very much, General Dempsey.
Admiral Winnefeld?

**STATEMENT OF ADM JAMES A. WINNEFELD JR., USN, VICE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF**

Admiral WINNEFELD. Good morning, Mr. Chairman, Senator Inhofe, distinguished members of the Armed Services Committee. Thank you for the opportunity to appear before you today.

Let me start by saying how much I honor and have a deep appreciation for the men and women of our Nation's entire Reserve component, including the fine citizen soldiers and airmen of our National Guard for their incredible contributions to our Nation's defense and security, as well as their considerable sacrifices both at home and abroad.

There should be no doubt that I am a huge supporter of and believer in America's National Guard, and I have a personal connection to the Guard. Indeed, when I was nominated to be the commander of NORTHCOM and NORAD, my first call was to my friend and soon-to-be partner, General Craig McKinley.

While there, I worked very closely with my Guard partners and the Council of Governors to bring to life the dual-status commander concept. We migrated more chemical, biological, radiological, and nuclear response to the Guard while I was at NORTHCOM. With the help of the National Guard Bureau, we brought more Guardsmen into the NORTHCOM headquarters, including doubling the number of National Guard flag officers in the headquarters.

When I walked around my NORTHCOM and NORAD headquarters, I could not have told you who was a Guardsman and who was not. And I wouldn't want it any other way.

Along the way, I have come to count many of the States' adjutants generals as my personal friends. It was not by chance that my first speaking engagement as Vice Chairman was at the National Guard Association of the United States annual conference this past August.

During my time as Vice Chairman thus far, we have been successful in bringing the Chief of the National Guard Bureau into more senior-level DOD forums. I have personally advocated for the expansion of the State Partnership Program, which I think is so important to our country.

I fully advocate elevating the position of the Deputy Chief of the National Guard Bureau to three-star rank and would happily support a future NORTHCOM commander being a Guardsman, as well as key component commanders being Guardsmen, though I do not believe the law should go any further than it already does in specifying which components hold which billets. I have put my money where my mouth is in support of the Guard, and they can count on my continued support.

Nonetheless, and despite my support for this great institution, I am concerned about the pending National Guard Empowerment Act legislation regarding full membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff.

The spirit of jointness kindled by the Goldwater-Nichols reform legislation is truly alive and has served our Nation well and reflects the wisdom of the Congress. I do not believe it needs to be fixed, and we don't need to take a step backward in the unity of effort that that legislation did so much to promote.

As General Dempsey said, the Service Chiefs who serve on the JCS have great responsibility for manning, training, and equipping both the active and Reserve components of their services. The Chief of the National Guard Bureau, despite being my great friend and for whom I have great respect, does not have the same level of responsibility or command authority, and we should not send the signal that we have two different United States Armies or United States Air Forces.

Second, while this legislation may send a very positive message to the terrific men and women of the Guard, I am concerned that it will send a negative message to the remaining 46 percent of our Nation's Reserve component that they are somehow of lesser importance and that future decisions could be taken at their expense. And I hear that from some members of the Title 10 Reserve components whom I have asked.

Third, some may believe that this legislation would provide a tangible benefit by empowering the Guard with a vote on the JCS. Mr. Chairman, I would tell you there is no voting process on the Joint Chiefs. Instead, we all provide our best military advice to the Chairman, who then formulates his advice to the Secretary of Defense and to the President.

We already receive fantastic military advice from General McKinley, who, as General Dempsey said, is always invited to that table, just as we do from the Commandant of the Coast Guard, who

is also always invited to that table, although the Coast Guard is not asking for similar legislation.

In the end, I am not sure what is broken and that we are fixing. But I also would assure you, as General Dempsey did, Mr. Chairman, I would assure the members of this committee—because we are, indeed, a family—that my colleagues and I will do everything to prevent this issue from driving a wedge between our fantastic, capable, and brave National Guard and the rest of the United States military's fantastic, capable, and brave active and Reserve components.

I thank you again for the opportunity to appear this morning. Thanks again for your continued support and that of your staff for our men and women in uniform, and I look forward to your questions.

[The prepared statement of Admiral Winnefeld follows:]

Chairman LEVIN. Admiral, thank you so much.

General Odierno?

STATEMENT OF GEN RAYMOND T. ODIERNO, USA, CHIEF OF STAFF OF THE ARMY

General ODIERNO. Thank you, Mr. Chairman, Senator Inhofe, other members of the committee. It is an honor to be here in front of you, as always, today.

I have had the opportunity both in my current position, but in my previous positions to see firsthand the power and capabilities of the total Army. The performance, selfless service, and dedication of our active component, our Army National Guard, and our Army Reserves all have contributed directly to our successes. And I am proud and humbled that I am currently the Chief of Staff of the United States Army, the total Army.

The Reserve component connects the Army to the American people. The Guard and Reserve soldiers that live and work in over 3,000 communities have shared the burdens of war, with over 900 killed in action and more than 7,500 wounded. They are a critical component of the joint force and connect us to Main Street America.

We have built a strong relationship between all of our Army components, and I would argue probably the strongest we have ever had. It is our goal to sustain and increase this momentum as we move forward. But with all due respect to the Chief of the National Guard Bureau, my good friend Greg McKinley, with whom I have the utmost respect for and have worked closely with on numerous critical issues, I am bound to communicate my explicit opposition to this post as a member of the Joint Chiefs of Staff.

First, representing only two of the six Reserve components, the Army National Guard and the Air National Guard, at the Joint Chiefs of Staff level will create confusion, imbalance, and potentially challenge interoperability. It would run counter to intraservice and interservice integration and negatively impact the progress we have made toward jointness.

Second, the proposed legislation would complicate the central principle of civilian control of our Nation's military. This proposal risks creating a bifurcated force—one focused internally, another

focused abroad. It is important that we have clear authorities and responsibilities to ensure effective employment of the total force.

Third, this could lead to divided or redundant force management, funding, modernization, and training and doctrine, creating a high level of complication and friction.

The Reserve component forces will continue to play a critical role in our National security strategy, and the advice of the Chief of the National Guard Bureau will always, as it has been, extremely valuable and essential within the context of our total Army in a balanced joint portfolio. The integration of the regular Army, the Army National Guard, and the Army Reserves has proven over the last decade to be unbeatable on the battlefield and irreplaceable at home and abroad. Now, more than ever, we are truly one Army, and we cannot sacrifice the fact that we are truly one Army as we face many critical challenges ahead.

Mr. Chairman, members of the committee, I thank you again for allowing me the opportunity to appear before you and for your support, and I look forward to your questions.

Thank you very much, Mr. Chairman.

[The prepared statement of General Odierno follows:]

Chairman LEVIN. Thank you very much, General Odierno.
Admiral Greenert?

**STATEMENT OF ADM JONATHAN W. GREENERT, USN, CHIEF
OF NAVAL OPERATIONS**

Admiral GREENERT. Thank you, Mr. Chairman.

Chairman Levin, Senator Inhofe, members of the committee, thank you for the opportunity to comment on and to testify in the matter of including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

I fully support continued participation by the Chief of the National Guard Bureau in Joint Chiefs deliberations, particularly regarding the issues that deal with or affect the National Guard. Our National Guard chief, General McKinley, who we really do consider a brother in the tank, has made notable input and provided valuable contributions to issues of importance to those of us serving in the tank and the Department of Defense. I think this relationship should continue.

However, in my opinion, making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff adds unnecessary complexity to the principle of unity of command. Unlike the Service Chiefs, the Chief of the National Guard Bureau does not represent a branch of service, nor is he responsible for organizing, manning, training, and equipping the National Guard to the extent of the Service Chiefs and their respective services.

Making the Chief of the National Guard Bureau a member of the Joint Chiefs may also insert an ambiguity regarding the status of the Army National Guard and the Air National Guard as Reserve components of the Army and Air Force, respectively. This could create a perception that the National Guard is a separate service, and that perception could instigate an inequality sense among the National Guard and its Army, Marine Corps, Navy, and Air Force Reserve counterparts.

I appreciate the committee's longstanding support for the men and women of the Navy, and I look forward to continue working with this committee as we address the challenges we face, both for the Nation and for our Navy.

Thank you very much.

[The prepared statement of Admiral Greenert follows:]

Chairman LEVIN. Thank you so much, Admiral.

Next, General Amos?

**STATEMENT OF GEN. JAMES F. AMOS, USMC, COMMANDANT
OF THE MARINE CORPS**

General AMOS. Chairman Levin, Senator Inhofe, fellow committee members, thank you for the opportunity to provide my advice on whether the Chief of the National Guard Bureau should become a voting member of the Joint Chiefs of Staff.

In my view, there should be no change to the status quo. Let me first acknowledge my colleague, General Craig McKinley, the current Chief of the National Guard Bureau, and the many men and women who have faithfully served in our States' National Guard units.

They have served our Nation and their States well for many decades. For this and much more, we owe them our great debt of gratitude.

By virtue of its limited role in the Department of Defense and its supporting role in Army and Air Force affairs, the Chief of the National Guard Bureau lacks the requisite broad insight into all levels of strategic planning for JCS membership. Additionally, the Chief of the National Guard Bureau's dual mission and State focus creates an unavoidable conflict of interest inconsistent with voting membership.

In this sense, voting membership would introduce irrevocable State interest into an inherently Federal activity and process. Chief of the National Guard Bureau membership in the JCS could complicate unity of command for both the Army and the United States Air Force.

Congress intended the current structure ensures that the Service Chiefs are singularly accountable to the executive and legislative branches of the Government for the combat readiness of their respective services, to include their Reserve components. I think it is critical that we safeguard this unity of command.

Lastly, the Chiefs of Staff of the Army and the Air Force are best suited to advise on the most effective employment of their supporting elements. Under law, the National Guard has a supporting relationship with the Army and Air Force when Federalized as their Reserve component.

Providing JCS membership to the Chief of the National Guard Bureau creates unnecessary leadership duplication in the JCS, contrary to Congress's longstanding policy. This duplication could unfairly amplify Army and Air Force concerns and create a representational imbalance prejudicial to the Reserve components other than the National Guard. The Chief of the National Guard Bureau's advisory voice in the JCS is appropriate and adequate as it currently stands.

