

FDCH TRANSCRIPTS
Congressional Hearings
May 12, 2004
Senate Appropriations Subcommittee on Defense Holds Hearing on FY2005
Appropriations
LIST OF SPEAKERS

STEVENS:

Good morning, Secretary Rumsfeld. General Myers.

We welcome you back before our subcommittee at this important time for our nation and for the Department of Defense.

We also welcome the acting comptroller, Larry Lanzillotta.

The focus of our hearing today is the fiscal year 2005 defense budget. This is our normally scheduled hearing where we ask the secretary of defense and the chairman of the joint chiefs of staff to testify at the end of our hearing cycle and provide their important perspectives on the budget and answer questions that have come up in connection with the other subcommittee hearings.

Last week we learned a fiscal year 2005 request totaling \$25 billion is forthcoming. We plan to hold a separate hearing on that request when more details are available, if it comes to this committee. I urge the members to defer their questions concerning that request until we have it.

Sadly, we also have learned a lot over the past week about the abuse of Iraqi inmates at the Abu Ghraib prison. These actions are absolutely appalling and an embarrassment to our great country, as you have said, Mr. Secretary. Congress must and we shall investigate the matter thoroughly. It is our view, however, that the primary jurisdiction of this issue lies with the Senate Armed Services Committee and the Senate Intelligence Committee, not the Appropriations Committee.

This committee needs to focus its attention on funding required to train and equip our men and women in uniform throughout the world. Our military remains engaged in critical missions in Iraq, Afghanistan and other areas around the world. It's imperative for us to exercise our due diligence in reviewing the \$401.7 billion in defense spending request that's already before us.

We're committed to ensuring the Defense Department is properly resourced to win our global war on terrorism. Failure in this endeavor is not an option for us, as you have stated, Mr. Secretary.

Mr. Secretary, General Myers, we look forward to this hearing today about your priorities in the current budget request, as well as any other operational update you may wish to provide.

I understand you may have a time problem, Mr. Secretary. Please keep informed us on that.

Your full statements are already a part of our record. Each member, without objection, will be limited to five minutes in the opening round of questions. Time permitting, we'll proceed with a second round of questioning.

Before you begin your opening statements, I'll ask my colleague, my co-chairman from Hawaii, if he has comments.

INOUYE:

Mr. Chairman, I thank you very much.

And good morning, Mr. Secretary and General Myers. And I join my chairman in welcoming you to our subcommittee.

During our hearings this year, we received testimony from the military departments, the Guard, Reserves, Missile Defense Agency and the surgeons general. As we have examined the testimony of these officials, it is very clear that most are very supportive of your budget request.

INOUYE:

In our review we learned that at the same time as our forces are fighting overseas, your department is engaged in many major and somewhat controversial changes.

The Navy and Marines are looking at swapping crews overseas to save money and time for deploying ships, a policy which could impact how many ships we need. The Army's adding forces by reconstructing brigades, but there's no agreement to permanently provide the end strength to achieve this. The Air Force is preparing to introduce the F-22 to its force structure to dramatically increase its combat capability, and there are some who still question whether the system is required. All the services are examining their forces overseas to alter the global footprint while we prepare for base closures domestically.

And we are now aware that a budget amendment will be forthcoming to help pay for the rising cost of war in Iraq when for months we thought we could defer an increase until next year.

So, Mr. Secretary and General Myers, we know these are very challenging and critical times for the Defense Department. The challenges have been heightened by the events coming to light in recent weeks. And I'm sure I don't have to tell you that it has been very difficult for all Americans to witness scenes of torture and human rights abuses.

Mr. Chairman, I know that many are likely to want to discuss this today, but we should remember that our primary jurisdiction is the budget of the Defense Department, not investigating criminal acts. It is, nonetheless, very important that the Congress and the administration continue to investigate these incidents, and I'm certain they will.

Mr. Secretary, General Myers, I know you recognize the gravity of this matter and the serious impact it is having on our nation's prestige and influence. I for one am very concerned about the long-term effect it will have on our military recruiting and retention.

It is equally important that we realize we are all in it together. I'm one of the few on this committee that voted against going to war in Iraq. But now that we are engaged in this policy, we must simply find a way to see it through to a successful and swift conclusion.

And I thank you, Mr. Chairman.

STEVENS:

Without objection, we're going to postpone opening statements by the members and go right to the secretary's statement. As I've said, it's printed in the record.

Mr. Secretary, we're happy to have you here with us today.

RUMSFELD:

Thank you, Mr. Chairman, Senator Inouye, members of the committee.

RUMSFELD:

I'd like to make a brief statement and I certainly thank you for this opportunity to meet on the president's proposed budget.

First, I want to commend the men and women in uniform and the civilians in the Department of Defense who support them. It's important in times like this that we publicly indicate that we value their service, we value their sacrifice. They are doing a superb job for this country.

When this administration took office three years ago, the president charged us to try to prepare the department to meet the new threats that our nation will face in the 21st century.

To meet that charge, we have fashioned a new defense strategy, a new force-sizing construct, we've issued a new unified command plan, instituted more realistic budgeting so that the department now looks to emergency supplementals for the unknown costs of fighting wars and not simply to sustain readiness. We transformed the way the department prepares its war plans and adopted a new lessons-learned approach during Operation Iraqi Freedom. And we have undertaken a comprehensive review of our global force structure.

The scope and scale of what has been accomplished is substantial. Our challenge is to build on these activities even as we fight the global war on terror.

One effect of the global war on terror has been a significant increase in the operational tempo and an increased demand on the force. To manage the demand, we must first be clear about the problem so that we can work together to fashion appropriate solutions. We hope the increased demand on the force we're experiencing today will prove to be a spike driven by the deployment of some 138,000 troops in Iraq.

For the moment, the increased demand is real and we have taken a number of immediate actions. We're working to increase international military participation in Iraq and have had good success. More recently, we have lost two or three countries from that coalition, which was unfortunate.

RUMSFELD:

We've accelerated the training of Iraqi security forces and we now have something like 206,000 strong heading toward 265,000. And our forces are working to hunt down those who threaten Iraq's stability and Iraq's transition to self-reliance.

Another way to deal with the increased demand on the force is to add more people, and we've already done so, a fact that seems not be fully recognized. Using the emergency powers granted by Congress, we've already increased the active duty force levels by something in the neighborhood of 30,000 to 35,000 above the pre-emergency authorized end-strength. We've done this over the past two years. If the war on terror demands it, we will not hesitate to increase force levels still more, using the same emergency authority. But it should give us pause that even a temporary increase in our force levels was and remains necessary.

Think about it: At this moment we have a pool of about 2.6 million men and women in the active, Reserve and Guard, including the individual Ready Reserve. Yet the deployment of 135,000 out of a pool of 2.6 million has required that we temporarily increase the size of the force by some 35,000. That suggests that the real problem is not the size of the force per se, but rather the way the force has been organized over the years and the mix of capabilities at our disposal. And it suggests that our challenge is considerably more complex than simply adding more troops.

General Pete Schoomaker, the Army chief of staff, compares the problem to a barrel of water on which the spigot is placed near the top of the barrel and you open the spigot and very little comes out because all you can access is the top of the barrel. The answer, at least from the taxpayers' standpoint, it seems to me, is not to get a bigger barrel or more barrels, it's to move the spigot down on the barrel so we can access all of the, in this case, the 2.6 million men and women that we should have access to and take full advantage of their skills and their talents and the fact that every one of them is a volunteer.

We have too few active and Guard/Reserve forces with the skill sets that are in high demand, and we have too many Guard and Reserve with skills that are in too little demand.

RUMSFELD:

Therefore we urgently need to rebalance the skill sets within the reserve component and also between the active and the reserve component so that we have enough of the right kinds of forces available to accomplish the missions.

And we need to focus on transforming the forces for the future, making sure we continue to increase the capability of the force and thus our ability to do more with those forces. The services are working to do just that.

In looking at our global force posture, some observers have focused on the number of things -- troops, tanks, ships -- that we might add or remove to one portion of the world or another. I would submit that that may very well today may not be the best measure.

For example, the Army has put forward a plan that by using its emergency powers we will increase force levels by roughly 6 percent. But because of the way they will do it, General Schoomaker estimates that the Army will add not 6 percent but up to 30 percent more combat power. That is to say, go from 33 brigades up to 43 brigades with a possibility of going to 48 brigades.

Instead of adding more divisions, the Army is focusing on creating a 21st-century modular Army made up of self-contained, more self-sustaining brigades that are available to work for any division commander. As a result, 75 percent of the Army's brigade structure should always be ready in the event of a crisis.

The Army's plan will increase the number of active brigades significantly. But because we will be using emergency powers, we will have the flexibility to reduce the number of active troops if the security situation permits.

Before highlighting the 2005 budget request, let me talk briefly about the funding for the global war on terror.

As the year has unfolded, not surprisingly, the security situation and the requirements in Iraq have changed. As a result, General Abizaid has requested additional combat capability for the period ahead, and the president has approved that request.

We regret having to extend those individuals necessary to provide that capability. They had anticipated serving in Iraq or in-theater for up to 365 days and this extension will extend their time in Iraq by up to 90 days.

We have recently identified and are now preparing to deploy other forces to replace them.

Because our nation is at war, we need to provide combat forces with the resources they need to complete their mission. While we do not yet know the exact cost of operations in 2005, we do need to plan for contingencies so that there's no disruption in the resources for the troops.

The cost of supporting these operations increase the chance that certain accounts, such as Army operations and maintenance particularly, will experience funding shortfalls beyond February or March of 2005.

As Senator Inouye mentioned, the president has therefore asked Congress for a \$25 billion contingency reserve fund that can be used for operations in Afghanistan and Iraq until we can get a clearer picture of what will be necessary for a fiscal year 2005 supplemental.

This fund would be used primarily for operation and maintenance requirements, such as personnel support cost, combat operations, supplies, force protection and transportation.

I want to emphasize that this \$25 billion proposed reserve fund would not be all that would be needed in 2005. We are anticipating submitting a full 2005 supplemental appropriation request early next year when we can better estimate the exact cost.

Returning now to the 2005 budget request, we have requested additional funds to strengthen intelligence, including increases in human intelligence, persistent surveillance, as well as technical analysis and information-sharing.

We've also strong funding for transformation and other acquisition needs.

RUMSFELD:

The president's budget requests funds for pay and quality-of-life improvements for the troops. These funds properly focus on the men and women serving in the armed forces.

In recent years, Congress has from time to time added entitlement-like changes beyond recommendations such as these that have been, for the most part, concentrated on those who have already served.

We certainly applaud the desire to honor that service, but I should point out that the effects of these decisions cumulatively are important. They are increasing substantially the permanent costs of running the Department of Defense. By fiscal year 2009, they cumulatively will add over \$20 billion a year to the defense budget, with only modest effect on recruiting and retaining the current active force.

I recognize there are legitimate questions and legitimate differences about the best way to compensate the forces. For this reason, I'm appointing an advisory committee on military compensation to conduct a comprehensive review of military compensation and benefits with a view toward simplifying and improving them.

Before making further changes, I hope that you'll allow us to first develop a comprehensive and integrated set of compensation proposals which we would submit to you next year.

One of the most important ways in which Congress can support the global war on terror is to support three special authorities that we've requested.

First is \$500 million to train and equip military and security forces in Iraq, Afghanistan and friendly nearby regional nations to enhance their capability to combat terrorism and to support U.S. operations in Iraq and Afghanistan.

It is a great deal cheaper for the taxpayer if we are able to train and equip forces in Iraq and Afghanistan than it is to maintain U.S. forces in those countries.

Second, the Commander's Emergency Response Program, \$300 million, to enable military leaders in Iraq and Afghanistan -- U.S. military leaders -- to respond to urgent humanitarian relief and reconstruction needs. This has been a remarkably successful program. With quick turnaround projects averaging in the neighborhood of \$5,000 to \$10,000 each, commanders not only help people in their operations area, but they also gain support in defeating terrorists and building themselves a better future.

RUMSFELD:

And third is increased draw-down authority. We're requesting \$200 million under the Afghan Freedom Support Act to provide additional help for the Afghan national army.

The president's 2005 budget does not request specific authorization for these three authorities. Therefore the department would need to reprogram funding to use them.

This underscores the importance of Congress increasing the department's general transfer authority to \$4 billion, which would represent slightly under 1 percent of total DOD funding. Higher general transfer authority would give us a needed ability to shift funds from less pressing needs to fund must-pay bills and emerging requirements as the circumstances on the ground change over time. As we've seen in the last three years, such requirements have been a constant feature of our military program.

Mr. Chairman, the president has asked Congress for \$401.7 billion for fiscal year 2005. That is a very, very large amount of money -- the taxpayers hard-earned money. Such investments will likely be required for some years because our nation is engaged in a struggle that could very likely go on for a number of years.

Our objective is to ensure that the armed forces remain the best-trained, the best-equipped fighting force in the world, and that we treat volunteers who make up that force with the respect equal to their sacrifice and their dedication.

Thank you, Mr. Chairman.

STEVENS:

Thank you very much, Mr. Secretary.

Do you have a statement, General Myers?

MYERS:

Mr. Chairman, I do have a short statement.

Thank you, Mr. Chairman. Senator Inouye, Senator Byrd, members of the committee. Once again I thank you for your unwavering support of our armed forces, and more specifically, our men and women in uniform as they fight this all-important war on terrorism.

Recently the world's attention has been focused, understandably, on the horrendous incidents of detainee abuse at Abu Ghraib prison. Let me once more restate that these acts

are absolutely unacceptable, and I assure you the commanders at every level are taking prompt and decisive action to ensure that the accused receive due process and that the guilty are punished.

One of the U.S. military's greatest strengths comes from the fact that we hold our service men and women accountable for their actions. I am confident in our military justice system, and I'm confident that our commanders are doing the right things to prevent further compromise of military standards and American values.

I can also assure you today we are as firm as ever in our resolve to help create a free, prosperous and democratic Iraq. We are dealing deliberately and aggressively with the anti-coalition forces in Fallujah as well as Sadr's band of thugs to ensure they do not derail the progress that we're making.

The truth is the majority of the Iraqi people want democracy in Iraq to succeed, and they're positive about what the future holds, thanks in large part to the efforts of our service men and women. And I know our service men and women are all suffering unfairly with a collective sense of shame over what happened at Abu Ghraib.

I'd like to quote a letter from a soldier in the 1st Armored Division. He said that every time he eats in the dining hall, he sees the prison abuse story on TV and he says, quote, "Everyone is so angry. It's as if those soldiers hurt us more than the enemies here in Iraq have."

MYERS:

"My battalion has caught car-bombers, weapons smugglers and those laying mines to kill us. And every time, we treated them with respect."

This is the type of soldier who accurately, in my view, represents the values of our military and our nation.

The credibility of our troops will be restored day by day as they interact with the Iraqi people. And I'm confident that our service men and women will continue to prove worthy of the trust and respect of our nation and of the world.

They are so tremendously dedicated. They understand their mission very well. And they understand what a huge difference they are making.

They've seen the enemy unload weapons from ambulances, use mosques as operating bases, deliberately put children in the line of fire as human shields and attack innocent civilians indiscriminately by firing mortars and grenades at marketplaces. Yet, our service men and women are going to extraordinary lengths to conduct the most humane operation they possibly can. That means at times we accept greater risk in order to avoid civilian casualties.