Thank you for the opportunity to offer this statement, and I look forward to your questions.

[The prepared statement of General Amos follows:]

Chairman LEVIN. Thank you, General Amos.

General Schwartz?

STATEMENT OF GEN. NORTON A. SCHWARTZ, USAF, CHIEF OF STAFF OF THE AIR FORCE

General SCHWARTZ. Mr. Chairman, Senator Inhofe, and members of the committee, I am grateful for the opportunity to offer my views today.

And on behalf of the men and women of the United States Air Force, I thank you for your ongoing support of our service members and, importantly, their families.

I join my colleagues in definitively stating that the Chief of the National Guard Bureau is a very important senior leader under our total force construct. Through his role in advising the Secretary of the Air Force directly and the Secretary of Defense through the Chairman of the Joint Chiefs of Staff, the National Guard Bureau Chief is a daily contributor to many of the consequential decisions that are made by the total force leadership.

Title 10 of the United States Code provides the Bureau Chief's advisory role and preserves unified service leadership. This advisory role and the Bureau Chief's relationship to each service continues to be important and is currently appropriate in the performance of organizing, training, and equipping functions for which the service Secretaries and the Service Chiefs are singularly responsible.

But because the National Guard Bureau Chief does not represent a single or separate branch of service, making him or her a statutory member of the Joint Chiefs would reach beyond the appropriate role for the Bureau Chief. And because the Bureau Chief's advisory role to the service Secretaries and Chiefs is for all National Guard matters, including notably those that are related to the Federal service of the National Guard, providing statutory Joint Chiefs membership to the National Guard Bureau Chief would disrupt the lines of authority and representation that are already in place for the Chiefs of the Army and the Air Force. Therefore, the current arrangement should not be altered.

The Joint Chief exist in large part to provide military advice on the employment of Federal forces. Total force employment considerations are best served by those who possess supervisory and moral authority over fielded forces; who organize, train, and equip personnel of all components of each service; and who are responsible as force providers to the combatant commanders.

Consequently, the National Guard Bureau Chief's membership on the Joint Chiefs presents issues concerning his or her appropriate role in offering advice on the employment of the armed forces in a designated Title 10 role. Moreover, beyond the established relationships among the military services, interactions with the interagency and international partners also could be confused.

Existing law and policy provide appropriate roles and requirements for the Chief of the National Guard Bureau. His or her authorities, augmented by the JCS Chairman's standing invitation to

the Bureau Chief to attend meetings of the Joint Chiefs, ensure that the Chief of the Bureau will continue to have a strong voice and will remain an essential and a highly valued partner for any Air Force Chief of Staff or Joint Chiefs team.

But for the foregoing reasons, the Chief of the National Guard Bureau should not be included as a statutory full voting member of the Joint Chiefs of Staff independent of service leadership.

Mr. Chairman, Senator Inhofe, and members of the committee, I thank you for your time. We look forward to your questions.

And if I may, sir, I would like to publicly recognize and state our admiration and respect for our teammates from the United States Marine Corps, who celebrate their 236th birthday today.

Thank you, sir.

[The prepared statement of General Schwartz follows:]

Chairman LEVIN. Happy birthday, General Amos. [Laughter.]

General AMOS. Thank you, sir. I appreciate it.

Chairman LEVIN. Didn't know you were that old, but—[Laughter.]

General AMOS. Thank you.

Chairman LEVIN. Yes. We congratulate you and all the Marines. Thank you, General Schwartz.

General McKinley?

**STATEMENT OF GEN. CRAIG R. MCKINLEY, USAF, CHIEF,
NATIONAL GUARD BUREAU**

General MCKINLEY. Good morning, Mr. Chairman.

Let me take a point of personal pride in thanking you for co-hosting a PBS special that will be seen tonight, "Where Soldiers Come From," honoring eight of your soldiers from the upper peninsula of Michigan.

Senator Inhofe, thanks for your support of the 45th. Your relationship with your Oklahoma National Guard is one to be emulated, as all the other members of this great committee.

And all the distinguished members of this committee, it is an honor to be sitting before you today to provide my opening comments on the matter at hand.

I admire all the Service Chiefs, the Vice Chairman, and the Chairman very, very much. I can tell you that our relationship will not be broken by the testimony given here today, and I thank them for the honor of letting me be part of this dais today.

Mr. Chairman, for me to be here today to provide my personal views on whether the Chief of the National Guard Bureau should be a member of the Joint Chiefs of Staff, I am sitting here believing now in the 21st century, after 3 years in the job as Chief of the National Guard Bureau and 11 total years serving in the Pentagon, that it is now in the best interests of the American people for the Chief of the National Guard to be made a full member of the Joint Chiefs of Staff.

While the 2008 National Defense Authorization Act and resulting DOD initiatives made important fundamental changes in the role of the Chief of the National Guard Bureau and the Bureau, only full Joint Chiefs of Staff membership for the Chief of the National Guard Bureau will ensure that the responsibilities and capabilities of the non-Federalized National Guard are considered in a planned

and deliberate manner that is not based upon ad hoc or personal relationships but is, instead, firmly rooted in the law and the National strategy.

The domestic mission of the National Guard must be taken into account when making military contingency plans, when allocating scarce readiness resources, and when advising the President, the Secretary of Defense, the National Security Council, and the Homeland Security Council on strategies and contingency response options. Homeland defense and civil support must be at the core of our National strategy due to the changing threat environment, one that is asymmetrical and more dangerous within our homeland than at any time in our history.

It is for those reasons now that I believe that the Chief of the National Guard Bureau should be a member of the Joint Chiefs of Staff. Our Nation's military planning and resourcing would be vastly improved, in my opinion, more comprehensive, more effective, and more efficient.

I do not personally support a change in the Title 10 relationships among the services and the Army and the Air Guard, nor do I support the National Guard becoming a separate service. We in the National Guard are all very proud members of the United States Army and the United States Air Force.

The issue at hand, in my opinion, does not in any way impact unity of command, which will remain unchanged; or fragment the Reserve component, as only the National Guard has a dual Federal/State mission; or create uncertainty, in my opinion, with respect to National Guard leadership, which clearly resides in our Governors and adjutants general when the Guard is non-Federalized and with the Federal commanders when it is.

Nor does it increase the risk, in my opinion, of over-representation of any service at the highest levels of our military. Rather, this would add to the JCS in an enduring manner the expertise and knowledge of the Chief of the National Guard Bureau as it pertains to the National Guard in its non-Federalized role in the defense and safety of the homeland.

Indeed, the Chief of the National Guard Bureau, who is a Title 10 officer under the law, and the DOD directive pertaining to the National Guard should be counted on as the Federal officer best postured to advise the JCS and their clients on the capabilities of the non-Federal National Guard.

I have read the letters of the Service Chiefs submitted to your committee, and I provided the Chairman a copy of this DOD directive—the Chairman of the Joint Chiefs—on Monday. These letters and other comments focus, whether directly or indirectly, primarily on five discrete themes: budget authority; the Chief of the National Guard Bureau's statutory advisory role as it currently exists, that it is sufficient; that the National Guard could become a separate service or will be somehow advantaged over the other Reserve components; maintaining Title 10 command authority; and, finally, civilian oversight.

In the area of budget authority, the Chief of the National Guard Bureau plans, programs, and administers the budgets of the Army and Air National Guard, and I am directly responsible for nearly \$28 billion annually. I am the appropriation sponsor for the Army

National Guard Military Personnel Account, O&M, MILCON, and the Air National Guard Military Personnel Account, O&M, and MILCON.

By law, the Chief of the National Guard Bureau is responsible for the entire planning, budgeting execution, and accounting of these appropriations. The Chief of the National Guard Bureau competes for, defends, and validates the requirements for the above appropriation and submits budget materials through the services to the Department of Defense.

The Chief of the National Guard Bureau is required to provide an annual financial report to Congress that states how the specific National Guard appropriations funding was spent.

In my regard as a statutory adviser, there is sufficient and significant difference between the Chief of the National Guard Bureau's principal adviser authorities and the JCS members' military adviser authorities. The JCS members advise the President, National Security Council, Homeland Security Council, and the Secretary of Defense. The JCS members may also submit advice or an opinion, in addition to the advice presented by the Chairman.

Additionally, the President, NSC, Homeland Security Council, and Secretary of Defense may request advice directly from the JCS members, and JCS members may make recommendations to Congress after first informing the Secretary of Defense. In contrast, the Chief of the National Guard Bureau advises the Secretary of Defense through the CJCS on matters involving non-Federalized National Guard forces.

The Chief of the National Guard Bureau must declare an interest in order to have a voice on these limited matters. Without statutory JCS membership, the Chief of the National Guard Bureau's role in the JCS is ad hoc, as determined by each successive Chairman.

In regards to separate service or advantage over other Reserve components, the National Guard is unique, thanks to Article 1, Section 8, Clauses 15 and 16 of the United States Constitution and Title 32 of the U.S. Code. It is unlike the other Reserve components, which can perform Title 10 duties under Title 10 command authority.

The National Guard performs the same Title 10 duties when Federalized, plus diverse non-Federal duties and State duties under State command authority. The command chains are unambiguous. The other Reserve components have no analogy to the National Guard's non-Federalized duties and command authorities.

The non-Federal National Guard's missions include, but are not limited to, air defense, ballistic missile defense, weapons of mass destruction response, disaster response, counterdrug support, border security, airport security, and NSSEs, national special security events.

On regards to unclear Title 10 command authority, this issue discussed today, in my opinion, would not alter Title 10 command authorities or accountability over Federalized National Guard forces. There would be no change to the Title 10 authorities of the service Secretaries or the Service Chiefs. Conversely, they would take on no new Title 32 responsibilities.

The Chief of the National Guard Bureau is not, nor would he be, within the Title 10 chain of command for Title 10 National Guard forces. When Federalized, National Guard forces are and will remain under the command of Federal commanders.

Total force integration would not be compromised. If anything, it would be enhanced by greater situational awareness of Title 32 National Guard missions, capabilities, and leadership on which the Chief of the National Guard Bureau is uniquely qualified to advise. Total force integration would also benefit from enhanced understanding of the homeland defense and civil support missions that are performed by non-Federalized National Guard forces.

In regards to civilian oversight, since 2008, under the provisions of the DOD directive, the Chief of the National Guard Bureau is under the authority, the direction, and control of the Secretary of Defense. The Secretary normally exercises authority, direction, and control through the Secretaries of the Army and of the Air Force for matters pertaining to their responsibilities in law or DOD policy.

To conclude, much has changed since 2008. The National Guard Bureau is now a joint activity of the Department of Defense, and the Chief of the National Guard Bureau has enhanced authorities short of JCS membership, and for those, we are very appreciative.

And yet the Chief of the National Guard Bureau still does not have an institutional position from which I can advise the President, the NSC, the Homeland Security Council, and Congress on non-Federalized National Guard forces that are critical to homeland defense and civil support missions.

Adding the Chief of the National Guard Bureau to the JCS, in my opinion, would ensure that in the post-September 11 security environment the National Guard's non-Federalized role in homeland defense and civil support missions will be fully represented in all JCS deliberations. This would not detract, in my opinion, in any way from its other critical JCS functions.

Without statutory membership on the JCS, the Chief of the National Guard Bureau's ability to participate in deliberations is determined solely by the discretion of the Chairman. I believe this role should be established in law. This view is also fully shared by former assistant Secretary of Defense for Homeland Security Paul McHale, who has consented to let me inform you that he, like me, did not have this opinion several years ago, but now agrees that the Chief of the National Guard Bureau should be made a full member of the JCS.

In my role as the channel of communication for the States, the territories of Guam, Virgin Islands, and Puerto Rico, and the District of Columbia, I would be remiss without speaking on behalf of the 54 adjutants general. In a letter I would like to submit for the record, Mr. Chairman, the adjutants general have provided their unqualified support for placing the Chief of the National Guard Bureau on the JCS.

I appreciate very much again sitting with these distinguished gentlemen on this dais and the opportunity to discuss this issue with you today, and I look forward to your questions.

[The prepared statement of General McKinley follows:]

Chairman LEVIN. Thank you very much, General McKinley.

That letter will be made part of the record, as will a statement of Senator Rockefeller, who has also asked that his statement be made part of the record.

[The information referred to follows:]

[COMMITTEE INSERT]

[The prepared statement of Senator Rockefeller follows:]

[COMMITTEE INSERT]

Chairman LEVIN. Let us have a 6-minute first round here so we can perhaps all get a round in—there is a lot of us here—before the votes. And then if we need a second round, we can take that.

Mr. Johnson, let me ask you first about a statement in your prepared statement where you say that the proposed legislation would alter some of the Goldwater-Nichols careful balances by, A, altering the fact that each service is statutorily represented by one Service Chief in the Joint Chiefs and providing only two of the Department of Defense's six statutory Reserve components with additional Joint Chiefs representation.

Now, you also said that elevating the Chief of the National Guard Bureau to represent National Guard equities to the Joint Chiefs of Staff, in your words, could create legal confusion as to whether the Army and Air Force Chiefs of Staff continue to represent their total force. Now, can you tell us what potential legal confusion could result that you are referring to?

Mr. JOHNSON. 10 U.S.C. 10502 spells out the role of the National Guard Bureau and the Chief of the National Guard Bureau. The Chief of the National Guard Bureau, in his advisory capacity, has principally two functions. One is to advise the Secretary of Defense through the Chairman on matters involving non-Federalized Guard. The second component of that is to be the adviser to the service leadership of the Army and the Air Force on matters concerning the Federal Guard.

So the way this statute breaks it out, 10 U.S.C. 10502, when we are talking about the Guard in Federal status, the law contemplates that the Chief of the National Guard Bureau will represent those interests to the service leadership and to the Chiefs of Staff of the Army and the Air Force. But when we are talking about the State Guard and the State Guard role, the Chairman—the Chief of the National Guard Bureau advises the Secretary of Defense.

And this legislation that you have before you will not change any of that. And so, if the Chief of the National Guard Bureau is now also a member of the Joint Chiefs, he is, on the one hand, an adviser to General Schwartz and General Odierno on matters concerning the Federal Guard, but he also now has an independent seat on the Joint Chiefs as an adviser to the President and the Secretary and the National Security Council on the very same matters. So it creates an issue of dual representation.

Second, as I think the Chairman alluded to, when the Chief of the National Guard Bureau is advising with respect to the non-Federalized National Guard, he is representing the interest of the State National Guard, who are commanded by the Governor of each of those States. So it creates a dynamic—which I am not saying is necessarily wrong or right—but it creates a dynamic where the interest of the State Guard, the Governors, has a seat at the

Joint Chiefs advising the President and the National Security Council and the Secretary of Defense.

Chairman LEVIN. Let me—and this perhaps is a related question to you, General McKinley. Under Title 10, the Chief of the National Guard Bureau is the principal adviser, among others, to the Chief of Staff of the Army and the Chief of Staff of the Air Force on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

My question is this. Is there not an inconsistency with an adviser participating as an equal with the principals whom he is advising, as you would be as a member of the JCS, along with the Chief of Staff of the Army and the Chief of Staff of the Air Force?

General MCKINLEY. Thank you, Mr. Chairman.

I think best way to answer that is to look at the Empowerment Act and the NDAA of 2008, which established the DOD directive that Secretary Gates signed in 2008 directing the conduct of my job. If I could read from the organization and management piece which you refer to, it says that the Chief of the National Guard Bureau is under the authority, direction, and control of the Secretary of Defense. The Secretary normally exercises his authority and direction and control through the Secretaries of the Army and the Air Force for matters pertaining to their responsibility in law.

And the second section I would like to just refer to is that as the principal adviser to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff, it allows me and directs me to advise on matters involving non-Federalized National Guard forces.

So I think the answer to your question is, in my opinion, my personal opinion, it doesn't raise inconsistencies wearing that hat and that this DOD directive following the NDAA Act of 2008 gave me the authorities to do just what I addressed in my opening statement.

Chairman LEVIN. General Dempsey, in your opening statement you made reference to the fact that the services have never been closer to their Reserve components, and separating them by title risks unnecessary—creating unnecessary friction in the ranks. Can you tell us why it is and what you meant when you said that separating the Reserve components from the services create unnecessary friction in the ranks?

General DEMPSEY. Thank you, Senator.

The issue for me is let us call it one of branding. You know, does a soldier see himself as a soldier? Does a Guardsman see himself as a soldier first or a Guardsman first?

And it seems to me that where we are today as a force, we are where we are because we have all seen ourselves as branded by a single Service Chief and his subordinate leaders into soldier, sailor, airman, Marine, and, for that matter, Coast Guardsman, as the Vice mentioned.

And I am just not sure that establishing, you know, Craig's cautions notwithstanding, I think that the way this will resonate through the force—forget about the leadership you see before you—but the way this could resonate through the force is that we have kind of separated ourselves, and our brand is no longer as clear and defined as we would like it and need it to be.

Chairman LEVIN. Okay. Thank you.
 Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I recall, General McKinley, back when we were working on the 2009 NDAA, the issue at that time was the three-star versus four-star. And I was trying to remember and talking to my staff just a minute ago about what the arguments were.

I do recall the perception argument, that those in the field—and I heard that firsthand. But I also recall that—I got the impression that if we made that change, and that was in the 2009 NDAA, that that would resolve a lot of these problems. I didn't hear that we would want to come along with another change in the relationship.

Do you remember that, or would you like to comment as to what benefits came with changing that from a three- to four-star?

General MCKINLEY. Thank you, Senator Inhofe.

I obviously took this position in November of 2008. I was a beneficiary of the legislation that passed before I became the Chief of the National Guard Bureau. Much has improved and much has been given to me in terms of my access to the Chairman and to participate in major meetings affecting the services, the National Guard, the Army and the Air Guard.

I do remember the discussion of the grade, and I do work very closely with the other Reserve component Chiefs, Jack Stultz in the Army Reserve, Dirk Debbink in the Navy Reserve, Steve Hummer in the Marine Corps Reserve. It is important—and Charlie Stenner in the Air Force Reserve—it is important not to get imbalanced.

I would just suggest that the 468,000 members of the National Guard who reside in the States and the territories look to me as their representative and their channel of communications to the Department of Defense. But the willingness of the men sitting before you to allow me to communicate and to conduct discourse with them and to interact with them has significantly improved since I became the Chief of the Bureau in 2008.

Senator INHOFE. All right.

General Odierno, tomorrow I am going back to your old place, Fort Sill, where you started, I think, in the middle '70s and have had several tours there. I will be participating in their veterans celebration tomorrow morning. And I know that they will be discussing this at that time.

The question I would have of you because, after asking you, I want to ask General Schwartz the same thing. Have you seen, in terms of the Army, you have the Guard coming in, fighting side by side with you guys, with any difference in equipment or capability or resources between the Guard and the active duty Army?

General ODIERNO. Senator, I would tell you that we have made great strides over the last 7 to 10 years in improving the capability, more importantly, the equipping of the National Guard. And in our assessment, by October of 2012, the National Guard will have achieved about 92 percent of their total equipping necessary, and in the active component, we will be at 92.5 percent.

And so, I think that sends a strong message about how we have been able to equip. And I think, you know, I would just comment that the—understanding the total Army is incredibly important as

we walk our way through this. We have to have all these different components.

You have to have an active component that is ready and prepared to respond immediately at a certain readiness level. We need our National Guard prepared and capable of responding, and they have to be able to work together at all times.

And we have been able to work that over the last several years, and I think we have gotten the right solution, as our Army has been taxed with many, many deployments. And I worry that we will lose the one, single voice that has driven us here if we move forward.

Senator INHOFE. Yes, I just wanted to ask the question. On the equipment, the quality of the resources used, are they the same?

General ODIERNO. They are.

Senator INHOFE. They are.