I see the same kind of professionalism and compassion in Afghanistan as well. There are now 13 provincial reconstruction teams working on security and civil affairs for the Afghan people.

We are making great progress in the war on terrorism with the help of more than 90 other nations. Despite Spain and three other countries' decision to part Iraq, the coalition remains very strong.

Recent events in Fallujah, Najaf and other parts of central Iraq have resulted in the decision to extend some 20,000 U.S. troops beyond their expected rotation date. We are now working to backfill these troops. It's not a 100 percent clear what the security

environment will be after 30 June and beyond, but we will continue to support General Abizaid with the number of forces that he needs.

What is clear is that we have not finished our task of reviewing all our options for making better use of our authorized forces. As Secretary Rumsfeld said, we're looking at the stress on our forces from every possible angle.

The Cold War approach to simply counting divisions or ships or fighter wings will not help us refine our capabilities to meet the national security environment of the future. All solutions need to be flexible and, most importantly, transformational.

As the secretary said, General Schoomacher's review of the how the Army structures or combat units and Admiral Clark's new approach to carrier strike group deployments are two very visible examples of this transformation.

We don't have time today to list all the significant transformational issues we're working on, but these initiatives span from Guard and Reserve mobilization, to our planning processes, to deployable command and control systems.

MYERS:

And with your support, we will continue to transform our war-fighting capabilities.

Despite the significant stresses on our armed forces today, readiness remains good. We are keeping a close eye on recruiting and retention, and we can say that so far it's going very, very well.

We have the trained personnel and resources to accomplish the military objectives outlined in the department's strategic planning guidance.

I support the president's request for a \$25 billion contingency reserve fund to support ongoing operations and the war on terrorism. This money is vital to ensuring our troops continue to be trained and resourced for the missions they're assigned and to avoid any decrease in readiness or capability while they're deployed.

We still have a long way to go in this war: beyond the transfer of sovereignty in Iraq and elections in Afghanistan. But our troops are making a huge difference every day and they know it. We are truly blessed with amazing men and women to do this very, very important work.

I thank all of you for your continued strong support of our men and women in the armed forces.

STEVENS:

Thank you very much.

You're right, some of us up here were part of what they called the greatest generation. We now know that we have been -- we've been replaced. This is the finest bunch of men and women I've ever seen in uniform.

MYERS:

Thank you, Mr. Chairman.

STEVENS:

Ladies and gentlemen, I want you to know, because of a change in the secretary's schedule, we moved this hearing up to 9 o'clock. I do apologize -- some of you may not have gotten that word until late.

But we have started off, Senator Inouye and I, with a couple of minutes -- we'll have a couple questions and then Senator Inouye will recognize Senator Byrd. We're going to go down on each side by the seniority on the committee. That's, I think, the fairest under the circumstances because of the change in the time.

So let me ask just one question.

Mr. Secretary, I am concerned about the statements that I have heard of -- including. I think, some of yours, General Myers -- that you may be some \$4 billion to \$6 billion short in the 2004 operating accounts.

Now, if that is the case, you can move money, you can reprogram it back and forth to meet those shortfalls, I hope, in order to prevent us from having a supplemental for '04.

Can you give us an update on your 2004 fiscal status? Do you think that will -- that kind of money will take you into the 2005 fiscal year so that we can concentrate on the 2005 bill, Mr. Secretary?

STEVENS:

Maybe Larry would answer that, but...

RUMSFELD:

I'm not familiar with the statement that General Myers may have made.

Do you want to respond?

LANZILLOTTA:

Senator, Mr. Chairman, we're in the process of finishing up our 2004 mid-year review looking just to do exactly what you asked us to do, to move money in between accounts, because we are trying to move the money to where the bills are right now.

Right now, we're in the process -- we haven't quite finished it, but there's no indication of requiring an '04 supp. What is a problem, or what will be a stress is general transfer authority. We have \$2.1 billion worth of general transfer authority and we have approximately \$500 million left. We need to do our annual omnibus reprogramming just to do exactly as you mentioned: move the money to the accounts. That will be a stress point for us.

Is it a problem yet? We haven't finished. I don't know. I can't give you a number at this time.

STEVENS:

General Myers?

MYERS:

Senator Stevens, the comment I made was that there is a -- in '04, there is approximately a \$4 billion shortfall, which I think is going to be close to what the shortfall will be. But then I'll defer to the mid-year review and Acting Secretary Lanzillotta on how we might cover those bills. I didn't make any comment on that. I didn't say that we wouldn't be able to cover them.

But I would say that it will take some authorities that we're going to have to get to reprogram some of this money and that there is likely to be some impact on some parts of

our armed forces. We just have to hope it's not in the readiness areas and the training areas, the ones we worry about.

That review is ongoing and it remains to be seen whether we can cover all that.

RUMSFELD:

From the meetings I've been in, my impression is that the people who have accounts that are being overspent are the ones that expressed the concern, and those that have accounts that are being underspent are relatively quiet.

And so, until the process is completed that the controller's office and the DA&E (ph) office are engaged in, I think it's awfully hard to know precisely whether or not there will be a shortfall and even to know precisely how much money we will need to reprogram.

STEVENS:

We would be pleased to work with the Armed Services Committee to see if we need additional ad hoc transfer authority before the end of this fiscal year.

STEVENS:

Perhaps we can work that out on an ad hoc, single-year basis to get it done without trying to have a supplemental when we're going to be looking at the reserve account anyway. But I think the reserve account may come too late. We'll have to see.

Senator Inouye?

INOUYE:

I wish to yield to Senator Hollings...

STEVENS:

Senator Hollings is recognized for five minutes.

HOLLINGS:

I thank the chairman, and I thank Senator Inouye.

I've got a friend who passed. I want to try to catch a plane to his funeral. General Harry Cordes, General Myers, used to command SAC.

Unfortunately, Mr. Secretary, you've already in your opening statement responded to my question. And my question was, how in the world were we going to ever get the troops out unless we get more troops in?

And you seem Shinseki-shy. You go into all kind of rope-a-dope here about you've got to rebalance the skills, we got to transform the forces for the future, we've got to not get a bigger barrel, but move the spigot, and all that kind of nonsense.

I'll never forget when I visited General Westmoreland in 1966, and in a country of 16 million he had 535,000 troops in there, and he spent until 2 o'clock in the morning that first night in Saigon saying how he needed 35,000 more.

Now, in a country of 25 million, you're trying to secure it with 135,000. And don't put me off with about 200,000. They're not strong. You got 200,000, but as General Abizaid told Chairman Stevens and myself when we were over there just a month ago, that they need far, far more training.

So what happens is that we all want to try to get the U.N. and get NATO. Chairman Stevens and I listened to President Chirac, and he says, "We got to have Western solidarity, we've got to have solidarity in Iraq."

HOLLINGS:

And he says, "When the U.N. passes a resolutions, you'll find French troops side by side with you in Iraq," just like we have in Afghanistan where they work in NATO troops now.

Now, he cautioned, he said about NATO that the Arab countries weren't a part of it, but with a U.N. resolution cover he says you can get there.

My understanding is you all haven't even asked for the NATO troops on the one hand and you go into this long explanation about moving the spigot instead of having a bigger barrel and everything.

You don't have security. In fact, we bogged down. We're building and destroying. We're trying to win the hearts and minds as we're killing them and torturing them.

And, at least, General Westmoreland didn't have to ask the Viet Cong general to take the town like we have for Fallujah. We've asked the enemy general to take the town.

We're in a mess there. And we keep hearing from the Pentagon, "Sure, the troops are superb." But the question is, are we superb back here in Washington?

RUMSFELD:

Senator, you've covered a lot of ground there, and I'd like to try to take a few of the pieces.

With respect to the number of troops, U.S. troops -- and there are also coalition troops and, as you point out, there are Iraqi forces -- the number of troops, U.S. troops, that we have in that country are the exact number that General Abizaid requested.

Is it possible he's wrong? Sure, it's possible anyone could be wrong.

But he talks to his field commanders, the division commanders, every week or two and asks that question.

And every time I ask him, I say, "Look, whatever you need, you will get."

General Myers' advice is that number he has requested is a number that's appropriate.

Now, all I can say is that the division commanders are telling General Abizaid that's the right number. General Abizaid is telling General Myers it's the right number. General Myers is telling Rumsfeld and President Bush it's the right number.

You could be right.

HOLLINGS:

Well, is it the case that...

RUMSFELD:

But they all don't think so.

HOLLINGS:

They're scared to death that...

RUMSFELD:

No, they're not.

HOLLINGS:

... they're going to get disciplined...

RUMSFELD:

Does he look scared to death?

HOLLINGS:

... if they ask for more.

RUMSFELD:

No, sir.

HOLLINGS:

They're gone if they ask for more.

RUMSFELD:

Absolutely not. You know that.

MYERS:

Senator Hollings, let me just say it's not just General Myers, it's the entire Joint Chiefs of Staff.

MYERS:

This is something we review regularly.

We are just on the video teleconference with General Abizaid the other day with the Joint Chiefs and General Abizaid talking about this very issue and looking at, you know, the pluses and minuses of more versus less. And it's still the wisdom of General Abizaid and his forces that more capability does not -- there is no way to militarily lose in Iraq; there's also no way to militarily win in Iraq. This process has to be internationalized. The U.N. has to play the governance role. That's how we're, in my view, eventually going to win.

General Abizaid thinks that handing more of this over to Iraqis -- not doing the work for them -- is what's key. And that's why, yes, are there training that needs to be done for Iraqi forces? Absolutely. Are we slow in getting that going? You bet. Until the Department of Defense got the mission and General Abizaid got the mission for training the police and the rest of the security forces, we were way behind.

We're moving that up very quickly right now. And their performance, while uneven, is to be expected when the going gets tough because some of them haven't been trained properly or equipped properly. We're trying to fix that as fast as we can.

But that's certainly got to be part of the solution.

RUMSFELD:

I should add that...

MYERS:

We don't put anything on General Abizaid's request going to the secretary. I can tell you that. And if we have a separate view, as a joint chief, we would offer that as well.

RUMSFELD:

The idea that the four members of the Joint Chiefs of Staff, four-star generals, and the division commanders. General Abizaid and General Myers and General Pace are afraid to tell the truth is just plain wrong and unfortunate to even suggest, in my view.

Next, with respect to the United Nations and NATO, we went to the United Nations, got a resolution. The Department of State has been working with the United Nations to try to get another resolution. We want it. The coalition countries in their want it. And you're exactly right: When we get it, we have a crack at getting some additional countries beyond the 33 countries that are currently there.

Next, you said that we've not even asked NATO. We asked NATO the first month of the war. Went over to Brussels and requested NATO assistance. NATO is assisting, in the sense that they have helped with the force generation for the Polish division that's currently deployed there. I think out of the 25 NATO countries something like 17 have forces either in Iraq or Afghanistan or both.

NATO has the same problem. You make humorous about the spigot. The problem is that NATO has a worse spigot problem. They've got about 2.4 million people in uniform, and they have trouble sustaining 50,000. We're sustaining, if you take Iraq, Afghanistan and the entire CENTCOM area of responsibility, about 250,000, 275,000 forces on a base of 2.6 million.

RUMSFELD:

They've got about 2.4 million or 2.5 million or 2.6 million and they're having trouble sustaining 50,000. So the idea that the U.N. is some sort of a solution to all this problem or the idea that NATO is a solution to all these problems I think misunderstands the force capabilities of those countries.

Once you get a U.N. resolution, however, you do reach beyond the NATO countries and that's a big opportunity.

STEVENS:

Thank you very much.

Please give the SAC general's family our condolences. We remember him, too.

Senator Byrd?

BYRD:

Secretary Rumsfeld, can you tell the committee how the \$25 billion request will be structured? What appropriation accounts...

RUMSFELD:

Senator...

BYRD:

... will be receiving increases?

RUMSFELD:

... we do not have that request.

BYRD:

I understand that. But do you have any idea how the \$25 billion request will be structured? What appropriations accounts will be receiving increases in your amendment? And what specific activities and programs will be funded?

Does the Defense Department intend to seek additional legislative authorities with this request? Do you intend to request additional flexibility in the use of allocation of these funds?

RUMSFELD:

Yes, sir. As I mentioned earlier, the decisions as to how it ought to be structured and what it ought to be called is a matter that's being discussed between the White House, the Office of Management and Budget, and the Congress. They're trying to work out something that makes sense from your schedule and the flow of your legislation in both houses.

The funds would be spent for operational costs and force protection costs. And I do not believe at the moment that anyone anticipates that there would be additional authorities.

But it would be for personnel support costs, for combat operations, supplies, force protection, transportation, those types of things.

BYRD:

What assurances do we have that these funds will be limited to operations in Iraq and Afghanistan only and not be diverted into some kind of dual-use activities that could be used to prepare for another war?

RUMSFELD:

The request will specify what they're for and, as always, the department will see that the authority that is provided by the Congress is adhered to. And they're currently working out reporting procedures with the Congress that will be, I believe, explicit at that point where the request comes forward.

BYRD:

But I'm sure that Congress would want to be sure that there's limitations on these monies and that this will not be a slush fund. I'm also confident that it will not be limited to \$25 billion. There will probably be twice that amount or three times that amount before it's over -- I would anticipate that.

Mr. Secretary, America's military forces are stretched thin throughout the world. Simply put, we have more military commitments than we have the personnel to cover them without taking extreme steps.

The Army, for example, is dependent on a stop-loss policy to retain soldiers and meet its commitments in Iraq and elsewhere. How long has the stop-loss policy been in effect?

RUMSFELD:

It's my understanding that stop-loss has been a policy that's been in effect for years and years and years, and it's been used by all of the services over time. And it has a good military purpose. Possibly General Myers will want to comment on it.

But at that point where a unit -- everyone in the military, in the Guard, in the Reserve, is a volunteer. Each one volunteered knowing that they were going to go on active duty or they were going to go in the Guard and Reserve and, as needed, they would be called.

When a unit is deployed, it has trained together, it's worked together, it's ready to go and suddenly it has to go. There are always some people in that unit who are due to get out, or due to be transferred, at any given moment.

RUMSFELD:

And so what the stop-loss does is it assists with unit cohesion. And if people are due to be deployed and they look at the unit and they make a judgment at some cutoff point and say anyone who was scheduled to get out can't, and therefore that's the stop-loss.

BYRD:

So how many troops are currently affected by the stop-loss order?

RUMSFELD:

I can check with Dr. Chu behind me, and I'll bet you he knows. About 20,000, he tells me, throughout the entire force.

BYRD:

And when would you expect to lift the stop-loss order?

MYERS:

As the secretary said, Senator Byrd, this is essentially the way we do business when we deploy units. And it's not just stop-loss, it's also stop moving, as the secretary said, if they were moving to another post, camp or station, or to school. And as units continue to deploy, stop-loss and stop-move will be used in that way.

I would also say that if individuals are stop-lossed that were planning on getting out of the service, there is a process they can go through where they can appeal and say, "Listen, I had something set up that I've just got to do." And I think, for the most part, very few are turned down.

Is that right, Dr. Chu?

I mean, the percentage is very, very high of those appealing on stop-loss if they have something they just have to do. Their case is looked at and they're...

BYRD:

General Myers...