General Schwartz, I would ask you the same thing, because I remember—I guess it is because I am active in aviation, I can remember back some time ago when we were going to the Block II and the F-16. And you had the two engines were the 220 and the 229, I believe the 229 having greater thrust.

When deployments were necessary, as I recall, it was my State of Oklahoma and the State of Ohio where they were not able to get for their deployment the 229 engines, which provided greater thrust. And as a result of that, and I am going from memory now, I believe they deployed together as a unit and took only the 229s from Ohio and from Oklahoma, which was a disparity in how they are treated in terms of equipment.

I would say, number one, is my memory correct? Number two, has that been corrected?

General SCHWARTZ. Senator Inhofe, generally speaking, the equipage of the active duty, the Guard, and the Reserve is common. There are some anomalies with regard to aircraft configuration based on their maturity, and so on and so forth.

We have not corrected or normalized every single configuration in every one of our aircraft, but I think the point is, is that the Air Guard in the United States Air Force has always been an operational Reserve. It has always shared the same readiness with their active duty and Air Force Reserve counterparts. That is still the case, and that certainly is our conviction going forward.

Senator INHOFE. But there was a disparity at that time in that particular aircraft.

General SCHWARTZ. Sir, I—there was a difference in the engines. There is a difference in the configuration of airplanes as they are produced. Certainly, it is the intent of the Air Force to equip the National Guard so that they remain an operational Reserve.

Senator INHOFE. Are we in better shape on that issue now than we were back then?

General SCHWARTZ. Absolutely.

Senator INHOFE. I think that is right. Do you agree with that, General McKinley?

General MCKINLEY. Sir, we have worked closely, as you know, with General Wyatt, as the director of the Air Guard, in trying to achieve the proper balance in equipage of our National Guard. I

can attest over my 38 years in the Air Force that the Air Guard today has the oldest legacy fleet in its history.

And I am concerned, as I am sure the Chief of Staff of the Air Force is, over future modernization plans so that we can have the balanced force that has made the Air Force and the Air National Guard so close throughout its history. I am concerned about the future capitalization of the Air National Guard.

Senator INHOFE. Thank you.

My time is up. But I would like for the record, in writing for a later time, if you would respond to the—three of the witnesses talked about the confusion—the word “confusion.” I would like to have you respond for the record on that particular issue.

[The information referred to follows:]

[COMMITTEE INSERT]

General MCKINLEY. Thank you, Senator.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Thanks to all of you for being here.

I guess I would say that on this interesting and important question, I am a member of the Jim Inhofe open-minded caucus because I am undecided. So this discussion has really been very helpful.

I wanted to get on the record just some basic facts. Maybe I will start with you, General McKinley. What is the number of personnel in the Army and Air Guard?

General MCKINLEY. We have approximately 468,000 combined, between Army and Air.

Senator LIEBERMAN. Right. And I don't know that you would know it. I would ask General Dempsey, how about in the other Reserve components? What is the number there?

General DEMPSEY. The only one I have committed to memory is the Army Reserve, and that is about 250,000—208,000.

General SCHWARTZ. Sir, for the Air Force, 71,000 on the Air Force Reserve, 106,000 and change on the Air National Guard.

Senator LIEBERMAN. Okay. Admiral, how about the Navy Reserve?

Admiral WINNEFELD. Sixty-five thousand, Senator.

Senator LIEBERMAN. Right. And General? General Amos?

General AMOS. Sir, 39,600 Marine Reserves.

Senator LIEBERMAN. Pretty definitive answer right there. Thank you.

Okay. So there is a—the other—clearly, there is a larger number in the Army Guard and Air, but there is not inconsequential numbers in the other Reserve components as well. Obviously, some of us think about the Coast Guard Reserve, which is another part of the Reserve component.

Let me ask this question, and I think I am probably focused on it here because of the other hat I wear on the Homeland Security Committee. And I wanted to begin this discussion with you, General McKinley.

I take it that we start with the understanding that the other Reserve components don't have non-Federal responsibilities. Correct?

General MCKINLEY. Yes, sir.

Senator LIEBERMAN. And this is an interesting issue, as I am sure you all know, because there is, of course, from our home States, we are getting tremendous support for putting the National Guard Bureau commander-in-chief on the Joint Chiefs of Staff. And there is a lot of support here in Congress, but obviously, there is a lot of opposition in the military.

One of the unique functions here, and I want to ask you to talk a little more about it than you did in your opening statement, is these what I would call "homeland defense missions" that are part of the Guard's responsibility—disaster response, border security, et cetera.

And in some of the discussions I have had with folks at home about this I think involve a concern that those homeland defense missions, which are obviously critical to our National security, are not receiving sufficient attention from the Joint Chiefs now, and that if you were on the Joint Chiefs, they would receive more attention. So I wanted you to respond to that or say anything you want about that unique function. And then ask General Dempsey if you would speak from the perspective of the JCS.

General McKinley?

General MCKINLEY. I think that I am not critical of the other service components, Army or Air Force, in representing homeland security. I just think it is the unique capability of the Chief of the National Guard Bureau, with its relationship to the 54 adjutants general who work for the Governors, that intricate and delicate relationship, that allows me to provide the best, and that I should be a focal point.

Our intergovernment relationships with FEMA, DHS, Customs and Border Protection, ICE, those types of relationships that are built at the community level are significant. And I wouldn't expect but wouldn't be surprised if the Chiefs of the services know a lot about it. I just think we are uniquely qualified with our role in Title 32 in State active duty to operate in the statuses in the several States that we represent.

Senator LIEBERMAN. So would you say that that is one of the major reasons why you support putting the Chief of the National Guard Bureau on the Joint Chiefs?

General MCKINLEY. As I said in my opening statement, Senator Lieberman, that is really where I am zeroing in on, is to institutionalize the role of the National Guard Bureau Chief in becoming that spokesperson through the Joint Chiefs of Staff, through the Chairman to the Secretary of Defense to give my best military advice when asked so that we don't miss a beat in this very new age of asymmetric—I got it right this time—asymmetric challenges that face our Nation.

Senator LIEBERMAN. General Dempsey?

General DEMPSEY. Yes, sir.

Remember, the Joint Chiefs are statutorily responsible for the Federalized portion of our defense, and the Chiefs would—the JCS would normally get its advice on homeland security matters through Northern Command. So you may want to ask Admiral Winnefeld.

Senator LIEBERMAN. Yes. No, that is a good point.

General DEMPSEY. But—and the point there is that NORTHCOM would then—the impact statement, if you will, that Craig is talking about right now would come to us through the Service Chiefs. The Joint Chiefs would compare the impact on the services with the demand that would be articulated by NORTHCOM, and we would figure out what to do. This adds another voice into that mix that, frankly, I don't believe we need.

Senator LIEBERMAN. Admiral, I would invite you into this, both on the direct point and also just to pose a second kind of question for you.

It is true that as General Dempsey just said, that the Joint Chiefs of Staff, obviously, have focused responsibility for the—I would say the overseas responsibility to protect our national security. On the other hand, the very reconstitution of Northern Command involve, post-September 11, an assumption of some responsibility for homeland defense in the Pentagon that was a bit different than before.

Would you agree? And how does that reflect on this matter that we are discussing this morning?

Admiral WINNEFELD. Well, Senator, I think September 11 certainly was a wake-up call that was the genesis of Northern Command. And of course, NORAD existed all along.

And he does represent, as do the other COCOMs from the other various regions of the world, represent his theater in terms of what the Title 10 needs are, whether it is intelligence or action on the ground or readiness or what have you. And he does a good job of that, the current commander.

I can't speak for the last commander. But the—

Senator LIEBERMAN. We can. [Laughter.]

Admiral WINNEFELD. And in partnership with the Department of Homeland Security, there is an essential partnership there that does have the ability to respond in the event of a disaster or a security issue, as you know, sir, from your position as the chairman of that committee.

We also have a number of other robust relationships. I would point out the wisdom of the Congress in encouraging the department to establish—to work with the Governors and the Council of Governors. We get very good advice and guidance, frankly, from the Council of Governors. And I also would tell you we get great advice from Craig on matters that have to do with Title 32 State active duty and the like and how the Guard, like other Reserve components and other components of the military, can contribute to a homeland security issue.

So I think we have got a pretty good situation where we are getting the advice we need. We have got a good commander in the field for this who works closely with his civilian counterparts at DHS.

And so, as I pointed out in my remarks, I am not sure what is broken that we need to fix. We have got a good system going now.

Senator LIEBERMAN. Thank you.

My time is up, Mr. Chairman. Thank you.

Chairman LEVIN. Thank you very much, Senator Lieberman.

Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

Will we be able to submit questions for the record as a follow-up?

Chairman LEVIN. Yes.

Senator BROWN. Because 6 minutes really isn't—

Chairman LEVIN. Well, and we also can have a second round if we need it.

Senator BROWN. Great.

Chairman LEVIN. As you suggest, questions for the record will be welcomed.

Senator BROWN. Thank you.

I am looking at a letter from General Amos and Chief Greenert. Paragraph three of the letter says that CNGB does not represent a branch of service nor is CNGB responsible for organizing, manning, training, and equipping the National Guard to the extent of the Service Chiefs.

And you know, I have got to respectfully disagree. Pursuant to, obviously, the DOD directive as to the responsibilities of what the Guard, in fact, does, they are responsible for entire cradle-to-grave planning program, budgeting, and execution of these budgets; provides the President's budget submission for each of the APPNs, which goes to Congress; validates those requirements; provides the annual financial reports to Congress. It is, in fact, the Service Chiefs that don't have any of that budget responsibility.

Was there a misstatement in your letter there?

Admiral GREENERT. Well, Senator, the point we were—that I was making in the letter, we, the Service Chiefs, testify to or are held accountable to the Congress for the execution of those budgets as well. We have budget submitting offices—pardon me—in the Navy who do similarly that you just listed there, that—

Senator BROWN. Yes, but you said specifically they are not responsible at all, and in fact, that is not correct. That being said, I would like to just shift gears a little bit.

Mr. Johnson, you indicated that you felt that maybe it would create confusion as to who represents the Army and Air Force. And I have reference letters and General Odierno's "confusion" and "imbalance;" obviously, General Schwartz, "confusing lines of authority;" and you, sir, Admiral Greenert, "complicated unity of command."

I mean, is there really any question as to what the chain of command is with the Joint Chiefs? I mean, obviously, General McKinley will go through General Odierno, and obviously General Schwartz to General Dempsey. There is no chain of command breach at all. I think it is very clear.

And in addition to that, it would—I don't think there is any question that the command authority, the Title 10 command authority wants to change. I don't believe the Guard or General McKinley in his capacity as seeking a seat wants to change that at all. He wants, and I believe—I don't want to speak for him. But I guess I will just ask you, sir. You don't want to change the Title 10 command authority at all, do you?

General MCKINLEY. No, sir. As I said in my opening remarks, that is working well for us.

Senator BROWN. And there is no confusion as to who you have to go through the chain of command, is there?

General MCKINLEY. I have no confusion.

Senator BROWN. And with regard to the total force integration, do you feel that that would be benefited by you having a seat at the table?

General MCKINLEY. It is improved greatly, as the Service Chiefs have testified. It can only get better.

Senator BROWN. And is there any question that there is—that you in your capacity of having a seat at the table would be the person that could best advise not only—in any capacity through any of the Service Chiefs or the President or anybody on the domestic mission and what the non-Federalized units would be able to do, especially in light of the homeland security issues that we are facing?

Is there anyone else better qualified than you in your capacity to do that?

General MCKINLEY. These are all talented gentlemen in front of you, sir. I think it is my role and responsibility to be that person.

Senator BROWN. I would agree with you. And just to follow up on what Senator Inhofe said, General Schwartz. You know, on the fighter aircraft issue, is it a fair statement that due to the effort to save money with the Air Force, the Guard units are going to be eviscerated when it comes to aircraft. And especially I have heard and others have commented that the TAGs can't gain access to the plans as to what wings will be affected, how many aircraft are going to be lost.

And isn't that another reason to have somebody like General McKinley at the table that can advise those TAGs and others as to what the plan is for the Air Force in the Guard units?

General SCHWARTZ. Senator Brown, that is not a role of the Joint Chiefs. But beyond that—beyond that—the reality is that if the Air National Guard is going to be eviscerated, so will the active duty and the Reserve. We are getting smaller together. That is what is underway here.

And I would emphasize the point that we are now the smallest Air Force we have ever been. And because of that, those reductions that occur because of diminishing resources, which we all face, will be shared by all the components.

Senator BROWN. Well, you know, it is interesting. That is another reason why we need to get back to the table and get the Select Committee to work so sequestration doesn't come in and dramatically affect that more.

And you know what this reminds me of, in doing history and, obviously, being in the military and just understanding the relationship between the Marines and the Navy, I mean, this is very similar. I mean, the Navy basically works through—I am sorry, the Marines, you have General Amos here, who we all have tremendous respect for. He is at the table, and yet he does all his budgeting through the Navy and everything basically flows through the Navy to him in some respect.

I am trying to—

General AMOS. Sir, that is not correct. We do our budgeting through the Department of the Navy. I am an equal Service Chief, along with the Chief of Naval Operations. The Secretary of the Navy controls the budget. So—

Senator BROWN. Right. So how would that be different than General McKinley wanting that same type of opportunity that you have, actually, in working through the Guard? How would that be any different?

General AMOS. Well, I can't speak to the budgeting of the Guard aspect, but we are a service. We have been one for 236 years.

When the Marine Corps got its seat at the table in 1978, we had been fighting our Nation's battles as a service for over 200 years. That is different. The Guard is not a service.

Senator BROWN. Well, my time is up. I have other questions. I have to get to another meeting and come back. And I am looking forward to Senator Graham's as well.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Brown.

Senator Reed.

Senator REED. Thank you, Mr. Chairman.

General McKinley, your reputation for professionalism and skill and dedication precede you. So thank you for your service.

And having just 2 weeks ago visited the 43rd Military Police Brigade in Afghanistan and the 143rd Airlift Wing in Afghanistan, the service of the National Guard, Army and Air, is not only commendable, but essential to the Nation's security.

But as I look at 10502, the first step in getting your job is getting recommended by a Governor. Is that correct?

General MCKINLEY. The process by which they select the Chiefs does require the Governor's nomination. That is correct.

Senator REED. So looking ahead, effectively, some Governor is going to have to be either the nominee—nominator or vetoer of a member of the Joint Chiefs of Staff. Is that correct?

General MCKINLEY. I think the initial submission of the name goes to the Departments of the Army and the Air Force for vetting, and they submit a name each to the Secretary of Defense so that they can recommend to the President. That is my understanding of the process, sir.

Senator REED. But as the law goes, the Governor will essentially recommend the National Guard Bureau Chief, who will, if this statute passed, be by law a member of the Joint Chiefs of Staff. So some to-be-announced Governor will be selecting a member of the Joint Chiefs of Staff, in effect.

General MCKINLEY. It is correct, sir, that we hold dual statuses in the National Guard and that we must be confirmed as a Federal officer and a member of the State. You are right.

Senator REED. So would you be adverse to eliminating the gubernatorial recommendation, since this statute would create a position on the Joint Chiefs of Staff, which I don't see a gubernatorial—particularly since it is kind of a random process of which Governor would be doing it. Would you object to those changes?

General MCKINLEY. Senator, I think the Chairman can establish the process to pick my successor. I will finish my 4-year statutory term in 2012. So we are on the verge of doing that. I have no objections to doing that.

Senator REED. So you would not object to eliminating a gubernatorial recommendation for the Chief of the National Guard Bureau?

General MCKINLEY. I personally would not. No, sir.

Senator REED. Okay. Now, let me ask you, to what extent do you have authority over the actual budgets of the non-Federal units and the actual policies of the non-Federal units that you would be advising the Joint Chiefs on?

General MCKINLEY. As we work within the service lines, with our staffs here in Washington, through the Army National Guard Readiness Center and the Air National Guard Readiness Center, which work with the Army and the Air Force as we prepare the budget, once those budgets are approved, we are given the funds and push those out to the States.

Senator REED. So you are talking about Federal funds, which we appropriate. I am talking about the non-Federal activities of the Guard. Can you direct a TAG or a Governor to increase their spending or to change the configuration of their forces?

General MCKINLEY. No, sir. That is their responsibility.

Senator REED. So you are going to be advising the Joint Chiefs of Staff on non-Federal functions which you have no authority to affect on the ground.

General MCKINLEY. The constitutionality of my role would be that the Governors and their adjutants general decide what small percentage of the budgets are given through the State. It is the large preponderance of funds, 98-plus percent, which are Federal funds given to the Guard.

Senator REED. But they are Federal funds that we provide in anticipation of units being Federalized to perform Federal missions that fall clearly—and I don't think you dispute this—within the chain of command of the Service Chiefs and, ultimately, General Dempsey and the Secretary of Defense.

General MCKINLEY. The Federal missions certainly are as you stated, but the State missions are under the command and control of the Governor.

Senator REED. Right. But, you know, as I understand this whole procedure is to give you access to talk about those State missions, which you effectively don't have any control of because you can't force them to change their budgets. You can't force them to take particular people and make them—you have no say in who is running the show.

In fact, there is one State in which the TAG is elected by popular vote, one State in which he is elected by the assembly. Just raises serious questions, I think, about what you are going to do on the Joint Chiefs that you cannot do effectively and perhaps more effectively now.

But let me conclude just simply by saying once again, you have done a superb job and your colleagues in the Guard and Reserve. And I must tell one story. I was out with General McBride, the TAG in Rhode Island, and I was asking what units he was commanding, the 43rd Military Police Brigade. And when he mentioned my old battalion of the 82nd Airborne Division, I knew this was one Army and one Air Force.

And we want to get this right, and I think there are some serious questions here.

Thank you very much.

General MCKINLEY. Thanks, Senator Reed.

Chairman LEVIN. Thank you, Senator Reed.
 Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I just wanted to follow up, General Amos, on what Senator Brown had asked you about. Isn't it true that in 1978 the Chairman of the Joint Chiefs of Staff opposed having the Commandant of the Marines be a member of the Joint Chiefs of Staff?

General AMOS. Senator, I don't know whether he did or not. I just know that it became law in 1978.

Senator AYOTTE. Well, if I would represent to you, certainly, Admiral Greenert, that your predecessors, Admiral Holloway and Admiral Hayward, at the time opposed having the Commandant of the Marines before the Chairman and Joint Chiefs of Staff, I assume you would disagree with that position now?

Admiral GREENERT. I certainly would, Senator.

Senator AYOTTE. And I assume that having the Commandant is incredibly valuable on the Chairman of the Joint Chiefs of Staff and that it has not resulted in any confusion on the role of the Navy with respect to the Marine Corps and advising the Chairman?

Admiral GREENERT. No, ma'am, it has not.

Senator AYOTTE. Do you have any reason to believe that General McKinley would—or his successors would not be able to draw any distinctions clearly as to what the appropriate role he would have if a member of the—Chairman of the Joint Chiefs of Staff?

Admiral GREENERT. General McKinley may not. Most of my concern, as stated, is really what is in the force. How do the forces see it? Is there a clarity of, again, the unity of command? Who is ultimately accountable for the budgeting, the source of the budget to the Congress, to the Secretary of Defense?

And it is really a lot of what Chairman Dempsey stated before, not what we can work out, because we work fine in the tank. It is very clear how we can work together. It is what is the perception out there and perhaps confusion.

Senator AYOTTE. I certainly have great confidence in all of you and the tremendous service that you have that whatever decision the Congress makes, that it will be very clear to our servicemen and women as to the chain of command. And I know that all of you will work very well together, as you do now, on behalf of our country, and we deeply appreciate it.

General Dempsey, I wanted to follow up on something that Admiral Winnefeld had stated. Do you also support the potential of making the next commander of NORTHCOM a Guard officer?

General DEMPSEY. I do. But I also would add that I would rather that none of that be legislated because it is my job to find the best athlete available. And it is also my job to grow the athletes who are competitive to do those jobs.