RUMSFELD:

Sir, it also varies -- excuse me -- it varies from service to service. For example, at the present time, the Air Force is not using stop-loss, whereas the Army and the Navy are.

BYRD:

Mr. Secretary, do you have any concern that once you lift the stop-loss order you will see a mass exodus of experienced troops? And do you have any plan to cope with such a contingency?

STEVENS:

That will be the senator's last question, unfortunately, Senator Byrd.

BYRD:

All right.

RUMSFELD:

Senator Byrd, I always worry about things, and that's a fair question.

At the moment, the way the stop-loss works is, it's unlikely that it would lead to a mass, because it's sequential, and it doesn't affect large numbers in a specific time point.

RUMSFELD:

It may affect a total at the present time 20,000 people. But so far the recruiting and retention in all of the services is, for all practical purposes, meeting their target. So we're not, at the moment, seeing any adverse affect from the stop-loss, nor do people in the service, as I understand it, think of it as unusual because it's been a policy that's been used for some time.

STEVENS:

Thank you very much.

Senator Cochran, you're recognized for five minutes.

COCHRAN:

Mr. Chairman, thank you.

Mr. Secretary, you pointed out in your opening statement your interest in restructuring National Guard forces to try to get the most out of the forces that we have who are available to our country in this time of need in Iraq and Afghanistan and elsewhere.

I applaud that, and I want to assure you that we'll be happy to work with you to guarantee that the funds are there to help you achieve this goal.

I happened to notice in my briefing papers here that in our state of Mississippi, the National Guard and Air National Guard units have been deployed. We have more than 3,000 troops from our state that have been deployed since Operation Iraqi Freedom began.

This weekend, we're welcoming home a combat engineer battalion. And that battalion, over 200 soldiers in the group, were sent in right after the Tikrit airport was taken over. They built a perimeter around that airport. They built structures for the defense of our forces throughout northern Iraq. They haven't taken a single casualty. They're coming home safe and sound. Thirty-two Bronze Star medals are being awarded -- have been awarded to the troops in that group.

And it makes me very proud of those troops, in particular, but other from throughout our state and across the country who have responded to the call, carried out their missions with a tremendous amount of professional skill and courage. And we owe them a great deal.

COCHRAN:

And I know that an effort is going to be made to ensure that they are treated fairly. We have some that have just gotten back from Bosnia, for example, who are now being put on a list of possible deployment to Iraq. We have others who've been to Guantanamo Bay.

So the National Guard and Reserve forces are really being stretched and I worry a little bit about whether or not we have the incentives and the pay and benefits that are necessary to guarantee that we can retain and continue to recruit members of the Guard and Reserve in the future.

There's a track-year (ph) program, as an example, a health benefit program that Congress has authorized, but it's not yet been implemented for National Guard forces. I bring that to your attention because it may be one example of what we can do to help make sure we're treating those forces fairly.

What is your response to that general problem that we may face, and what the Department of Defense is doing to address it?

RUMSFELD:

The problem you mentioned is real. You have units, and we look at their deployments - - it may be Bosnia, it may be Guantanamo, it may be Afghanistan or Iraq -- and then there are individuals that change in units. And so someone may be coming back and go to another unit and end up being deployed at some point.

The planning tools in the Army are imperfect and they're being refined and improved. And we're doing today, I believe, a vastly better job than we did a year ago in having visibility into the circumstance of individuals as well as units.

When I sign a deployment order, I look at each unit and the numbers of individuals and how long since they'd been deployed.

You're right, the Guard and Reserve have stepped up and done a magnificent job. You're right also that the Guard and Reserves have been stressed. But the fact is it isn't probably quite right to say the Guard and Reserve have been stressed. Significant portions have and other portions have not at all been used.

And that is -- goes to the point you made at the outset, that we've got to find a way to rebalance these skill sets, both within the Guard and Reserve and also as with the active force.

COCHRAN:

General Myers, one of the units in our state, an Air National Guard unit, has been the first Guard unit to have the C-17 fleet assigned for operation in Jackson, Mississippi. And we're very proud of that honor and the forces there are working hard to do the training and maintain the facilities that are necessary to carry out their responsibilities.

COCHRAN:

I noticed that a recent Congressional Research Service report concluded that there is a need for strategic lift capacity greater than that which we had earlier expected. Currently there is a procurement strategy for C-17s of a total of 180 by 2007, and the Air Force is indicating now they may have a requirement for more than 200.

I wonder if the aging of the C-17 fleet or the C-5 fleet, are causing you concerns. Do you believe the budget requests that are before the committee are sufficient to deal with the needs that we have for strategic airlift?

MYERS:

Senator Cochran, I believe that the request that you have right now is sufficient for fiscal year '05. What we need to do and what we are doing is looking at what we call our mobility requirements study. We do these, as you know, periodically. It looks not only at airlift, but other modes of transportation.

I think coming out of that and getting ready for the '06 budget you will probably see the answer to the question on, "Do we need more C-17s beyond what are currently programmed?" And I don't want to prejudice the outcome of that, but the concerns you raise are serious concerns when you look at it.

By the way, the C-17 is performing magnificently. You remember it was at one time a maligned program; almost cut. And it has been -- it's kind of my primary mode of transportation when I go back and forth to the Middle East and I've come to know it very well.

Let me just make a comment on the reserve component. I would like to echo what the secretary says. You know, we're one armed forces. We're the total force. When I go to visit troops, you can't tell who the reservists are, who the guardspeople are, who the active duty are. Everybody is in there together. Everybody is performing, in my view, magnificently.

We've got to worry as much about reserve component recruiting and retention as we do the active piece, because they're -- we're a total force. We could not be doing this without the reserve component, and they've really answered up.

On medical, there are a couple of things that I know we need help on medical that don't break the bank. One is making sure they get TRICARE benefits prior -- earlier than they do now then they are mobilized. They need that. They also need it longer on the other end when they are demobilized.

And they need transportability. Right now if they have a private insurance company, they can go to TRICARE, but TRICARE may require they change providers, and when you have serious medical problems in a family, that's not the thing to do for a year or two, to change providers.

We could mandate the same thing that we mandate for Medicare: that if you take TRICARE, you know, everybody's got to take it.

So there are some I think relatively inexpensive things we could do today to help our reserve component mightily.

The other thing we ought to do for sure is make sure that our reserve component folks get annual physicals so we know what kind of medical shape they're in, because we've discovered a lot of problems. I mean, this sounds far-fetched, but one person who was mobilized needed a liver transplant. So we ought to keep up with this on a yearly basis so we know what the health of our force is.

STEVENS:

Thank you very much, Senator.
Senator Leahy's recognized for five minutes.

LEAHY:

Thank you, Mr. Chairman.

Mr. Secretary, yesterday in Iraq, an American citizen was brutally murdered by Al Qaida. Long before that we saw the dismembered corpses of brutally murdered Americans left hanging from a bridge by jubilant Iraqis. Each of these brave Americans are there to rebuild their country and the despicable acts illustrate once again the depravity, the determination of the enemy we face.

I think we all agree on that on this committee and on the other side. The question is how to stop it.

You have stated you're sorry. And the president said he's sorry. Everybody said they're sorry about the Iraqi prison scandal. It's actually the first time in this long, protracted and rather strange policy I've heard any administration express regret about any mistake.

Let me tell you a few things I'm sorry about. I'm sorry that someone in the administration gave currency to a fraud, to quote George Will, by putting in the president's State of the Union speech Iraq was trying to buy uranium in Africa.

I'm sorry that this administration repeatedly, insistently and unrelentingly justify preemptive war by insisting that Saddam Hussein not only had weapons of mass destruction, but he's hell-bent on using them against us and our allies.

And I'm sorry about administration officials, led by the vice president, repeatedly trying to link Saddam Hussein to 9/11 when there never was any link -- none. They were doing it to build support for the war.

I'm sorry the truth tellers in the administration like General Shinseki and Lawrence Lindsay, were hounded out of their job because they had the temerity to suggest realistic numbers, both for our troop level and for what this war is going to cost.

I'm sorry there's no real plan, despite a year long \$5 billion effort by the State Department, to stop the looting that greeted our soldiers upon Saddam's fall that set back reconstruction efforts by months or years, left the gates open to ammunition, weapons and other things they use against our brave soldiers today.

I'm sorry that the president taunted Iraqi resistance fighters to bring it on while our troops are still in harm's way.

I'm sorry that some of our closest allies and friends, like Mexico and Canada, even the countries that you dismissively called Old Europe, are alienated because they disagreed with our strategy of preemptive war, countries whose diplomatic and military help we need desperately today.

And I'm sorry that those that try to find the truth about allegations of prison abuse in Iraq and in Afghanistan and in Guantanamo were ignored or brushed off for more than a year until all of a sudden the press published the lurid photographs. And then we look at it and we have apologies for the whole administration.

Now, last October 13th, in your memo entitled "Global War on Terrorism," you asked -- I'm quoting what you said -- "Are we capturing, killing or dissuading more terrorists

every day than the madrasas and radical clerics are recruiting, training and deploying against us?"

Al Qaida wasn't in Iraq when we started this war. They are there now.

How do you answer the question you posed last October? Your question was again, "Are we capturing, killing or dissuading more terrorists every day than the madrasas and radical clerics are recruiting, training and deploying against us?" How would you answer that today?

RUMSFELD:

Well, first I'd like to, Senator, answer a few of the other comments you made.

LEAHY:

Could we answer that one first?

STEVENS:

He has full right to answer your question.

LEAHY:

I know, but could we answer the specific question I asked? That's the only question I asked.

Answer that and then say all you want to say.

RUMSFELD:

I think it's fair that I be allowed to answer your statement.

LEAHY:

Well, I asked a question. You don't want to answer my question?

RUMSFELD:

I'll be happy to answer your question.

LEAHY:

Please do.

RUMSFELD:

I will.

Let me start this way. The statement that General Shinseki was hounded out of office is false. He served his entire term. Everyone who knows anything about the military knows that fact.

Second, he had a different view, which is fair for anybody, as to how many forces would be appropriate. To my knowledge, he did not express it -- well, I won't even say that. Forget that. That was a private meeting.

But the fact of the matter is every general there -- on the ground, in the country -- and on the joint chiefs currently believe that we have the right number. If he disagrees, that's fair. He's a fine, honorable man and he can have a difference of opinion. But the fact is that the number there is what the military believes is appropriate.

General Myers, I'd like to comment on the caches that you say were left unattended. And I think your statement that allegations of abuse were brushed off is unfair and inaccurate. There have been a lot of fine people...

LEAHY:

I'll show you the correspondence I sent to your office asking about these abuses five months ago that were never answered.

RUMSFELD:

If there was a letter that wasn't answered, I apologize.

But the fact of the matter is that we get repeated reports from people of problems and they are checked and they are worked on and corrections are made, and most of the investigation reports indicate that...

LEAHY:

Apparently not in Iraq or Afghanistan, according to the front page of the papers this morning.

RUMSFELD:

The fact of the matter is that Iraq there have been improvements made and successive investigations have seen that improvements were made, and they were not brushed off.

And I think saying that the military chain of command was brushing off legitimate comments about procedures being used with detainees is just simply not consistent. We're trying to find out precisely what happened, and we're going to end up with six investigations going on and we'll know the extent to which things were or were not brushed off.

RUMSFELD:

Last, I don't know the answer to your question. I wish I did. I posed it because it may be a question that's not answerable except over time.

But I do worry about it, which is why I wrote the memo and why I sent it to General Myers.

I think that the world is facing a very dangerous threat in international terrorism. They are capable and, in fact, already have killed tens of thousands of people in various ways and different countries over time: 3,000 in this country alone and attacks in Saudi Arabia, attacks in Turkey, attacks in Indonesia.

And we know these madrassas schools -- and not all madrassas are bad, but a small fraction of them do, in fact, get funded for the specific purpose of training people to go out and kill innocent men, women and children and to do the kinds of things you cited in your opening statement.

It is inhuman. It is against any law of war. And it's a dangerous thing. And I don't know of any way that one can calculate that. Our folks are doing the best job they can.

MYERS:

Senator Leahy, let me just -- let me talk a little bit about the gruesome murder of Nick Berg. The best we know -- and I don't know that we know this for sure -- but it looks like

the perpetrator -- the lead perpetrator might have been this fellow Zarqawi, who, while not Al Qaida, has been Al Qaida-affiliated for a long, long time. Well before the war in Iraq, he was in Iraq from time to time.

If that's true, then this is not Iraqis killing Americans, this is a -- in fact, he is, I think, a Jordanian citizen.

But he's an extremist most of all. The Zarqawi letter tells us all we need to know about him. He will do anything to stop the progress in Iraq. He's the one that suggested, "Hey, we're losing to the coalition. We have to do something dramatic. And maybe we need to start a civil war between Sunni and Shia."

So this act, if it is, in fact, Zarqawi, as some allege, just a further validation of what his tactics are. I just make that point on the Nick Berg thing.

LEAHY:

I appreciate that.

STEVENS:

Senator Domenici...

LEAHY:

Chairman, we'll be able to submit other questions for the record, I hope.

STEVENS:

Senator, yes, about the appropriations.

LEAHY:

I have several...

STEVENS:

This is not a hearing on Iraq abuse. It's not a hearing on Al Qaida. This is a hearing on to try and ask questions concerning the information we've been given on appropriations requests so far.

LEAHY:

Mr. Chairman, we haven't even been given a request yet and we're having a hearing.

STEVENS:

We had a request for \$401 billion.

LEAHY:

For \$25 billion?

STEVENS:

That's what we're talking about this morning. We haven't received the Reserve request, that's true. But that's -- you know, I have no cork to put in senators' mouths or witnesses' mouths...

LEAHY:

I appreciate that.

STEVENS:

... but when I hope we pursue the information we've gotten so far, on which we still need a lot of information about the \$401 billion.

Senator Domenici recognized for five minutes.

DOMENICI:

Mr. Chairman, I will follow your admonition, but I wish I had a few moments to tell this committee what I'm sorry about.

I'm sorry about 9/11, when 3,000 Americans were killed by terrorists.

I'm sorry that Saddam Hussein took over this country and killed thousands of people and established one of the worst regimes ever.

And there's another wrong list of what we're sorry about and they're completely different than what Senator Leahy's sorry about.

Now having said that, I'd like to talk about -- because it does have to do with resources. We are only 42 days away from turning over this country to the Iraqi leadership, whatever that is.

Mr. Secretary and General, I am very worried about how prepared the Iraqis are to take over this responsibility and, secondly, what we have done to prepare ourselves and them to work together to make this work.

I can envision that this situation will not work and that we won't have an organizational structure that will do anything other than have Americans fighting and us supplying those fighters with more and more money.

Can you describe, as best you can, where we are, what we're going to do and how confident you are that this turn over is going to be meaningful in terms of maintaining the peace and moving ahead with America's commitment?

RUMSFELD:

Thank you, Senator.

It's a tough question. If you think back to Afghanistan, we didn't know how that was going to work.

We went in. The Taliban was removed. The Al Qaida were put on the run. And what was left were a series of warlords with militias and no government structure.

And lo and behold, out of the blue, came something called the loya jirga and out came agreement that a fellow named Karzai should be selected as interim president. And there he is.

And it's been wobbly and he's worked his way along and he's made arrangements with other people and, lo and behold, it's survived. No one in the world could have predicted how that would go.