Senator AYOTTE. But certainly it would be an appropriate athlete to have a Guard officer as a candidate for that position?

General DEMPSEY. Yes.

Senator AYOTTE. Thank you.

General Dempsey, do you think it would be right not to bring forward the National Defense Authorization Act for the first time in 50 years in the history of our country this year?

General DEMPSEY. No, Senator. I think we should have a National Defense Authorization Act as soon as possible.

Senator AYOTTE. And is that very important to our military and to what you need to accomplish?

General DEMPSEY. It is, Senator.

Senator AYOTTE. Thank you, sir.

General Schwartz, on a different topic, and I just feel the need to ask about this. I am deeply troubled by the reports about what has happened at the mortuary at the Dover Air Force Base. And I am sure you would agree with me, this is outrageous that remains of our soldiers would be put in a landfill and not treated with the appropriate dignity and honor which they deserve.

Can you tell me where we are with this and how we are going to ensure that this never happens again? And most importantly, those who have participated in this outrage are going to be held accountable?

General SCHWARTZ. Senator Ayotte, first of all, let me clarify the allegation about putting remains in a landfill. These were portions prior to 2008 which were sent away from the Dover mortuary to a funeral home for cremation, which is an authorized method of dealing with remains, particularly those that are separated from the larger portion of remains returned to the family.

After that, the results of the cremation came back to the mortuary, were sent to a medical support company for incineration. So you had cremation, then incineration, and it was at that point that this medical support organization placed the residuals from that effort to a landfill.

In 2008, the Air Force came to the conclusion that that was not the best way to deal with those remains, and so it is now done in the traditional fashion of burial at sea. It has been that way since 2008. It will continue to be that way in the future.

And let me just conclude by saying the Secretary of the Air Force, Mike Donley, and I take personal responsibility for this. Our obligation is to treat our fallen with reverence and dignity and respect and to provide the best possible support and care for their families. That is our mission. The people who did not fulfill our expectations were disciplined, and there is no doubt what our expectations are today.

Senator AYOTTE. Well, General Schwartz, I appreciate your updating on that. And you know, when I think about the fact that we have Veterans Day tomorrow, this is so important that we obviously treat the remains of our fallen with dignity and respect. And I know that you share that concern as well.

And please know that members of this committee will be there to support you in any way, to make sure that the families know that, you know, we certainly won't allow this to happen again.

Thank you.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Akaka.

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

I would like to add my welcome to our very distinguished panel of witnesses that we have today, on the eve of Veterans Day. And I thank you and the men and women you lead in serving our country and defending our freedoms.

I have read that most of you are opposed to elevating the Guard Bureau Chief to the JCS. I want you to know that while I might disagree on this issue, I have the complete respect for you and the opinions that all of you hold.

Let me take a moment to say that, understandably, change is not always a welcome concept. In the evolution of the Joint Chiefs of Staff, there has been significant opposition to structural changes. However, there is precedent in changing the composition of the JCS to account for readiness, policy, and budgetary issues.

For example, in 1953, President Truman signed the law to add the Commandant of the Marine Corps to the JCS to discuss issues related to the Marines. It was controversial at that time, but several years later, the Commandant was elevated to full voting member status. Today, I think we would all agree that making the Commandant a voting member was the correct decision.

While the National Guard is not a separate service, it does have a complex set of needs based on the dual missions it must be prepared to execute. Guard members are in every State and for the last decade have been heavily involved in the wars in Iraq and Afghanistan.

No one better understands their requirements than the Chief of the National Guard Bureau. Future force structure adjustments will have a direct impact on the task and missions the Guard will be asked to perform. And I am sure they will be asked to do more, and not less, in the future.

Now making the Chief of the National Guard Bureau a full-fledged member will update the structure of the JCS to reflect the operational reality in wars overseas, as well as in homeland defense and security missions. It would also enhance the effectiveness of the total force.

No one knows exactly what the next conflict will entail, but we can be confident that we will again call upon the 460,000 men and women of the National Guard to do their part. I believe that elevating the Chief of the National Guard Bureau to the Joint Chiefs of Staff is something that is overdue and will show our Guardsmen and their families that they are a true partner. It will also let them know that their voices and views will be represented at the highest levels of Government.

General Dempsey, you have stated that the Chief of the National Guard Bureau will be invited to attend JCS meetings as long as you are Chairman. I think this is a great for cooperation and transparency and overall effectiveness of the group.

However, I am concerned that if a future Chairman is not as inclusive as you are, the NGB Chief would be left out in a Pentagon hallway while relevant discussions take place in the tank. Do you think, General Dempsey, that an NGB Chief's advice to the Secretary of Defense would be different if he were a full-fledged member versus an invited nonmember? If so, how different is it?

General DEMPSEY. First, Senator, thanks for remembering that it is the day before Veterans Day, and I was hopeful to get a chance to mention that at the end, but thanks very much for that.

I don't know whether his advice would change. I also want to make it clear that I am not the first Chairman to include the Chief

of the National Guard Bureau. I mean, my predecessor certainly did that as well.

It seems to me to be a reasonable assumption that we would continue to do that no, matter who the Chairman was, and I don't know whether his advice would change. I don't know what additional influences might be brought to bear. I just can't answer that question hypothetically.

Senator AKAKA. Thank you, General.

General McKinley, the Guard has carried a tremendous load for this country to include their efforts in Iraq and Afghanistan. In the future, I am certain the National Guard will again be called to serve abroad while continuing its required domestic missions.

Can you say something about how things would improve for both the Guard and the total force should the Chief of NGB be given a seat at the table?

General MCKINLEY. Well, I can assure you, Senator Akaka—and congratulations to you also for being the recipient of the Harry S. Truman Award recently. I can assure you that we have made significant progress over the last 8 years in terms of the transparency and integration.

I will not dispute the fact that this Chairman and the former Chairman have opened their doors willingly. I am concerned that that continue, and I believe it needs to be institutionalized to ensure that that service continues.

I also believe, like what is going on in your home State right now, in Hawaii, the APEC summit is going on. Your National Guard is being heavily used in security and administrative duties. And I need to be able to service that issue unfettered to the top, and I think the seat will give me the advantage, as my fellow Service Chiefs, the Service Chiefs who sit before you have, to go in an unfettered fashion and give those types of homeland security issues to the Chairman and, if requested, by the Secretary of Defense. Those are very important things.

We have about seven more NSSEs in the upcoming 8 months that I feel the Chief of the National Guard Bureau should be fully integrated with, so that we can dedicate the forces—as you have 5,000 members of the National Guard in Hawaii—to the task. I think elevating and institutionalizing the position will give me a better opportunity for me to fulfill my responsibilities.

Senator AKAKA. Thank you very much, General McKinley.

Thank you very much.

Chairman LEVIN. Thank you, Senator Akaka.

Senator GRAHAM.

Senator GRAHAM. Thank you, Mr. Chairman. Thank you for having the hearing.

This has been very informative. And I appreciate all of you. I respect you greatly, appreciate the comments you have made and the advice you are giving. This is ultimately up to the Congress and the President to decide what to do.

General Amos, pound for pound, do you agree the Marine Corps is the best fighting force in the world? [Laughter.]

General AMOS. Yes, sir. We celebrate that today on our birthday.

Senator GRAHAM. Okay, good. I agree with you. Do you agree with me the only thing older than the Marine Corps when it comes to defending America is the citizen soldier?

General AMOS. Sir, I believe that is true.

Senator GRAHAM. Okay. So I am here to tell everybody, I appreciate it, but the citizen soldier's time has come. You are going to get a seat at the table, General McKinley, if I have anything to say about it.

We are long into this fight as a Nation. The first shot was fired by the citizen soldier. It is time for the citizen soldier to be sitting at the table, not just for political reasons, but for substantive reasons. So let us talk a little bit about substance.

General Dempsey, do you agree that one of the great threats America faces is not just attack from a foreign enemy, but from nature and natural disasters?

General DEMPSEY. Yes, Senator.

Senator GRAHAM. Okay. When it comes to front-line service against natural disasters and the havoc it can reap on the American people, do you agree the National Guard is the front-line force?

General DEMPSEY. Generally law enforcement, then National Guard, then active—

Senator GRAHAM. When it comes to uniformed personnel?

General DEMPSEY. Yes, I do.

Senator GRAHAM. Okay. General McKinley, Hurricane Irene, is that right? Is that the name of the last big hurricane?

General MCKINLEY. That was our latest event, yes, sir.

Senator GRAHAM. Okay. Tell me, who talked to you about Hurricane Irene?

General MCKINLEY. I was consulted by the assistant Secretary of Defense for Homeland Defense, Paul Stockton, and that was the extent of my discussions.

Senator GRAHAM. Did anybody from the Chairman of the Joint Chiefs call you and ask, "Hey, what is going on?"

General MCKINLEY. No. Incumbent upon me to pass that information up, but nobody made that call.

Senator GRAHAM. Okay. So did anybody from the White House call you?

General MCKINLEY. No, sir.

Senator GRAHAM. All right. So if you believe that the Nation is threatened by natural disasters and the front-line uniformed force is the National Guard, I would like to have you sitting there—not by invitation, by the way. General Dempsey, you are a very fine man, but if you got pissed off at him, could you tell him to get out of the room?

General DEMPSEY. Yes, I could.

Senator GRAHAM. Okay. Good. Well, at the end of the day, I think you need to be in the room with some weight behind you, not just an invitation.

Now let us talk about the structure of the State-Federal responsibility. Who talks more to the adjutant generals of each State, you or General McKinley, General Dempsey? Who has more contact?

General DEMPSEY. I don't have any contact with the adjutant generals.

Senator GRAHAM. Okay. Well, if you believe that the adjutant generals who have responsibilities over the National Guard, if you don't have any contact with them, how much contact do you have, General McKinley?

General MCKINLEY. Daily.

Senator GRAHAM. All right. If you can't tell them how to spend their money, you can at least tell the Chairman of the Joint Chiefs, if you are in the room, what is going on. Don't you think it would be important institutionally, beyond the life of you and General Dempsey, to have somebody in that room advising the Chairman of the Joint Chiefs exactly what is going on in the States?

General MCKINLEY. I think in a post-9/11 world, it is essential.

Senator GRAHAM. I couldn't agree with you more.

Now let us talk about the history of the Joint Chiefs, the Chairman of the Joint Chiefs, when it comes to supporting legislation that we now all agree is important. Do you agree that the Marine Corps, being a voting member of the Chairman of the Joint Chiefs, hasn't give the Navy two votes? Do you agree with that, General Amos?

General AMOS. It has not given the Navy two votes.

Senator GRAHAM. Well, that was the big concern. Senator Webb was your biggest advocate. That was a real fight back in 1978, that if you put the Commandant on, all hell's going to break loose. The Navy is going to run the world.

Well, that did work. And I don't think the National Guard being in the room is going to change the world as we know it—only for the better.

Now, Mr. Johnson, headlines are made at every hearing. Is the headline from this hearing, "Obama administration opposes putting the National Guard Bureau Chief on the Joint Chiefs?"

Mr. JOHNSON. Senator, you have heard the best military advice from—

Senator GRAHAM. Well, I am going tell you what Vice President Biden said in 2008 when he spoke to the National Guard conference in Baltimore. "It is time for change. Change begins with giving the Guard a seat at the table, that table in the Pentagon where the Joint Chiefs sit."

President Obama's campaign document, "Blueprint for Change," page 55, if you want to read it. I haven't read it, and I will be the first one to admit to it. But this part I do like.

"Obama will restore the readiness of the National Guard and Reserves. He will permit them adequate time to train and rest between deployments, provide the National Guard with equipment they need for foreign and domestic emergencies. He will also give the Guard a seat at the table by making the Chief of the National Guard a member of the Joint Chiefs of Staff."

Has he changed his mind?

Mr. JOHNSON. Not to my knowledge—

Senator GRAHAM. Well, don't you think when he said that, he thought long and hard about this, and he came to conclude, as a prospective commander-in-chief, this would be a good idea? And you are not here to tell us he is wrong, are you?

Mr. JOHNSON. The President and the Vice President are above my pay grade.

Senator GRAHAM. Well, I think they are wrong a lot, but I think they are right on this.

Now let us talk about Goldwater-Nichols. How many of you believe it works? How many—who believes it doesn't work? Speak up. Nobody. All right. Let me give you a little history.

There is an article that I read called "The Campaign for Goldwater-Nichols" by John T. Correll. And I will read a brief excerpt.

"The bill was being prepared and had been written in final draft, and Senators Nunn and Goldwater go to have a meeting with the Joint Chiefs. And Admiral Crowe was the Chairman, the new Chairman. He supported it. But during that meeting, everyone else opposed and said in no uncertain language. The hot-tempered Goldwater took their criticism as attack on his efforts to make improvements and roared, 'If you think you can bully Sam and me, you are mistaken.'

"The next day, he got eight letters from the Pentagon talking about how bad of an idea this would be. And Senator Goldwater said, 'I will not be deflected or sidetracked in this effort, even if I get a letter a day from everyone in the Pentagon.'"

And the only reason I mention that is that the institution resisted Goldwater-Nichols, the institution resisted having the Commandant of the Marine Corps on the Chairman of the Joint Chiefs. And I think we should consider the time has come, given post-September 11 duties of the National Guard, to have a seat at the table. It doesn't change command authority, doesn't turn the world upside down.

But if any group ever deserved recognition now, it is the members of the National Guard. And their voice needs to be heard, not through invitation, but by us saying, "You have a seat."

Thank you very much.

Chairman LEVIN. Thank you, Senator Graham.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

You can all relax. I am not going to try to top Senator Graham. But as a former Governor—and I know there are two other former Governors seated here—we have had that special, unique relationship with the Guard. Now we have a relationship with the entire military, the total force.

I suppose having called out the Guard on occasions, that it gives me a special feeling of a relationship with the Guard, going back to my adjutant general, the late Stanley Heng, who was an outstanding military officer and an outstanding TAG. In addition, since I have been in the

United States Senate, I have had a relationship with former TAG Gene Lempke and the current adjutant general, General Lyons.

The relationship is clearly a unique one from the standpoint that has been described by everyone so far of having a Federal and a State each component to the relationship. It isn't like any other branch of the service or any branch of the service in particular. It is unique to the Guard.

It would be unique if it applied to one of the other branches, not just the Air Guard or the Army Guard, but if there was another Guard, it would be the same situation. So, you know, General McKinley, you said in your letter, "The CNGB is uniquely posi-

tioned to both provide situational awareness of State and Federal military forces operating in unity of effort in the homeland and ensure that resourcing decisions fully consider the domestic mission.”

Now I think you are right about that, and I think, as we have looked back, we have seen at times that the Guard has not been adequately resourced. Now I am not going to suggest that that will go on indefinitely in the future because we are seeing the change from—to an operational Reserve that will have to be adequately resourced.

But I can tell you that as Governor, I would feel much better that that resourcing would occur if I knew that the head of the Guard was seated at the table. It doesn't take anything away from any of you, distinguished as you are and committed to the total force and to the total security of our country, both at the homeland and nationally, internationally, as well.

So I understand that change is difficult. It is not easy to come by. And whether or not something occurred 20 years ago or not probably doesn't necessarily mean that we can't look at it today in light of the changes that the Guard has gone through as we have seen it throughout these last 10 to 12 years.

Now, General Schwartz, I do have a question—because I know that part of the requirement for adding Chief of the National Guard Bureau is at least a recognition that his advice would be more critical than ever heading into a period of budget austerity. I know as you are looking toward your future requirements for the Air Force, how are you going to work with General McKinley to have a total force approach in terms of your resources and your readiness?

General SCHWARTZ. Senator Nelson, I think it is important to say at the outset that the Joint Chiefs is not a resource forum. It is a strategic forum for, again, employment of the armed forces and for providing best military advice in that context. There are other resource fora in the department where the Chief of the National Guard Bureau clearly has a seat at the table.

But with regard to the Air Force specifically, we—Craig McKinley's Deputy, Lieutenant General Bud Wyatt from the great State of Oklahoma, is our principal staff officer regarding National Guard matters. And he and his people have complete access to all of our internal activities with regard to the headquarters, whether it is resourcing, whether it is making decisions on equipment, and so on and so forth.

Additionally, we have offered—and the adjutants general will take us up on this—to have a presence on what we call our Air Force council, which is the senior-most resourcing activity within our headquarters. And the bottom line is that the Air National Guard has a consistent seat at the table for internal deliberations.

We certainly interact with Craig, as I think he will verify, on all matters, including management of senior officers. This is a partnership between us. But I would go back to first principles in that the Joint Chiefs is not a resourcing fora.

Senator NELSON. No, I understand. But the recommendations that you make are based on what you think the resources that you would require and are necessary for carrying out your mission. So whether it is establishing the resources or making the rec-

ommendations, you still have to discuss what resources are necessary, in your opinion, for you to be able to carry out your message—or your mission. And General McKinley obviously has a role there.

And I would assume that would be true, General Odierno, with the Army Guard as well?

General ODIERNO. Senator, as we develop the Army budget every year, there is complete transparency. The Guard plays a critical role in developing our budget. So that happens today, and this change does not impact that at all. That will happen today and will always happen, no matter whether he becomes a member of the Joint Chiefs of Staff or not.

Senator NELSON. Well, I commend you all on your ability to sit at a table and disagree, but not be disagreeable, and appreciate very much your input. Obviously, it is a challenge to try to decide how to best take care of our National defense. You do it every day, and we appreciate and thank you for your service, particularly as we, on this eve of Veterans Day, go home and speak to our veterans at home.

Thank you all.

Chairman LEVIN. Thank you, Senator Nelson.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

And thank you for holding this hearing. I think it has been very healthy for this discussion.

General Dempsey, has any former Chairman of the Joint Chiefs of Staff supported this legislation?

General DEMPSEY. Not to my knowledge, Senator, no.

Senator WEBB. Mr. Johnson, has any current or former Secretary of Defense supported this legislation?

Mr. JOHNSON. I have no knowledge of that, Senator.

Senator WEBB. Do you have any knowledge of anyone supporting it?

Mr. JOHNSON. I don't have knowledge of the contrary either. Correct.

Senator WEBB. Okay. All right. I would like to start by saying I think that anyone who is saying that citizen soldiers are not at the table right now is being unnecessarily divisive and, I think, unfair to the stewardship and leadership of the Army and the Air Force. Citizen soldiers are at the table.

They have been respected throughout the entire history of this country. When we talk about the operational changes since 9/11, and we all have great appreciation for that, but at the same time we need to recognize that throughout history the National Guard has frequently answered the call.

If you looked at the number of the forces that came from the National Guard in World War I, World War II—100,000 National Guardsmen went to Korea—this has always been the case. And I think particularly since the total force concept was announced—and I had the privilege of being the assistant Secretary of Defense for Reserve Affairs at a time that we were really working these matters out—the National Guard has really been able to have an input in a very measurable way.

I believe this legislation is unnecessary. And I would like to respond to some of the comments that have been made about the Marine Corps and my role, which I am very proud of, by the way, in terms of articulating the legitimacy of the Marine Corps role in Joint Chiefs.

I wrote an article in 1972—hard to believe this. This article has been circulated by the proponents of this legislation. I wrote it for the Marine Corps Gazette. I was a 25-year-old captain of the Marine Corps. I am flattered, by the way, that somebody remembered this article from 39 years ago.

But at the same time, the most important aspect of that article was that the Marine Corps is a separate service. You take a look at—to state the obvious, take a look at General Amos and Admiral Greenert. They are wearing different uniforms.

The Army National Guard has a history of being trained and equipped as a part of the United States Army. The Air National Guard has a history of being trained and equipped as a part of the United States Air Force. That is conceptually an entirely different matter.

I don't believe that the Joint Chiefs of Staff have been failing to represent the interests of the Army Guard in the Army or the Air Guard in the Air Force. General Dempsey, would you say there has been any indication of that?