And now they're scheduled to have elections later this year. They're scheduled to endorse their constitution. And it might very well work. I've got confidence that it will work.

DOMENICI:

Mr. Secretary...

RUMSFELD:

But it was an Afghan solution.

DOMENICI:

I have been fair, I think, in my questions, and I've been fair with you all all the time -- but I don't want to hear about Afghanistan. It is completely different...

RUMSFELD:

It is.

DOMENICI:

... in my opinion. It has nothing whatsoever to do with the 26 million people country that has people like al-Sadr around gathering up people, that we have cities that we are abandoning to a bunch of thugs, and yet at the same time we're saying we're going to form a new government and turn over power to them.

I believe that you have to be better prepared for this transition than I have heard. And it may be you can't tell us. But the transition is not something that's going to work unless you have planned it and the military have planned it and you're working with Iraqis.

And frankly, I think you ought to tell us.

RUMSFELD:

I'll do my best.

The United Nations representative, Brahimi, has been working with us, with the Coalition Provisional Authority and with the Iraqi people, the Iraqi Governing Council and hundreds of other Iraqis. And he has come up with a formula which is now being tested in the marketplace there.

RUMSFELD:

People are describing it, talking about it, analyzing it, recommending changes. And it may not be exactly when he proposes, but it'll be something like that.

My guess is there'll be a conclave something like a loya jirga, where governors and city councils and people like that will come together and they'll end up working out something that is generally acceptable to the bulk of the people -- not permanently, but between June 30th, when sovereignty is accepted by the Iraqi government, whatever it looks like -- the current theory is there'll be a president, a couple of vice presidents, there'll be ministries, and they will assume that responsibility for a period.

And the period would be ended after they have fashioned a constitution, voted on a constitution by the Iraqi people, and then elected other people to succeed that interim group.

Will it happen right on time? I think so. I hope so.

Will it be perfect? No.

Will it be like Afghanistan? No. You're right. It'll be an Iraqi solution, just like Afghanistan was an Afghanistan solution.

Is it possible it won't work? Yes.

Is it possible they'll stumble and wobble? Everybody stumbles and wobbles.

DOMENICI:

Mr. Secretary, let me just, for instance, raise one question.

It would appear to me that for this to work somebody has to have a plan for serious, long-term improvement of the infrastructure of that country. That's not going to fall in our shoulders. Somebody has to put it together. Somebody has to make sure that the monies coming into that country are used to leverage long-term loans of a lot of money or there's no chance that the Iraqis are going to buy this based upon things we'll work out years from now. They got to work out from the very beginning. And I wonder, who's working on that kind of infrastructure assurance, or are we just expecting it to happen.

STEVENS:

That's the senator's last question. I'm sorry.

DOMENICI:

I thank you.

RUMSFELD:

The conviction on the part of the United States and the coalition countries has been that you need to make progress on Iraqis taking over governance of their own country, simultaneously make progress on security, and simultaneous make progress on essential services, the infrastructure: that one can't go ahead of the other.

You're not going to get infrastructure to proceed if, in fact, security isn't sufficient to protect it. You're not going to get the governance to go forward if there isn't some progress on infrastructure and essential services. So that understanding is there.

My personal view is that the critical ones are governance and security, and that the infrastructure will be something that will probably lag behind somewhat.

And they're going to have to pay for the improvements in their infrastructure. The Congress has voted some money. The international community's given some money. They've got oil revenues. They're going to have to do that. It's going to take them time.

There isn't any reason that country can't be as prosperous as its neighboring countries, in Kuwait and -- but isn't going to come from us, that's going to come from them. And these are intelligent people, they're industrious people, they've got resources, they've got water, they've got oil revenues, and they're going to have to do that themselves.

What our task is, is to pass governance to them, have them accept it.

RUMSFELD:

Will they be good at it at first? No. They're not going to be good at. They have been living under a dictatorship. They don't know how -- they're not going to be instantaneously successful in negotiating, compromising, putting their faith in a piece of paper called a constitution that will protect the rights of each religious group in there. But they'll get it eventually just like the Afghans are getting it, it seems to me.

With respect to security, it's our job to see, as General Myers said, that we continue to invest in recruiting, in training and deploying and developing a chain of command so that the Iraqis are able to take over security for themselves.

People can be quite dismissive of the 206,000 Iraqi security forces, but 300 have been killed. They have not been killed because they're sitting in their barracks with their fingers in their ear. They've been killed because they've been out doing the job and helping to provide security in that country.

And, by golly, we can help train them. We can help equip them. And we can give them more responsibility. And they're going to have to take it over because the United States has no intention of staying here. We're not going to make a career out of that.

STEVENS:

Thank you very much.

MYERS:

Let me just...

STEVENS:

General Myers, do you wish to comment?

MYERS:

Yes, just a -- I have a short comment.

STEVENS:

General?

MYERS:

Thank you. Thank you.

On the security front, first of all, we're going to have 20,000 additional troops in there for some time to come, as I mentioned in my opening statement. We delayed some and we're going to replace them. So we're going to have in the neighborhood of 135,000, 136,000 troops there for the foreseeable future to deal with the security issues that we think we need to deal with. And that's been General Abizaid's request.

Second, we're going to stand up a brand new headquarters that will deal at the strategic level with our chief of mission, with other chiefs of mission, and most importantly -- most importantly with Iraqis. We want to go from a coalition in that country to a partnership with Iraq. And this means developing the ministry of interior, the ministry of defense, and have Iraqis part of that whole chain. And we see it as a mentoring program for a while.

But eventually, as the secretary says, you've got to take the hand off the bicycle seat and see how far they get. And if they fall over and bruise themselves and get cut up, then you wipe them off, you dry, you put a Band-Aid on the knee, and off they go again.

We think an awful lot about how we're going to do that on the security front. And the equipping and training of the Iraqi force I won't go into again.

But there's been a lot of thought given to that structure that we're going to. We're going to try to stand up that headquarters as quickly as we can. As a matter of fact, we've been working that for a couple of months now.

STEVENS:

Thank you.

Senator Harkin, you're recognized for five minutes.

HARKIN:

Thank you, Mr. Chairman.

Secretary, on May the 7th, an AP story came out. It said that, "A year before the Iraq invasion, the then-Army secretary warned his Pentagon bosses that there was inadequate control of private military contractors."

RUMSFELD:

Yes, sir.

HARKIN:

"Retired Army chief Thomas White said that the recent events showed the Pentagon has a long way to go to fix the problems he identified in March of 2002. In a sign of continued problems with the tracking of contracts, Pentagon officials on Thursday acknowledged they have yet to identify which Army entity manages the multi-million dollar contract for interrogators like the one accused in the Iraq prisoner abuse probe.

HARKIN:

"Defense Secretary Donald H. Rumsfeld" -- I'm still reading from the AP release -- "also acknowledged his department hasn't completed rules to govern the 20,000 or so private security guards watching over U.S. officials, installations and private workers in Iraq." Now, that's just 20,000 private security guards. How many more we don't know.

This article goes on to say, "No single Pentagon office tracked how many people -- Americans, Iraqis or others -- are on the department's payroll in Iraq." I just find this disturbing that we don't know how many people are on the payroll, who they are. This says to me we might have a bunch of Rambos over there running around, and no one's got control over them.

"In a March 2002 memo White complained to three Pentagon undersecretaries that 'credible information on contract labor does not exist internal to the Army Department.' The Army could not get rid of, 'unnecessary, costly or unsuitable contracted work,' without full details of all the contracts, White wrote."

RUMSFELD:

Is this referring to Iraq or Afghanistan or what or just generally?

HARKIN:

Referring to everything. Well, basically, the article's on Iraq. This is on Iraq. This is just basically on Iraq.

STEVENS:

Senator, I'm sorry, I didn't hear that source. What source are you quoting?

HARKIN:

I'm quoting from this AP article. I said the AP article that came out on May 7th. That's all I'm quoting.

So my question again is -- this has to do with appropriations -- how much money is going to private contractors? We can't seem to get an answer to that -- in Iraq. How many people are we talking about under these private contractors? Who screens them? Who approves their contracts? I guess my bottom line is, who's responsible? Who's responsible for all these people?

RUMSFELD:

The Coalition Provisional Authority in Iraq, headed up by Ambassador Bremer, tracks these people. We track DOD people that are there; but they've reported to Congress. The United States Army is the executive agent for contracting for the Coalition Provisional Authority and the CPAs, the Coalition Provisional Authority Program Management Office works for the United States Army.

HARKIN:

So the Army's in charge.

RUMSFELD:

The Army is the program management office executive agent.

I would not say that the Army would be the one making the decisions as to what contracts ought to be let for what purposes. That would be the Coalition Provisional Authority. But then they delegate to an existing institution, the United States Army, to manage the contracting of it.

In some cases it's been the Corps of Engineers. In some cases it's been the Agency for International Development. In some cases -- the way our government is organized is that those responsibilities flow down different roads.

RUMSFELD:

And that's the way the executive branch of the federal government's organized. That's the way the Congress is organized. And there is not a single person. I wouldn't think, because of AID reports up in the Department of State area -- just a second here.

HARKIN:

Could we know, Mr. Secretary, what's under your jurisdiction? I mean, what is under - in terms of private contractors and the jobs that are being done over there...

RUMSFELD:

You bet. We can give you a complete...

HARKIN:

I'd like to know, what's under your jurisdiction?

RUMSFELD:

... report of it. We could give you a complete report of who handles what types of contracts.

Corps of Engineers handles a whole series of contracts. The military intelligence, when they hire contractors, for example -- I think you mentioned this -- for the purpose of interrogation or for the purpose of a linguist to do translation, that would be through military intelligence. It depends on what it is that's needed at any given time.

HARKIN:

Again, this article -- I'm just quoting from the article because I don't know the facts.

RUMSFELD:

I haven't seen the article, so I apologize.

HARKIN:

It says, "No single Pentagon office tracks how many people are on the department's payroll in Iraq."

The Department of Defense payroll -- how many civilians are on your payroll over there? And I would be greatly disturbed...

RUMSFELD:

We can certainly give you...

HARKIN:

... if this article was true.

RUMSFELD:

The reference, it wasn't a quote, but it was a comment about allegedly indicating something I had said, I've never heard of that, which you said the article said I said. But we'd be happy to tell you how many there are and who they are hired by and for what purposes.

HARKIN:

Provide to this committee how much money...

STEVENS:

Mr. Lanzillotta wants to answer that question, I think.

LANZILLOTTA:

Senator, I may be able to help a bit.

We submit a quarterly 2708 (ph) -- it's called 2708 (ph) report -- that has a lot of that information in there.

As far as contracts go for the funding and the number of people, we track on a weekly basis. I get through CPA comes in an obligation report of how much has been

apportioned, how much has been committed, how much has been obligated, and I see all the funding documents that go through on every contract with the number of people that go through there and I personally sign off on those.

HARKIN:

So you can provide to this committee how much money goes through the Department of Defense to private contractors, one; you can provide how many civilian people are working under those contracts in Iraq at this time; and you can provide also this committee the chain of command who is responsible for overseeing those contracts? You can provide all that?

LANZILLOTTA:

Let me clarify your last...

HARKIN:

(inaudible) has to go with the fact that -- I'm just citing again this article, I don't know if it's true.

"No single Pentagon office," according to this writer, "tracks how many people -- Americans, Iraqis or other civilians -- are on the department's payroll in Iraq."

LANZILLOTTA:

If you're asking who let the contract...

HARKIN:

Who tracks how many people there are there?

LANZILLOTTA:

I can give you and will provide for the record the obligation data as of this hearing date the number of people that we have in the various categories working, and I will provide which office did the contracts.

RUMSFELD:

Let me put it this way also. We can provide that data. You keep going back to the point, which is a fair point, is there a single office? And the answer is no.

For one, the way the Congress is organized and the way the statutes that the Congress has passed has organized the Department of Defense, we've got Department of Army, Department of Navy, they do things there, Air Force does things there. Each of the services do. The Marines do, and other elements.

So the only place that information gets aggregated the way the Congress has organized the department under Goldwater-Nichols is through the comptroller shop, where they take all of the things that happen in the department and try to pull them up, I think is the answer to your question.

HARKIN:

So there's no coordination?

RUMSFELD:

Of course, there's coordination. You didn't ask that. You asked, "Is there a single office?" Coordination takes place in the comptroller's shop.

LANZILLOTTA:

We coordinate -- when a contract comes through, we coordinate with all effected offices, to include the general counsel, to ensure that there are no objections and it's a legitimate contractor.

HARKIN:

Mr. Chairman, I know my time is up, but my point is that I don't know -- we don't know how many civilian people are contracted, we don't know how much they're being paid, and it just seems that there's no real handle on all these civilians over there. I just don't know. We can't seem to get a handle on it.

STEVENS:

Senator, I think that we had a suggestion from Mr. Lanzillotta, they'll provide us with some information. I think the problem is, is I don't think it's all in one place at any one time.

General Myers, would you comment?

MYERS:

I have numbers, but I think I'll defer to...

LANZILLOTTA:

Well, I can...

(CROSSTALK)

MYERS:

But I have the number of U.S. contractors, the number of -- you remember it was in the '90s when we started downsizing. We cut our military by a third, roughly.

MYERS:

And the cry then was, from many people, and from people in the business sector, "How about outsourcing a lot of your work?"

So we did that, and you'll remember that. We've saved money because we don't need a lot of folks to do dining halls if we only need to do that during crisis.

And so that's the situation we're in now. We are contracting out a lot, because of previous decisions we made, encouraged. I think for the right reasons at the time.

And one of the things I've asked one of our staff entities to do is, "Let's take a look at contracting out and see if those decisions we've made in the last 10, 15 years are still right for this security environment, because of the contractor issues we're finding on the battlefield."

But I've got the numbers. I can give you down to the number of host nation Iraqi laborers. There are 17,834 that are...

STEVENS:

General, if we may, Mr. Lanzillotta's going to provide that for the record. So if you could do that...

MYERS:

Yes, we'll provide it for the record. But I'm just saying, I've got some pretty good detail here.

STEVENS:

... and then have comments later.
If that's agreeable with the senator?

HARKIN:

That'd be fine.

STEVENS:

Thank you.
Now recognize Senator Bond.

BOND:

Thank you very much, Mr. Chairman.

First, I commend you, Secretary, Chairman, for your great work. I think these have been very difficult times. The leadership that you're providing is absolutely essential to support our troops and the provide contractors who are engaged in a very important mission. And we're grateful for that.

I will have a lengthy statement for the record that somebody may wish to read, but I will feel better for having submitted it, because I have some strong views I will include in it.

Senator Cochran has already asked about the OPTEMPO and increasing reliance on the Guard. As co-chairman of the Guard Caucus, I'm very proud of what the National Guard is doing in answering the call to duty.

And I'd like to ask your comments on how is the review on rebalancing of forces, adjusting the mission and the force structure, how is that progressing? And what is necessary from this committee and this Congress to support our troops -- not just Guard and Reserve, but all of our troops -- in seeing that they can win a war which once again yesterday we were horribly reminded is a war against the forces that would destroy civilization, that depend upon and act with pure evil intent?

RUMSFELD:

Senator, I would characterize broadly the process of rebalancing the Guard and Reserve, and the active component with the reserve component, as progressing quite well. In fact, I've been quite impressed with the speed that particularly the Department of the Army has demonstrated in addressing it. And, of course, the Army's the biggest place that this needs to be done, and they been addressing it with a good deal of, I thought, excellent work.

RUMSFELD:

And they're -- the process is under way. They're doing that simultaneously with the task of increasing their combat capability from 33 brigades to 43 brigades and moving to a more modular approach and all of that takes time.

We've overused military police, we've overused certain civil affairs Reserves and Guard, because of the way the total force was structured. That's being shifted, and it'll take -- I'm going to guess -- oh, goodness, it will probably take two, three years -- four years -- to get it done.

David Chu, is that about right? But we've got a good start on it.

BOND:

One of the things that pundits are raising is the problems that they see coming down the line with recruitment and retentions. I've heard anecdotally some very good news on those subjects. What do you see from the department level about recruiting and retention?

RUMSFELD:

Well, I look out there and it's foggy, it's blurred. I'm worried. On the other hand the data we get is very positive. We are clearly retaining and recruiting the skill sets we need in the armed forces. And that is enormously encouraging.

I have no idea how fast that could drop off. And we have to constantly try to refine our ability to look out there and to take steps in advance.

For example, when we had to extend some Guard and Reserve people beyond the 365 days in Iraq to another 90 days because of the situation on the ground, we didn't want to do it. But General Abizaid said he needed a net additional 20,000 forces. We said, "Fair enough. What's the best way to do it?" And that was the best way to do it.

But we immediately stepped in and provided a -- some compensation for those individuals who served various portions of three months.

BOND:

Mr. Secretary, I appreciate that.

I know you wouldn't be satisfied if I didn't raise one issue that I brought to your attention before. It has to go to morale. It is the question of military mail delivery. We've discussed this on many occasions.

I know you have many other issues of great importance, like protecting the lives and feeding and providing munitions, but I understand this is a -- this is a very real concern to the men and women over there. And having some personal interest in that as well, to which I confess, I wonder if you had looked at outsourcing some of the mail clerk functions in working with the U.S. Postal Service to assure the mail delivery is improved.

RUMSFELD:

I have not looked at that. I know that the subject of mail delivery is, as you point out, an enormously important one and that the services and the Central Command have all been working on it. I know they've even particularly looked at it from the standpoint of the difficulties they had with respect to all the elections that are taking place this year.

And coming over in the car David Chu briefed me that they have been working -- the Department of Defense has been working with the Post Office Department to try to find ways to improve that and believe they've made progress.

MYERS:

The reports I've seen, Senator Bond, and I've seen -- I get reports from time to time -- shows that it's getting better. I don't think it's where it needs to be yet and we have to continue to find ways to -- but, you know, when I was the commander of the U.S. forces in Japan, a fairly mature theater in the mid-'90s, we still had problems over there because of just handling procedures where all the mail would go into Nerita (ph), and then it had to be brought to Yakoda (ph) and then it had to be -- and so, it was -- we were constantly working that problem.

It's obviously a worse situation in Iraq. We've got to find ways to work around that. And it's critical to morale; we understand that.

RUMSFELD:

They also have tried to find locations where they could put phones and computers for e-mail access which is a part of the problem, and that's been working well.

BOND:

Thank you.

STEVENS:

You should revive the v-mail. We used to get v-mail.

RUMSFELD:

I remember.

STEVENS:

It would all go to one place and then be sent by telegram and then they'd package it up on the other end.

Isn't that right, Dan?

INOUYE:

It's called the Internet now.

(LAUGHTER)

STEVENS:

You know, e-mail is something different because they'd take your letter your mother wrote you and they'd put it in a telegram and send it over and they'd keep the mother's letter. It was a different thing.

Senator Durbin?

By the way, you're not that old anyway.

(LAUGHTER)

INOUYE:

I feel like it on this committee, let me tell you.

STEVENS:

We were going by seniority. Senator Feinstein was here first, if you'd wish to yield to her, Senator Durbin?

Senator Feinstein?

FEINSTEIN:

That's very generous. Thank you.

Thank you very much, Mr. Chairman.

I have just one quick question on Abu Ghraib for General Myers, if I might, because I think it needs to be cleared up.

General Taguba testified yesterday -- and let me just quote -- "Failure in leadership from the brigade commander on down, lack of discipline, no training whatsoever and no supervision were the root of the problem."

FEINSTEIN:

My question to you is what have you done to remedy this problem if you could specifically speak to each of those: lack of discipline, no training, no supervision?

MYERS:

On the discipline issue, quite frankly, what was done was to replace the unit and put a unit in there that was a better unit. And I hate to get into more specifics because it then starts to prejudice any action you may want to take against any of the...

FEINSTEIN:

I'm not asking you for that. I'm asking you for the remedy.

MYERS:

The remedy was another -- the immediate remedy was another unit -- to put another unit in charge. This was, as the Taguba report, now everybody has read it -- this was a unit that had issues with just adhering to the Army's standards. Their uniform -- they didn't have standardized uniforms. They were allowed to carry guns in their civilian clothes when they were off duty. They had things written on their cap. They didn't particularly want to salute.

This was a unit that had those exact -- so the first thing you do is you replace the leadership of the unit. They have done that.

Now, the Army Reserve and the active Army, there are other investigations and looks going on. General Helmly, the chief of the Army Reserve, is looking at other Reserve units to work the training issues and the discipline issues to make sure everybody is compliant with Army standards.

So that process is under way. We have not seen that review. We should get a mid-course report on that here fairly shortly, and we'll be happy to share that, because that's part of it, and that will deal with both the training and the discipline part.

And the last part you said was?

FEINSTEIN:

Supervision.

MYERS:

Supervision, right.

There are a couple of things going on in that regard. I think the General Helmly report will help. There's also the General Fay look at the role that military intelligence played in this whole business in detainee affairs.

MYERS:

General Fay is looking at that. He's been in Iraq. He's now in Germany. Part of the issue is that the folks that he wants to talk to are now scattered. They're no longer in Iraq. They're either in Germany or they're back in the United States or perhaps other places.

But it will take him some time to go through that. We'll be getting an interim report from him, as well. I'm sure the secretary will make that available if required.

But that's what we're doing to remedy those problems.

FEINSTEIN:

And do you personally look at autopsy reports of detainees who die in custody?

MYERS:

No, I do not. What I look at is -- I look at the allegations of abuse and I look at what is being done to investigate and correct the situation. I do...

FEINSTEIN:

Just a suggestion -- it might be a good idea.

MYERS:

Well, I do -- I mean, I've seen the reports. I wouldn't call them autopsy reports. I see the allegations of abuse. Usually in there is a description of the abuse.

I wouldn't call them autopsy reports. But I see the words that talk about the type of abuse and the effect it had on the individual.

FEINSTEIN:

Right. I'd like to ask you -- because we've talked about this privately, I'd like to ask you a question about the heroin or the opium poppy production in Afghanistan. And you've been very kind. You've reported back to me and I appreciate that.

But I want to indicate my very deep concern about the fact that tens or even hundreds of millions of dollars have flowed from illegal heroin trade directly into the hands of terrorist organizations like Al Qaida.

And today Afghanistan is producing more poppy than ever. About 75 percent of all of the heroin sold in the world is being produced today in Afghanistan: \$2.3 billion. It's my understanding that an early harvest has produced as much as a 50 percent to 100 percent increase in production from the '03 estimates.

Now, here's my question: Are we protecting warlords in Afghanistan who are growing poppy or producing heroin? Are we holding back on eradicating crops for political reasons? So what is the reason for the absence of military force to eradicate the opium poppy in Afghanistan?

MYERS:

Senator Feinstein, as we've discussed -- and I think you're focused on a very important issue. And I traveled to Afghanistan it's now about three weeks ago, I guess. When I talked to our ambassador there, Ambassador Khalilzad, and our military personnel and the ambassador's staff, they described this issue as one of the strategic issues for the future of Afghanistan.

MYERS:

As you know, the United Kingdom has the lead overall for the international community to deal with this. The State Department has the U.S. government lead for this.

I think what needs to be done is we need to hear from the ambassador what kind of plan he would put in place to deal with this effectively, and then we have to resource it.

It's going to require additional resources to what we have in Afghanistan today. And I'm not talking now just with military resources, but my understanding is we're going to need a lot more of the type of resources to deal with drug issues -- and DEA and others.

And I think we'll be hearing from the ambassador on that if they haven't already, because we had a long talk about that when I was there based partly on our conversations because that was -- it's a critical issue.

On the issue of warlords, I don't know that you can say one way or the other. You'd have to guess, though, that probably a lot of the warlords or some of the people they support are involved in this. And that's why it's going to take more resources to work this issue and come up with policies to work this issue.

That's a guess on my part. I have not -- I'd have to go back and research the intelligence. I'm sure there are some that have to be involved, that's a way of life for some of them. And you just have to assume it is.

FEINSTEIN:

Thank you.

Mr. Secretary, could I ask you a quick question?

STEVENS:

This would be the senator's last question.

FEINSTEIN:

If my -- last question, I'll be fast.

Last year, I asked you at this hearing about the robust nuclear earth penetrator and you told me it was just a study.

Since that time, it's changed rather dramatically. The CRS reports that the administration's budget called for spending \$485 million over the next five years just on the robust nuclear earth penetrator, and the report says, and I quote, "the study is

examining feasibility and cost, yet the '05 request seems to cast serious doubt on assertions that the robust nuclear earth penetrator is only a study," end quote.

In light of this, are you still going to say to us that this is just a study? Or is the administration intent on the development of a nuclear earth penetrator?

RUMSFELD:

The decision to go forward with an earth penetrator has not been made. The decision to determine whether it's possible to have one that could help solve some potential problems has been made. So that work is going forward and the money has been requested of Congress.

I don't -- what I can do is -- I don't believe the studies have produced the kind of information that would enable one to say at this stage that the development should go forward.

RUMSFELD:

But clearly, with the amount of underground activity that exists in the world -- and it's pervasive, in country after country, that people have tunneled underground. North Korea's a perfect example. Certainly Iran is. We have found this in country after country.

And the question is, if that is a problem, what might be done about it?

Your first choice would be to find some, obviously, conventional way to do it. They've looked and looked and looked, and this additional way is, at least in my view, worth studying. And at that point where it migrates over into a program, clearly the Congress would know and would have to make a decision on it.

FEINSTEIN:

Would you permit me just one quick comment? Since we got into this, I've done my own study and talked with physicists. And what they tell me is there is no known casing that can get a device deep enough, which would have to be between 800 and 1,000 feet, to prevent huge nuclear fallout. I'll just leave you with that.

RUMSFELD:

Maybe we ought to hire them.

FEINSTEIN:

Sidney Drell, physicist, Stanford University, top notch.

RUMSFELD:

Right. I know who he is. Right.

MYERS:

Mr. Chairman, Senator Feinstein, if I may, just one more comment.

There's a lot more that Central Command -- I talked about the general problem -- there's a lot more that Central Command is doing in terms of funding and instructions to the troops in Afghanistan that I'd like to provide you for the record, if I may.

FEINSTEIN:

I would appreciate that.

STEVENS:

Thank you very much, General.

I'm going to go out of order and recognize Senator Hutchison. I understand she has a problem.

Senator Hutchison, recognized for five minutes.

HUTCHISON:

Thank you, Mr. Chairman.

Mr. Chairman, I want to add a story to the one that General Myers told at the beginning of this hearing. And it is one about which I know personally.

I went to college with a friend who was a great football star at the University of Texas.

HUTCHISON:

He had one son. We all thought he would follow his father's footsteps to the University of Texas, but he only had one dream: The son wanted to go to the U.S. Naval Academy.

And because he was so qualified, I was proud to give him my appointment.

That young man, a Marine, participated in the March to Baghdad, came home. He is now back in Iraq somewhere around the Fallujah area doing his job, and wrote me a note saying, "Thank you, Senator, for giving me the opportunity to do this."

So I do hope that we can put those and the stories of Pat Tillman out there when we are going through this very hard and difficult time.

The second thing I want to point out that has been stated in the media and by others, there continue to be questions about whether Al Qaida and the war on terrorism are really connected to Iraq.

Well, I think we found out yesterday, and something you added today, General Myers, that an Al Qaida-connected animal perpetrated a heinous crime on videotape in Baghdad -- because his body was found there, unfortunately.

A similar atrocity in Pakistan to a journalist named Danny Pearl -- videotaped. That reporter was reporting on Al Qaida at the time.

So I think if anyone is going to question whether the war in Iraq or Afghanistan, either one, are connected to the war on terrorism and all these loosely affiliated organizations, that they're answering that question for us as we speak.

I wanted to ask a question, and Senator Feinstein made several of these points, but there was one other, and that is regarding the prisons. One of the other reasons or allegations made was that there weren't enough guards to guard the number of people who were in those prisons.

You, Secretary Rumsfeld and General Myers, and others in this administration started looking at this situation apparently the very day you heard, which I think you should be commended for doing.

HUTCHISON:

So you have had the investigations which started in January.

Have you determined that there are enough guards now? Has that situation changed in any way?

Or if that's not appropriate to answer whether it's changed, do you feel that you have the funding or the facilities and the number of guards needed to meet our standards in the treatment of prisoners in Iraq, Afghanistan, Guantanamo Bay, or anywhere else that we may be needing to watch, guard and interrogate properly prisoners?

MYERS:

To go back to the beginning, we were in a closed hearing yesterday in front of the House Appropriations Subcommittee for Defense and General Taguba was with us, and the question was asked, how many troops did we have in Abu Ghraib at that time providing security and detainee operations?

And he said, "Well, they didn't have enough at the time, but the brigade could have reallocated some of their forces to that situation, which was not done."

From what I know today, and I'll probably have to get you an answer for the record, but from what I know today, that situation has been corrected. We have made a lot of corrections over time, over the last couple of months to ensure that the folks that are responsible for detention operations have the people they need to do the job.

But I'll double-check and I'll give you an answer for the record on that.

HUTCHISON:

And do you have the facilities that you need at this time for the number of prisoners we have and the number of guards?

MYERS:

I think for the most part we do.

Now, we have -- yes, ma'am, we do. We have right now. But this is a continuing issue where we get reports from the International Committee of the Red Cross of our own commanders looking at the situation. So it's a matter of continuing improvement, which is appropriate, and it would have to change over time.

But the situation that was described in the Taguba report that he saw in the January-February time frame, those have been corrected.

RUMSFELD:

May I just add that over the period of time in Iraq, some 43,600 people have been captured and detained for some period of time? Of those, 31,800 have been released, and the remainder currently detained is about 11,800. That is not a fixed population.

RUMSFELD:

It's constantly changing. There isn't a week that goes by that our forces don't scoop up, you know, four, five, six, eight, 10 a day and move them into one of the detention centers.

And simultaneously, there's a process as you can imagine -- if we've already released 31,800 out of 43,000, our goal is to get as many out of there as fast as we can as soon as we believe that's the appropriate thing to do. There's no one in the United States government who wants to be a jailer and hold people that we don't need to hold.

So there's constantly a group coming in and constantly a group going out. And currently the population is about 11,000.

FEINSTEIN:

Thank you.

Thank you, Mr. Chairman, for...

STEVENS:

Thank you very much.

Senator Dorgan is recognized for five minutes.

DORGAN:

Mr. Chairman, thank you very much.