General DEMPSEY. Absolutely no indication. Not only is there no indication, it just isn't accurate. They are represented by the two Service Chiefs.

Senator WEBB. Would you also agree that the Guard is as well represented as the Air Force Reserve and the Army Reserve?

General DEMPSEY. I do, Senator.

Senator WEBB. Would there be any justification for adding the Reserve Chiefs as members of the Joint Chiefs of Staff?

General DEMPSEY. I would recommend against it for the same reason I recommend against adding the Guard.

Senator WEBB. And with respect to non-Title 10 obligations, I have an observation from having spent 3 years being Secretary Weinberger's principal adviser on Guard and Reserve matters. There are a number of other jurisdictions in which non-Title 10 obligations of the National Guard are considered, and some of them, to be quite frank, are jealously guarded by the political processes of the Governors. I certainly don't think they are in any way disregarded.

And to make a further point on this, we do have an assistant Secretary of Defense who is responsible for homeland security matters and is a direct adviser to the Secretary of Defense.

Mr. Chairman, I would just have to say that I am opposed to this legislation. I believe it is unnecessary. I don't see a value. And I do understand the complications.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Webb.

Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

This is obviously—I have more respect than I can ever describe for the guy that is sitting to my immediate left here for a myriad of reasons, including his incredible service to our country as a

member of our armed services and as a Marine. And I also appreciated the incredibly effective cross-examination that Lindsay Graham did. You can tell he has spent some time in the courtroom.

I do think that this is a difficult question, and the only really thing I want to point out with Mr. Johnson is I have looked at your testimony very carefully, Mr. Johnson, and it appears to me that you have not said whether or not you support or oppose this legislation but have rather asked to make sure that it is not legally ambiguous. Is that a correct characterization of your testimony?

Mr. JOHNSON. Yes. I am not here to state a policy position one way or the other. I was asked to attend to point out the legal implications and potential ambiguities of this becoming law. And I think that, as you have noted, I have laid that out in my prepared remarks.

Senator McCASKILL. You know, I just wanted to put that on the record because I was a little surprised that we were going to campaign materials as part of this hearing. It seems like we have enough politics around this building. It doesn't seem like we have to bring it into this hearing also.

I want to specifically for a minute, General Schwartz, go to the situation at Dover. And I don't want to dwell on how hard this has to be for you and the leadership at the Air Force. No one needs to convince me that you want to get this right at Dover.

I will tell you what I do want to bring to your attention, and I have done so with a letter today, and that is the finding of the Office of Special Counsel. And so people understand what the Office of Special Counsel is, it is an investigatory and prosecution-oriented agency whose primary responsibility under our law is to be independent of all of the agencies and protect whistleblowers.

And what I am concerned about is their investigation into what the Air Force did in response to the whistleblowers. And specifically, the fact that the IG of the Air Force, they failed to admit wrongdoing in their report. And while I understand people have been moved around as a result of the problems that have occurred because of the mishandling of the sacred remains of the fallen, I am not sure that they have been held as accountable, for example, as what we saw happen at Arlington in connection with that heart-breaking incompetence.

And what I want to make sure is that there is an independent investigation as to whether or not the IG shaded it a little bit because everyone was feeling protective of the institution, for all the right reasons. The vast majority of people who serve at Dover and who do this work I am sure do it with a heavy heart, but with a passion for getting it right.

But when we have a circumstance like this arise, I want to make sure that the inspector generals are not so busy looking after the institution that they fail to point out wrongdoing, which was not ever acknowledged, and that there is accountability for the people involved. And so, I want you to address the special counsel's report as it relates to the Air Force investigation.

General SCHWARTZ. Senator McCaskill, there clearly were unacceptable mistakes made. Whether they constitute wrongdoing is another matter entirely.

And when you look at a situation like this, you look at the facts of the case, as an attorney might say. You look at the context in which the event or the mistakes occurred, and you also consider the demands that are placed on individuals and organizations.

With respect to accountability, we also had an obligation to ensure that the statutory requirements for due process were followed. We did that precisely.

I can only speak for the case of the uniformed officer, but the uniformed officer received a letter of reprimand. We established an unfavorable information file. We removed him from the command list and his anticipated job as a group commander at Shaw Air Force Base was redlined. This is not a trivial sanction.

Senator McCASKILL. Well, I understand that is not a trivial sanction. But I am worried that there was a conclusion that there was not an obligation to notify the families in these instances. And obviously, this deals with more than uniformed personnel, and obviously, the Secretary of the Air Force is also copied on the letter that I sent today calling for this independent investigation.

What happened at Arlington, nobody was intentionally mismarking graves. They were mistakes, too. And I just want to make sure that we have really clear eyes while we have full hearts about the right, aggressive need for investigations by inspector generals in circumstances like this.

And thank you very much, and thank all of you for being here today.

Chairman LEVIN. Thank you, Senator McCaskill.

Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Let me, first of all, thank each and every one of you. It is very impressive to have the leaders of the Services of the greatest defense of a country one could ever hope to live in, and I appreciate it. The respect you all have for each other is evident, and I appreciate that also.

I must say that my experience as a Governor, which I think is the greatest honor that I could ever have bestowed upon me as a citizen of the great State of West Virginia is to be Governor of my great State, and also with that having a close relationship with my Guard. And that close relationship, you get a title as Governor, which is commander-in-chief, which is a little bit much, if you will. But I can assure you that watching the performance of my Guard and the Guardsmen that I have met all over this country is unparalleled to anything I have been witness to.

I had the chance also to travel with other Governors, and we would go, and you all would be so kind to take us over to visit in Afghanistan and Iraq. And we would go in and be able to say thank you to our troops for the services they gave. And to a "T" I will say this. Every one of the commanders of every base that we attended and visited, they would make a point to come up to me and say, "I want to tell you of the expertise, the professionalism, the commitment that your Guardsmen have and what an asset they are to our command."

So, with that, I would say that I didn't see the difference. I really didn't. And I never really thought about why it hadn't been looked upon equally at the Pentagon or the Joint Chiefs.

I have thought about this quite a bit since then. And I know change is hard. Being in the positions, I have had to make a lot of decisions, and I know it comes very, very hard. The thing I would ask, and whoever would want to answer this—and General Dempsey, you might want to start with yourself. Do any of you believe—and I think you can tell there has been some wonderful questions here and some wonderful testimonies. And Senator Graham does such an expert job of holding his emotions back and his feelings.

But with that being said, do any of you believe that this legislation—and I believe it will be passed—that you would have a hard time cycling and being able to do the job that you are charged with doing at the level that needs to be done for the defense of our country?

General DEMPSEY. I will start, Senator. Thanks for the opportunity.

And also you are the second Senator to sort of imply that we are averse to change. We are, I promise you, one of the most change-oriented organizations you are going to see appear before you at any time. And that change will be clear to you, as you see the effect of some of the budget decisions that are being made.

So we are not averse to change, nor are we resistant. In fact, as you know, this body charges us to give you our personal best military advice. And that is what you are getting today. And you are getting it because we have a system in place right now that actually works remarkably well. We have one Army. We have one Air Force.

I don't know what impact this will have. And therefore, you are sensing some reluctance on our part to embrace something. It could be that nothing changes. That would be the best possible outcome. But then one might say, well, if nothing is going to change, why are we changing?

I would say it is a matter—the decision before you is one of context, the context of adding Craig McKinley to the Joint Chiefs, which, in some ways, would be a powerful symbol to our citizen soldiers. I got that.

But the other context is the, for me, more compelling argument about turning to Ray Odierno and saying, "I want soldiers from you," and I don't care if they are active, Guard, or Reserve.

So I don't know the answer to your question, Senator. But I am concerned about it.

Senator MANCHIN. Well, let me just say this. I just have the utmost confidence in all of you. And I know that you have always—you wouldn't be in the position you were if the orders that were evaluated and then accepted and then fulfilled. And I don't anticipate anything different from that.

The thing that I observe is that truly the Guard is the only visible part of our Defense Department right now that the citizens of this great country can connect to. If it wasn't for the Guard, we wouldn't even know there was a conflict.

But it is the moms and the pops and uncles and aunts and brothers and sisters that get redeployed, and that we are all there, sending them off. And our towns come out, and our States come out. They come home, and we welcome them home. We will cry with

them. We mourn with them when we have a loss of one of our loved ones.

So they are the fabric of our whole defense system. I think that is why some of us are so passionate about this piece of legislation to have an equal footing.

And I will finally say this, that there is not—you know, I think you have to be as frustrated as maybe myself and other people around this country as they look at the functions of Congress right now. We can't come to agreement on anything. This is one thing I think we are agreeing on. And please don't deny us this moment. [Laughter.]

Senator MANCHIN. Please don't deny us the chance to come together as Democrats and Republicans for the sake of this great country and put America first. And that is what we are asking.

So, with that, we might respectfully disagree, but we sure do respect—and hopefully, you know that we respect you at the highest levels. I want to thank you, and we hope you would consider this legislation.

I want to encourage the chairman to make sure that our leader, majority leader, knows how important it is for this piece of legislation—I am sure this will be an amendment to that legislation—but for this bill to move forward. And I know you have been working diligently, sir, and I support you 100 percent. We have got to get this bill, and I support the Guard being a full standing member.

Thank you so much.

Chairman LEVIN. Thank you, Senator Manchin.

This has been a very important hearing. We obviously have very divided views on this committee. And I assume that—I hope we get the bill to the floor. I hope we get it to the floor by the end of—before we get to Thanksgiving.

In any event, we have commitments that our bill will be coming to the floor. And I am sure there will be an amendment, and I am sure there will be a very vigorous debate on an amendment on this particular issue.

I think the fact that you have all appeared here today with such dignity, such character, and such directness, which we welcome—and it is important that we hear the views unvarnished. We got them from all of you.

And we got the legal opinion, which is what we sought, which was a legal opinion are from you, Mr. Johnson. We did not seek policy from you, nor do you appropriately give policy when you are asked as a lawyer to appear before the committee.

We are very grateful to you for your service. We thank our vets on the eve of Veterans Day, and we will stand adjourned.

[Whereupon, at 12:25 p.m., the committee adjourned.]