I have read the testimony. I regret I was not here at the first part of this hearing but I welcome the secretary and general.

Let me ask a question, if I might, about the \$25 billion. And I understand that you've been asked some questions about that.

There was a piece in the newspaper today here on the Hill that said that the Senate majority leader's senior staff was saying that there's a school of thought that Congress should double the administration's request to amend its 2005 budget request by \$25 billion. And so talking about increasing it from \$25 billion to \$50 billion.

I understand the request has not even yet been made. So what I'm trying to understand a bit here is the \$25 billion that has been discussed that I think the chairman will ultimately hold a hearing on is that money that relates to this current fiscal year or is that a reserve fund for the next fiscal year.

RUMSFELD:

The answer, sir, is that the White House, the Office of Management and Budget, the leadership in Congress and the House and Senate and in the Appropriations Committees are currently debating that.

What they're doing is, at the moment, calling it a reserve. And the number that the president proposed was \$25 billion. And that was a judgment that that would be appropriate to move us until such time as a full 2005 supplemental could be passed by Congress some time next year after Congress gets back, reorganizes and acts on it probably some time in the April period.

You want to say -- I can't read your writing. I'm sorry.

LANZILLOTTA:

Yes, Senator. It was based on what we thought to alleviate the risk or reduce the risk in cash-flowing the service O&M accounts for that period of time that the secretary talked about.

DORGAN:

For what period of time now?

LANZILLOTTA:

Well, from the period of time from 1 October till when the Congress could act on a supplemental request.

So we looked at our spend rates, decided that this reserve account would help us reduce our risk of cash-flowing those accounts to have the services avoid reducing training or other type of activities.

DORGAN:

If I might ask, the \$60 billion that we previously appropriated was expected to last until a request would come in next January. So that would have been money that would have been available through this fiscal year into the next fiscal year, is that correct?

LANZILLOTTA:

No, Senator, the money -- the \$65 billion that was appropriated, that was for fiscal year '04. That money was never intended to last past 1 October.

DORGAN:

So money for the costs of the prosecution of the war in Iraq and also activities in Afghanistan would have come from the regular Pentagon budget from October 1st until some subsequent date when the Congress would pass another emergency supplemental; is that the case?

LANZILLOTTA:

What the intent was that we would cash-flow the account and put a supplemental request in to cover those costs.

RUMSFELD:

The way I think of it is this: that we were in effect asked by the Congress not to try to guess what the war would cost and put it in the regular budget -- which, of course, the regular budget for 2005 was prepared last year and then submitted to the president in December and then to the Congress in February and now we're into May.

And it's for the period starting October 1 for whole other year. So there's no way to look into that future well or precisely, and so the judgment was made not to budget for it but to come in with a supplemental.

From a management standpoint, it is very tough on the Department of Defense when the world changes, as it has. We have a higher level of forces there. It's a more difficult situation. And, therefore, the amount of cash-flowing that would have to take -- taking money out of one account, sticking it into another account -- has grown.

RUMSFELD:

And we looked at it, and the president did not want to go up and ask for a \$25 billion reserve. But I went to him, as I have to and tell him the truth. And the truth is we need the money if we want to reduce the amount of cash flow -- robbing Peter to pay Paul and then trying to correct it at the end.

DORGAN:

Well, you know, I would expect everyone on this committee would feel that we don't want to withhold one dollar that is necessary for the safety of the troops that we put in harm's way. Whatever is necessary to protect them and provide for them, that which we

think is important for them, we want to provide. But you indicated that you felt that the Congress had asked that you not include these funds in the regular appropriations request.

I mean, my own feeling is it's been a bit frustrating because we get the budget and the budget for the Department of Defense has zero in its request for Iraq and Afghanistan. We know that there are ramped up, continued operations that...

RUMSFELD:

Right.

DORGAN:

... will be there for some long while. And I understand there is a need and will be a need for emergency supplementals. But I think it would make more sense, at least in the regular budget process as well, to recognize we're at a different level here and these routine -- not routine, I shouldn't say -- but the continuing operations in Iraq and Afghanistan ought to be at least accounted for in some measure in the regular budget process.

RUMSFELD:

That's a fair comment, and I felt that way as well two years ago and tried to do it. And we were in Afghanistan at that time, and it was clear it was going to cost some money, so we proposed \$10 billion and the Congress rejected it all, 100 percent of it, and said -- now, here's the tension, the dilemma: the earlier you ask for the supplemental, the less you know and the less precise you can be, and properly, senators that have the responsibility for managing the taxpayers' money, look at it and say, "Well, it's not very precise," and that's true. And the later you wait for a supplemental, the greater knowledge you have, the more precise it is, but the longer you've passed the time when you have to begin doing this cash-flowing and taking money out of here and putting it in there.

So the cycle is so long, the budget cycle, when we have prepare this -- last year -- get it to the president, get it up here, for a year that doesn't start till October 1st. It's just a difficult problem. I could do it either way myself.

DORGAN:

This is speaking for myself.

DORGAN:

I would prefer that we try to recognize we're ramping up to a different level and it's going to be continuing for some while, and see at least a part of that, to the best extent we can estimate it, in the regular budget process.

Just one final question.

Do I have time for an additional question, Mr. Chairman?

STEVENS:

No, you don't. Sorry.

DORGAN:

OK. Thank you.

I'll do it another time. I'll send it to you in writing...

STEVENS:

Our next senator, Senator Specter, by seniority?

SPECTER:

Thank you, Mr. Chairman.

Mr. Secretary, Mr. Nicholas Berg, who was the victim of a brutal assassination, as we all know, was a Pennsylvanian. And in talking to his lawyer yesterday, I tried to get some of the particulars about what happened to him when he was held in detention reportedly initially by Iraqis and then later by U.S. military. And a lawsuit was filed in the federal court in Philadelphia, and shortly thereafter Mr. Nicholas Berg was released.

I would appreciate it if you would give your personal attention to assist in answering some of the questions which the family is now posing as to exactly what happened to him during the detention period, why he was detained and the circumstances of his release. The case was never litigated but it was filed.

RUMSFELD:

Senator, we will be happy to ask someone in the Department of the Army, probably, and if not, the general counsel's office, to focus in on this and be in touch with you.

SPECTER:

We'd appreciate it.

And there's one other request which the family has made. Mr. Berg's body is being returned to Dover, and the family would like to meet the body on arrival, and they have made a request to be with their deceased son. But they are not permitted to come on to the base, as I'm told, unless there was a waiver. And I would appreciate it if you'd take a look at that and see if we couldn't accommodate their request.

RUMSFELD:

You bet. Be happy to.

SPECTER:

Mr. Secretary, on the issue of the funding in Iraq, when the \$87 billion was requested sometime ago, an issue arose as to whether some \$10 billion ought to be in the form of a loan to Iraq on the consideration that Iraq has enormous oil reserves and enormous potential resources.

SPECTER:

And it is obviously a difficult matter to draw the line on what would be appropriate for Iraq to pay for -- rebuilding the country, for example, or rebuilding their infrastructure. Where we have costs of the military operation, that is something different.

But I think it would be very useful to this committee and the Congress if we had an idea with some particularization as to what money is being spent and for what purpose so that we could try to make a judgment as to what would be appropriate to have paid for by

Iraqi resources, which are obtained at some later date, sort of on the analogy of a trustee in bankruptcy; we're a trustee.

And there are international aspects of it with the United Nations and the World Bank and the International Monetary Fund. It would not be something that we would make the judgment on, but at least if we knew what the accounts were, we would then be in a position to try to make some determination as to where we would like to see some of the money in the loan form.

The president was very insistent on having it in the form of a grant, and he met with a number of us and ultimately we made a decision, I did personally, to honor what the president wanted to do; to try to get it done faster in a critical period trying to get other countries to make loans.

But as the matter progresses and evolves, I think it is something we ought to revisit.

Can you see any of those expenditures at this moment which you think ought to be paid for by Iraq as opposed to the American taxpayers? We're getting a lot of comment as we -- the taxpayers are concerned as we face a very tight domestic budget -- as to why those expenses are not being borne by Iraqi resources.

RUMSFELD:

Senator, the -- I recall the debate:

RUMSFELD:

And it was a perfectly appropriate thing to debate and discuss and weigh. The president concluded that an amount ought to be a grant as opposed to a loan.

There were complications, as you'll recall, with debt forgiveness and other debts and reparation requests from Kuwait for the '91 war and the like. And he felt that it would be appropriate to take a single amount, make it a grant, and use that to help jumpstart Iraq on a path toward democracy and recovery.

No one believes that any additional monies should go from the United States to Iraq for that purpose. For security, yes. For the other things we're doing, to be sure: governance, assistance, and so forth.

The United States also went out and tin-cupped the world and raised additional funds to try to assist the Iraqi people. And other countries have been giving money as well as assistance, humanitarian assistance, to Iraq.

The situation, I'm told -- why don't you do it, Larry? Just chime in.

LANZILLOTTA:

As of 5 May, Senator, on Iraqi money, we have an account. It's called the Developmental Fund for Iraq. It was \$18.2 billion that's been in that account so far, basically from oil revenues. And we've taken out \$8 billion so far to pay for Iraqi needs. And so that leaves a balance of \$10 billion that will continue to be used to pay for those type of expenses.

RUMSFELD:

But Iraqi oil revenues are paying for a part of what's being spent today. Frozen assets that were found around the world from the Saddam Hussein regime had been retrieved in some measure and they are being used. Assets that were discovered in the country, caches

of money: There were hundreds of thousands of dollars with Saddam Hussein when he was pulled out of the hole -- in that neighborhood, I should say. So all of that is going toward this problem.

SPECTER:

Mr. Chairman, if I may, I want to submit for the record questions on the Comanche helicopter, the base closing issues as they affect Pennsylvania, the V-22 future combat system, Bradleys and the M1A tank.

STEVENS:

We welcome those questions. We do not want...

SPECTER:

I thank you, Mr. Secretary and I thank you Mr. Chairman.

STEVENS:

... questions concerning other than appropriations.
Senator Durbin? You're recognized for five minutes.

DURBIN:

Thank you, Mr. Chairman.

And thank you, Mr. Secretary and General. It is unfortunate that a million acts of kindness and goodwill and bravery by our troops have been overshadowed by the shameful acts at the prison in Iraq.

DURBIN:

I'd like to read to you an excerpt from an e-mail. This comes from a career officer in Iraq and it was received yesterday.

He wrote, "I think that any soldier over here with any moral clarity is appalled and ashamed by what has occurred. Personally, I'm also ashamed of those that attempt to mitigate what's happened by saying it's not as bad as what others have done.

"If we're not better than that, then I simply want no part in what we're doing. Take away the WMD, the links to Al Qaida, and the singular reason for being here was the prospect of disposing of a ruthless dictator and bringing democracy to Iraq.

"And now we are all left to simply wonder, at what cost? It seems to become clearer every day that this is simply the beginning of the end to any chance we may have had to achieve anything of substance.

"June 30th looms and most of us can see no achievable goal in sight. Two-thirds of the Iraqis simply want us to leave as of yesterday, and every battlefield success appears to be nothing more than a Pyrrhic victory.

"Nobody wants to compare this to Vietnam, but it's starting to feel that way on the ground. Everybody just wants to finish their year, get the hell out and forget they were ever here.

"Finally, I would just simply say that the issue here really is moral clarity. As soldiers in the Army, it just seems a little implausible to a lot of us that seven to 12 people simply

perpetrated unthinkable and unconscionable acts over a period of several months without knowledge of their superiors.

"These people will likely be punished, and rightfully so. The question is: Did they let us down, or did the Army and their leaders let them down? Because everyone knows that the entire chain of command, to the very top, holds some level of responsibility for what has occurred."

Mr. Secretary, I voted against this war believing that we needed a broader coalition and better preparation. The decision was made to move forward, move quickly without the United Nations' support, without giving time for inspection, without -- I'm afraid -- the necessary calculation of the real cost of this war.

We are now being asked to consider a supplemental at a later time here. We have appropriated some \$90 billion for the execution of this war. And I'm told -- at least you've testified, or General Myers has testified -- that force protection will be one of the highest priorities.

But as we look back to the last 14 months on the issue of force protection, there's some very, very unsettling facts.

Nine months after our invasion, in December of last year, nearly a year after the forces were deployed to the region, more than a third of our forces still lacked Interceptor body armor. A friend of mine with a son in an M.P. unit, he and his wife went out and bought the appropriate armor to send to their son to protect him.

When we lost the Chinook helicopter last year from the Illinois- Iowa Guard unit, I came to learn that the helicopters were deployed in Iraq without necessary defensive equipment.

And now we learn that perhaps three or four months from now, when they're supposed to be returning home, they will finally be equipped as they should be.

And I suppose the worst part of it was the armoring of Humvees. It's been estimated that a fourth of the American lives lost were lost because of lack of armor for these Humvees, and we still are uncertain as to whether an adequate number will be protected in the near future.

My question is this: Having appropriated all of this money, and myself having voted for every penny of it, how can we explain that we didn't meet the most basic requirement when it came to body armor, helicopter equipment and armored Humvees to protect our troops?

RUMSFELD:

Let me comment first, Senator, on the statement you made and then General Myers will discuss the force protection issues, because they're very important.

RUMSFELD:

With respect to what took place at Abu Ghraib, (inaudible) the conclusion that that young person came to, that we're at the beginning of the end, I submit will prove to be wrong.

And the good Lord willing, I'll be right and his understandable concern and comment and emotional reaction, I hope and pray, will be wrong.

DURBIN:

Will you address the force protection issues?

MYERS:

You bet. Let's start with Interceptor body armor.

The SAPI plates were relatively new technology. The Army had decided earlier in this century, in '01, '02, to provide only to dismounted infantry.

As we got into '02, it was clear that was not sufficient. So they started to ramp up the production from 1,600 sets per month to now 25,000 sets per month.

Currently, everybody in theater -- military, civilian, contractors -- anybody who needs that kind of vest with the SAPI plates has been provided that.

DURBIN:

General, excuse me. Fourteen months after the invasion?

STEVENS:

The senator's time for asking questions expired.

We permit General Myers...

MYERS:

Well, I'm just saying that it was new technology, so it took time to ramp it up. I mean, we couldn't -- as much as we wanted to wish it true and have it ready immediately, that just wasn't technically or from a manufacturing standpoint feasible.

What we're looking at now...

DURBIN:

We weren't prepared, General.

MYERS:

What we're looking at now is -- the SAPI plates are good, and you know they fit front and back. We're looking for other protection now on the sides and the armpits, because there is technology there, and we're starting to produce that, to provide those vests as well.

Up-armored Humvees. That requirement was set by Central Command and by the field commanders. It has consistently gone up. We've tried to meet that with lots of different things and ways.

Currently they need 4,454 up-armored Humvees. There are currently on hand 3,134. We're producing -- we're ramping up to a production rate up to 300 -- in fact, I think we're this month at 220, 225 per month. We've gathered all the up-armored Humvees from all the services around the world, pushing them into theater, only saving a few back here for the nuclear security mission, and I mean just a handful.

And we also have some bolt-on armor that we've made for that, those Humvees, and the trucks as well.

MYERS:

So we've tried to stay up with the demand as the requirements come in from the field, and I think we're doing a reasonably good job. I would like to have done all of that

certainly, if we could have. If it had been physically possible to do all that, we would have.

I will say this, that the support we got from the Congress on the funding has not been an issue. The funding has been there when we've needed it.

STEVENS:

I apologize to the senators. We still have several senators to go for the first round. Senator McConnell is next. You're recognized for five minutes.

MYERS:

If I could just follow up, you also asked about helos. The information you provided on the helicopters does not correlate with the information I've been given on those helicopters, to include the helicopter that was shot down where we lost so many people. My information, it did have countermeasures on board.

(CROSSTALK)

DURBIN:

That one helicopter was properly equipped, but the Army acknowledged that there is a new level, ALE-47, that was needed. Only five of the 13 helicopters in the unit are currently equipped with it. It is said that they will receive the equipment in four months, which is the time when they're supposed to be leaving country.

MYERS:

But it's true of active duty and reserve helicopters, because there was a move at that time -- and I'll just make sure, I'll check my record, the facts here. But as I recall, that the Army was in the middle of upgrading all that active and reserve, and that's what they were in the middle of. So there are some units that have the newer technology, there are some that have the older technology.

STEVENS:

Thank you, Senator.
Senator McConnell is recognized for five minutes.

MCCONNELL:

Thank you, Mr. Chairman.

After the prisoner abuse revelations over the last few weeks, it's easy to lose perspective. And I'd like to begin by congratulating you, Mr. Secretary and General Myers and your entire operation, for the liberation of 50 million over the last two and a half years, for extraordinary success in the war on terrorism.

It is no accident that we have not been successfully attacked again here at home since 9/11. The reason for that is clearly that we've been on offense at the president's direction. And you and the people that you command have done an extraordinary job, and it's important to remember that when things do go wrong, as they do occasionally in any complicated, difficult task.

Now, we're going to have, Mr. Secretary, the defense authorization bill on the floor next week.

MCCONNELL:

And one of the things I fear is that an awful lot of amendments are going to be offered to try to take money away from arguably very important tasks that you need to carry out and direct them to Iraq.

For example, we expect numerous amendments to cut important programs in that bill. Over the last decade, proliferators such as Iran and North Korea have made dramatic and unexpected progress in their nuclear programs.

If we do not improve our ability to defend America and our troops against ballistic missiles and deter rogue regimes from using them against us by modernizing our weapons systems to (inaudible) nuclear command and control facilities at risk, we're likely to face a far greater danger than that which reared its head on September the 11th.

So I have a couple of questions in that regard. Would it be appropriate to reduce funding for important programs in your fiscal '05 bill in order to pay for operations and maintenance costs that the department plans to fund in an upcoming request for a contingency reserve fund?

RUMSFELD:

We've made a judgment, Senator, that the cash flowing for a long period is a bad management practice, and that to the extent the amount is large, it becomes a very bad management practice.

In terms of the separate question -- therefore, we came up, despite the fact the president didn't want to -- when I went in and told him I believed we needed \$25 billion, he has made that proposal as a reserve to reduce the damage, reduce the difficulties, the management difficulties that otherwise would have occurred.

The second question as to ought we simply to take money from one important account and put it in another and change our priorities, my strong recommendation is that the Congress not do that. The idea that we were asked not to fund for the war in the budget. We allocated the budget.

We're now at a point where we believe that the priorities that have been established in that budget are sound, they enable our country to address the global war on terror, to see that the armed forces of the United States are the most capable and most deployable and best equipped on the face of the Earth.

And I don't think we ought to try to fund the war out of the priorities that help rearrange our military for the 21st century.

MCCONNELL:

When I was in Iraq in October, I was meeting -- it won't surprise you to know -- with General Petraeus and the 101st since they're headquartered in my home state, and he indicated that the reconstruction funds, which you and, I think, Senator Specter were talking about earlier, were extremely important to the success.

MCCONNELL:

And one of the things I fear next week is that we're going to have maybe amendments transferring money out of the reconstruction fund, which we fought very hard to make sure was a grant and not a loan, to help pay for the military side of this.

Do you share my view that the reconstruction is extremely important in allowing us to ultimately exit the country?

RUMSFELD:

I do.

MCCONNELL:

And also, I'm curious -- I know you sent General Petraeus back to be in charge of the upgrading of the Iraqi military. I want to commend you for that decision. I don't think you could have picked a better person to do it.

But I would like to kind of get a report on how that's going, and this whole challenge of getting the Iraqi military up to speed, which we all know is the best way to ensure our exit at some time in the future.

RUMSFELD:

Indeed.

From the beginning, we've focused on strengthening the Iraqi security forces. They, for all practical purpose, had dissipated and didn't exist. The police that were there were not the kind of police we have in our country. They're the kind of people that went and arrested people at night and threw them into prison.

The military was a mixture of some. I don't know how many thousand generals, mostly Sunni generals, and a large mass of Shia conscripts that just dissipated into the villages and towns of the country. So we had to start pretty much from scratch.

We're up to about 206,000. You see reports in the press that in some cases they didn't do a great job. Some of them didn't engage the enemy in certain circumstances.

Well, my goodness, if a group of people had been trained for a few weeks and they're poorly equipped and they're going up against people with AK-47s and rocket-propelled grenades, they're smart not to. And they're doing pretty darn well.

And General Petraeus is the right person to go in there and work this problem. And we're going to go from 206,000 to 265,000. We're going to continue to improve their equipment. We're going to continue to improve their training and their chain of command, and that is, as you say, who we have to pass off security responsibility for that country to.

We've got to make that work, and then we've got to pass it off and we don't have to stay and do that job for the Iraqis. The Iraqis have to do that job.

MYERS:

If I may, Senator, let me just add something.

When I was in Iraq three weeks ago approximately, I looked at the line items of the types of equipment needed by Iraqi security forces. I think it's the first time that we've had specifically the types of equipment needed on contract starting to deliver this month, as a matter of fact, to make up for that equipment problem that we talked about that, for a variety of reasons, to include challenged contracts and, in fact, people just not writing down the requirement.

That is fixed, and we should see these Iraqi security forces from the police to the new Iraqi army now begin to receive the type of equipment that will allow the things that the secretary said needs to happen happen.

And if I may, let me go back to your previous question where you talked about using other accounts to pay for the operations and maintenance.

MYERS:

As you know better than anybody, one of our traditions, and all of us -- I put all of us in this group -- is that we raid procurement accounts when we're short on operations and maintenance and readiness and so forth.

We have had procurement holidays. We do not need to do that. We have a chance to transform our military and the thought of raiding particularly the procurement accounts to make up for maybe shortfalls in some of other places, I would think, would be a very, very bad idea for the future of our armed forces.

MCCONNELL:

One final question, if I have time, Mr. Chairman.

STEVENS:

You don't have time, Senator. I'm sorry.

MCCONNELL:

OK, I don't have time. Thank you.

STEVENS:

Senator Shelby?

SHELBY:

Thank you.

First of all, Mr. Secretary, I want to thank you, as others have, for your service -- and also General Myers -- and your leadership. And I want you to continue doing that and I believe you will. I have confidence.

I've got a couple of questions and I'm -- I'd like to get into dealing with the budget.

I believe, first of all, Mr. Secretary, that the Army is underfunded given the overwhelming role that they're playing in Iraq and Afghanistan.

The issue that causes me some concern here today is reset. The Army is struggling to sustain and maintain its equipment. The '05 budget, according to the Army's own documents, only includes 72 percent of the regular depot maintenance funding requirement.

The '05 shortfall is compounded by the severe toll that OIF and OEF are taking on the Army's equipment.

Mr. Secretary, first to you and then to General Myers, do you support the Army's reset plan and do you believe it's properly resourced?

RUMSFELD:

We're told by the Army that they believe it is properly resourced. What will -- it will require is that over the supplementals this year and next year and possibly a year into the future, the funds need to be made available to allow the Army to have a higher level of forces so that they can rearrange it and pull division capabilities down into the brigades, so that they can multiply the number of brigades from 33 to 43 and that they can develop this greater modularity.

And it's, I think, a very innovative approach. It's exactly the right thing to do. That, coupled with balancing the active force with the Guard and Reserve, I think, will make us have a vastly improved Army.

MYERS:

There is no doubt the Army is using their equipment up at a very, very fast rate -- whether it's tracks on Bradleys or helicopter blades or parts. This is a very serious issue for the Army, I think...

SHELBY:

Tanks, too.

MYERS:

Tanks -- the whole thing. I mean, it's every piece of gear they have, they are using up at a much faster rate than anticipated.

In my view, this should be dealt with in the supplemental as we look at a possible '05 supplemental. We just need to make sure that this kind of money is in there to make them well.

And otherwise, we're going to have a problem out there in the not too distant future if we don't make them well.

SHELBY:

Reset's important, isn't it?

MYERS:

Reset is extremely important.

SHELBY:

Thank you.

Mr. Secretary, would you comment on the Stryker vehicle performance in Iraq? Have you spoken with the troops about the Stryker performance during your visits, and what are they reporting?

We've been hearing a lot of good things, you know, but I'd like to hear your comments and then General Myers'.

RUMSFELD:

I've heard a lot more good than not good.

SHELBY:

Yes.

RUMSFELD:

There are those not in those Stryker units that raise questions.

SHELBY:

Sure.

RUMSFELD:

But -- and it's a relief.

SHELBY:

But we've always...

RUMSFELD:

It's the first deployment.

RUMSFELD:

But my sense is, net, that they're valuable, they provide mobility, they provide -- nothing provides the kind of armored protection that -- even a tank -- you've seen pictures of tanks smoldering with their turrets off. I mean, there's no way to prevent something from being badly damaged.

But as a mid-range, leading edge of what may very well evolve as the future combat system, I think, the Stryker's doing well.

SHELBY:

And they've got a lot of firepower too.

MYERS:

They've got firepower and they have good battlespace awareness when they get there because they can be connected to all sorts of other information sources, which is powerful.

One thing when I was -- again, when I was in Iraq not to long ago, couple of weeks ago, one of the things that I heard that I had not thought of even though I had been around Stryker and I've driven a Stryker and spent some time at Fort Lewis looking them over, is that it's quiet. And quiet's important because they can arrive on the scene without a lot of notice and sometimes take adversaries by surprise. And they said that happened on more than one occasion.

So I think the report card on the Stryker so far is A-plus.

SHELBY:

Mr. Chairman, I have several questions, but I'd like to submit them to the record for the secretary and General Myers.

STEVENS:

Thank you very much.
Senator Burns?

BURNS:

Thank you, Mr. Chairman.

And I want to thank the secretary and the chairman of the Joint Chiefs for this appearance today.

I want to bring up a couple of things. Back in 1993 and '94, it was obvious to me, with the apparent new plans of the military, the force structure and how it would appear, the military complex was in for change. And knowing that, we've seen more of our responsibilities moved into the Reserve and the National Guard sectors.

And I looked at the infrastructure in my state of Montana, and we began rebuilding the infrastructure there to train and to prepare our people for an enemy and a mission that was different than anything they had ever faced before.

We were operating out of old World War II structures, as you well know, using old stuff to train for an enemy that had passed.

And I would suggest to my colleagues that we pay attention to our facilities and infrastructure and also how we train our citizen soldiers and Marines and sailors and airmen for an enemy that is of this world today and the needs that they're going to have to have in distance learning and electronics and everything that we can gather to prepare our people for an eventual call-up which is to come.

The Army has begun converting some reserve component artillery forces to military police, for instance. And this has been done to meet the high demand for M.P.s, which may expect will only increase in the future. I think.

Can you give me an idea as to the number to be converted into this capability? And do you have adequate resources to continue this process and provide adequate training and equipment for this new thrust that the military will be trying to fill that capability without much training and for something that they've never been trained for before?

RUMSFELD:

Well, it's an important question, and it's one that has to be reviewed continuously as circumstances change.

RUMSFELD:

But at the moment, we believe that with the budget and the additional requests that have been made, and with the restructuring that's taking place, that at least for the foreseeable future we're on the right track.

BURNS:

Well, we started our rebuilding of our facilities in our state and now we have the ability to retrain other -- in fact, I'll tell you what, we are training for a four- or five-state area. They're bringing them in to Helena, Montana into Fort Harrison now for that training on these new missions.

And I would -- talk to General Myers, we have something else to offer in Montana right now that I think -- in the training and research. We've got airspace, and we're running out of airspace in which to train our pilots and even some of our ground forces.

And I would like to visit with you on that some day about our capabilities up there. We've got two Air Force bases now that are doing little, but could offer a lot more as far as our training is concerned.

My next question is the weapons caches that you've discovered in Iraq: Are we finding them? Are we securing them? And are we destroying their holdings?

MYERS:

Senator Burns, all the information I get says yes to those questions on weapons caches.

We continue to find them. We've found roughly over 8,700 now. And tens are found every week, so we keep adding to that number. The last number I saw, none are unsecured.

Some of the sites are secured 24 hours a day, seven days a week, continuously when they have the sorts of things that are being used by the bomb-makers for the improvised explosive devices or if they have the man-portable surface-to-air missiles or if they have mortars and grenades and those sorts of -- and small arms.

Others which can be secured by bulldozing dirt up against bunkers that have 1,000-pound bombs in them that have not been pilfered are maybe not 24/7, but secured with locks, with berms, with patrols.

I'm not satisfied. We know -- I mean, this is a country that they estimate had 660 short tons of weapons in it. We've destroyed under 130 short tons. We've got 6,000 people, to include contractors and armed forces personnel, on this all the time trying to do away with this arm caches.

I'm not sure -- I mean, I can't sit here and say that we know of every one, but as we find them, we try to deal with them. And it's a personal thing of mine to -- because I get asked this question a lot -- again, from what I'm told, we deal with them just like I described.

I think we need to be very curious about that and continue to probe.

BURNS:

Well, I'm concerned about that because we know that's the base of making these...

MYERS:

You bet.

BURNS:

... these weapons individual...

MYERS:

You bet.

BURNS:

... that they use in roadside...

MYERS:

The soldiers know that. You bet.

BURNS:

And the quicker we neutralize that supply, I think, the safer we will be...

MYERS:

Yes, sir. It'll be a long-term job, but we got to be at it with as much capability as we need to put against it.

BURNS:

Mr. Chairman, I have more questions, but I will submit them in private. And thank you very much.

STEVENS:

Thank you very much.

Senator Inouye has not asked questions in the first round.

So, Senator Inouye, do you have any questions?

INOUE:

Mr. Secretary, we were advised that last week the Defense Science Board was supposed to release a report on the Air Force tanker lease deal. Has that been released?

RUMSFELD:

I have been briefed, and I'm sure we can brief you. Whether they have formally released it, I just don't know.

INOUE:

Can you provide us with...

RUMSFELD:

In fact, here it is: They're briefing staff directors here on your committee today.

INOUE:

Thank you very much.

Secondly, have the events of the past two weeks have any impact upon recruiting and retention of active, Reserve and National Guard?

RUMSFELD:

Senator, I'm afraid that the systems we use to track recruiting and retention may not be sophisticated enough to give us good data that fast.

The last month's worth that I heard about, we were doing fine in both recruiting and retention. What it'll be when the next data comes out remains to be seen.

INOUE:

Yesterday, at talk shows and at the hearing, I believe three witnesses, including you, Mr. Secretary, mentioned 18,000 military crimes being processed. And I believe you indicated that about 3,000 became courts-martial.

INOUYE:

Can you provide us, not at this moment, but the nature and the severity of these crimes and where they're occurring and in what services? We tried to get some information but no one seems to know 18,000.

RUMSFELD:

Of course, this kind of information is not centralized in the department. Each service manages itself.

The data I have is, as you suggested, that there were something -- it's 17,000-plus criminal investigations opened. There were about 72,000 nonjudicial punishments that took place.

In terms of Article 32, we don't have the information from the Army. It's not tracked. But the other services have about 400.

In terms of total courts-martial, as you said, it's about 3,000. And in terms of general courts-martial, it's about 1,100. And that was all 2003 data.

So you can imagine the scope of that all across the services. With the number of people we have, there's always going to be these types of things that occur, I'm afraid.

INOUYE:

Of that number, about how many occurred in Iraq?

RUMSFELD:

Oh. I am not able to provide that answer.

INOUYE:

Can you provide us with those...

RUMSFELD:

We certainly will. Yes, sir.

INOUYE:

Following up Senator Domenici's question, in seven weeks of this transition, when do you consider would be the time when we may be able to consider a status of forces agreement? When can we call upon the new government to take over the water and sewer responsibilities?

RUMSFELD:

The which responsibilities?

INOUYE:

Water and sewer.

RUMSFELD:

Oh.

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INOUYE:

And I'd like to know when you think would be appropriate for them to take over the prison system.

RUMSFELD:

First on the status of forces and our arrangement with the current government, the lawyers for the United States have concluded that the U.N. resolution that exists already provides appropriate protection for U.S. forces -- coalition forces, I should say -- between the time -- certainly now and the time going forward between June 30th, when the sovereignty responsibility is assumed by the Iraqis, and the next government takes over.

There are people who debate that and discuss it, but my guess is that the Iraqis are going to have to decide whether or not they want the interim government or the permanent government to make those arrangements.

The permanent government, of course, would only result after elections sometime next year in '05.

We, needless to say, have to have confidence that our forces have the right kind of protections in that country. And I believe that the current conviction is that we do and we will, and that those detailed discussions were probably not appropriate for the Iraqi Governing Council to engage in, nor would they necessarily have been viewed as sufficient or final for the other government. So that that task is going to be left for the government to come, which is after June 30th, or after the final Iraqi government is elected next year.

MYERS:

On the prison system, the...

RUMSFELD:

Oh, yes, I'm sorry.

MYERS:

... Iraqis are currently responsible for those picked up on criminal charges.

MYERS:

So at Abu Ghraib, the Iraqis maintain the criminals in their part of that prison. The U.S. forces have what we call our security detainees, folks that are picked up that either have shot at the coalition or are involved in other operations that we think are security related.

So the Iraqis are in charge of their operation. I would think as time goes on and as we become more of a partnership, you can see this more and more this burden probably shifting to the Iraqis. But it will be over time.

INOUYE:

Well, this prison, Abu Ghraib, was jointly operated?

MYERS:

Yes. Yes, sir. That's the information I have.

STEVENS:

We now approach the second round, and I had told the secretary he'd be through with us, or we'd be through with him, at noon. So what I propose to do is to ask -- two questions I want to ask, primarily for the record, and then we will recognize that the balance of the five of you over the 25 minutes that's left.

Mr. Secretary, I've got to say that I -- and, General -- I had to -- I didn't have to, but I did apologize, Senator Feinstein, because last year she raised a question of those munition dumps and I, sort of, downplayed it because I said that had been taken care of.

We later found as we went over there that not only -- they're still being found, which is an interesting comment.

In April, I was told there were munitions that were recovered were -- is that in tons?

FEINSTEIN:

In short tons.

STEVENS:

In short tons. 154,000-plus recovered. 124,000 destroyed. They found 8,756 caches. Cleared 8.684. The remaining were either secured or partially secured. I'm really concerned about the partially secured.

So what I would like to ask you, for the record, if you could update that chart that was given to us on April 1st and to assure Senator Feinstein, we will pursue making sure you have adequate money to deal with those munitions. Because one of the contractors told me that when they wanted equipment just to protect their convoys, they just went to one of those dumps and picked them up. Handheld weapons, et cetera. So if they can pick them up, anyone can pick them up.

Secondly, I would like to ask a question for the record concerning the F-22. According to the current plans, procurement funding will increase by 50 percent from fiscal year 2005 to 2009. That's required for full-rate production of F-22 and the continued development of the Joint Strike Fighter, fielding a future combat system.

STEVENS:

We have additional commitments in defense to space surveillance and access. I worry about whether we can afford these programs.

Could you give us a projection out to that same number of 2009 for all of the systems that are going to be competing with the money here starting in 2006? We know what the competition is in 2005. And this is for the record now.

And based on that, I will call on Senator Byrd for the second round for five minutes.

BYRD:

Thank you, Mr. Chairman.

General Myers, earlier you stated that there is no way that we can militarily win or lose in Iraq. Does that mean that there is no military solution possible?

MYERS:

Senator Byrd, what I was saying is the same thing the secretary has said: that we need to win on the security front, which has a strong military component but not just U.S. military. Iraqis have to be part of that. The international community has to be part of that.

We have to win on the political or governance front. That has to go hand in hand.

And we have to win on the economic front. And the subtick under that would be the infrastructure.

So, I mean, we could flood the country with U.S. armed forces and have a soldier next to every house and every Iraqi, but we wouldn't achieve our end objective, which is a free and democratic Iraq. So these other pieces have to go with it.

BYRD:

But do we have an exit strategy?

MYERS:

Senator Byrd, I believe we do. And it's bound up in the things the secretary has already talked about.

We've got the U.N. in there working the governance piece. And the first piece we should see here on 30 June -- that is only a temporary piece until we get to elections in December or January of '05.

And then there's a further piece after that. There's a constitution. Then there's further elections and a government.

We've got our security piece pretty well figured out. If we get -- we're working hard on a United Nations Security Council resolution. And if that is successful, I think more of the international community will be willing to part of this.

I was just at NATO. I can tell you, at least among most of my NATO military colleagues, that they feel there is a role for NATO in Iraq.

MYERS:

Whether there's political will of NATO, we won't know yet, but we do have the Istanbul summit coming up and I'm sure that'll be one of the issues that's discussed.

As the secretary said, there is already big NATO involvement, but just not a NATO mission. The NATO involvement is supporting the Polish-led division with forces and equipment.

BYRD:

When do you think we can see the end of the tunnel and our troops can come home?

MYERS:

I think the next time we'll have a pretty good picture will be -- and this is something I've talked to General Abizaid about -- is sometime this fall, maybe even early winter, but after the Iraqis are in charge, after 30 June. See what traction the political process gets, see if, in fact, it has the effect of, for those that are opposed to progress in Iraq, saying, "OK, it looks like we might as well join the team." and I think we can make that judgment this fall and look at the way forward.

I think that's the next place where we'll have a pretty lens into what the way forward is.

BYRD:

This fall.

MYERS:

This fall. I think through elections -- I mean, we've provided testimony before. General Abizaid. I think, has provided testimony on this subject, that certainly through the transfer of sovereignty here on 30 June. it's going to get worse before it gets better, and we're seeing that. After 30 June remains to be seen.

BYRD:

Mr. Secretary, you said that the quote, "Congress," asked you not to request the Iraqi supplemental in the president's February budget. I don't know who, quote, "the Congress." is.

STEVENS:

Senator, I can confess.

BYRD:

I beg your pardon?

STEVENS:

I will confess. I made that request because of the delay that's caused by the loss of two -- almost three weeks for conventions, and I said we did not have time to do 13 bills and a supplemental before September 30th of this year.

BYRD:

Yes. Well, when the Senate passed the FY '04 appropriations bill last summer, we approved an amendment -- I believe it was my amendment -- with over 80 votes expressing the sense of the Senate that you should budget for the war -- that you should budget for the war in Iraq in the president's request for the annual budget.

Let me read the exact language. "Section 8139: It is the sense of the Senate that, one, any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the president for such fiscal year as submitted to Congress under Section 1105(a) of Title 31, United States Code.

BYRD:

"And, two, any funds provided for such fiscal year for such a military operation should be provided in appropriations acts for such fiscal year through appropriations to specific accounts set forth in such acts."

So we've asked that that be done, and I hope it will be done. That was my amendment.

Do I have time for any further...

STEVENS:

I'm sorry, Senator, your time has expired.

BYRD:

I thank the chairman and thank the secretary.

STEVENS:

Senator Domenici is recognized for five minutes.

Thank you, Senator.

DOMENICI:

What was the time?

STEVENS:

Five -- well, four minutes.

DOMENICI:

All right.

First, let me say, Mr. Secretary and General Myers, in my first round of questions, typically I got excited and I didn't tell you both that I congratulate you; I do.

Mr. Secretary, there's been a series of questions, not as much as I would have hoped, about how we're going to reconstruct the country and whether we had a plan. And I want to thank you both for at least telling the American people that you have the plan.

And, in particular, General Myers, I think what you described, in terms of the merging in a command way, the Iraqi military with yours is tremendous. I hope you proceed with dispatch.

MYERS:

Yes, sir. We will.

DOMENICI:

I have also determined that there is not very much Iraqi oil money that is currently available for the payment of infrastructure. The reason is that Iraq owes a huge amount of money to countries that they borrowed from, led by Russia, France and others.

Now, Mr. Secretary, we have asked Jim Baker to go around and see what can be done to minimize the payment of those so we can get on with reconstruction. Is that not correct?

RUMSFELD:

It is correct.

DOMENICI:

Now, secondly, we know that France and Russia, two of the biggest creditors, have cheated immensely with hundreds of millions, if not billions of dollars in the food-for-peace program.

DOMENICI:

Now frankly, it disturbs me that we're working on making sure that their debt is paid when as a matter of fact, they've taken money from the food for peace program and allocated it to themselves in what might be a giant fraud.

Now I ask you who is responsible for seeing that something's done about that? Is that Jim Baker's job? Or is that the secretary of state's job? Or is that your job?

Because I think we ought to not be recognizing those debts if, in fact, we have reason to believe that that program was pillared the way we understand it. Mr. Secretary and General, either one of you.

RUMSFELD:

Senator, there are several investigations, at least two that I know of the oil-for-food program. And a lot of charges have been made. The investigations are not complete.

With respect to the responsibility for dealing with Iraqi debt, the president asked former Secretary of State Baker, as you pointed out, to address that. And those are matters that are being handled by the Department of State, the United States Department of State, by the United States Department of Treasury, not by the Department of Defense.

DOMENICI:

I thank you.

I have four or five questions that are more parochial and don't fit this meeting because of the grave nature, but I will submit them.

And General there's one, and that is on the border of the United States, we have a very serious problem of the infiltration of potential terrorists. Those borders have been guarded by Reserve and National Guard people. And I am concerned that in our desire to solve Iraq that we don't minimize the protection of our borders by our military to prevent terrorists. Can you just either address it now or address it later?

MYERS:

I'll say a couple of things.

One is that the stand up of Northern Command was exactly the right thing to do because they, along with the Department of Homeland Security worry very much about that. So I think it's good that we have a military command that worries about that as well and works with our neighbors to the north and to the south to help stem that flow.

I am not aware right now of military augmentees other than occasionally we have reconnaissance forces that help, but not like we did right after 9/11 where we had military people, generally from the National Guard, augmenting some of our border organizations.

STEVENS:

General, I've got to -- if I'm going to let you go...

DOMENICI:

Thank you.

STEVENS:

... I've got to stop you right there, all right.
(CROSSTALK)

STEVENS:

Senator Leahy, you're recognized for four minutes.

LEAHY:

Thank you, Mr. Chairman.

I was going to raise the question on the ammo dumps following up Senator Feinstein, but I appreciate what you said and I'll wait to see what we hear from that.

I was glad to hear the comment made about the value of TRICARE. When I and several other senators on both sides of the aisle were trying to push through TRICARE last year, we received a letter from the secretary saying the president would veto a bill that might have TRICARE in it. So I'm glad that you have come around to our side, and I compliment you on that.

So that the Secretary Rumsfeld does not have to expend a great deal of time checking his data bag, I want to make sure you understand what I was saying earlier about the letters.

I have written to you. I was not -- when I said I didn't get an answer, I meant the letter came back. The answer was questionable or, for example, one in June 25th of last year regarding treatment at the Baghram Air Base. And after what has been reported there, Abu Ghraib and Guantanamo, I suspect that the answer was incomplete.

I will give you compliments, however -- the CIA, when we asked them such questions, they never responded. And of course, as he usually does, Attorney General Ashcroft didn't respond to my letters or letters from Republican senators or others.

I was going to bring up, and I will submit it for the record some of the specific funding questions, but just because of some of the things said here today about the concerns of the prison abuses in Iraq are just a work of a few bad apples, I look at this report that we have had...

RUMSFELD:

Who are you quoting that said they're just the work of a few bad apples? Certainly not me.

LEAHY:

No, I'm not quoting you. I said for those -- some of who have said this -- suggested at the hearing today, but if I might get on with my point...

RUMSFELD:

I didn't hear anyone say that.

LEAHY:

Your recollection be yours, mine's mine.

If I might, let me go back to those who have suggested it's only a few people involved, they were sort of out of the chain of command.

LEAHY:

I have a copy of the March 2004 report by Human Rights Watch which has corroborated such things as interrogation techniques employed by U.S. personnel: sleep deprivation, prisoners stripped naked and kept in freezing cells, humiliating taunts by women, hoods placed over detainees' heads during interrogation, forced standing, kneeling for hours, and so on.

Incidentally, Mr. Secretary, the reason I even raise this and to refute some who have suggested it's only a few is that this report, of course, is about Afghanistan, not about Iraq. But it appears to be exactly the same techniques used in Afghanistan as were used in Iraq. I don't think they're getting their techniques over the Internet. There's obviously some systematic training.

And so, I would suggest, especially about the report by Major General Ryder, that we find out whether there is a coordination between all of these so that nobody will have the assumption that maybe it's just a few bad apples, because I know that the vast majority of our American men and women follow orders, do it very professionally and make every single member of the United States Senate proud as they do you and General Myers.

RUMSFELD:

Senator Leahy, first on the ammunition dumps.

We are discovering more every day. The country is filled with them. Any number we give you, and we'll give you weekly reports if you want, changes because of the numbers that are found and the numbers we deal with.

Second, I know I don't know the extent of the abuse problem. We've got, I believe, six investigations under way. I am absolutely certain that there are more revelations to come.

RUMSFELD:

The question as to whether or not there is something systemic, as I believe you said is obvious, is not obvious to me. I'm anxious to learn whether that's true. And the investigations that are taking place we hope and pray will tell us whether there is that.

I do not recall, General Myers, anything in the Taguba report that said that there is obviously systematic training to do those things. Indeed, I am reasonably confident there isn't anything in General Taguba's report that suggests that there was training to do those things. Is that your recollection?

MYERS:

I think that's my recollection.

RUMSFELD:

But the...

LEAHY:

I think I was talking about General Ryder's report, but that's OK.

RUMSFELD:

I see.

STEVENS:

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Could we move on to the other two senators...

LEAHY:

Sure.

STEVENS:

... so we can -- we have, a matter of fact we have three senators.

LEAHY:

Thank you, Mr. Chairman. Incidentally, Mr. Chairman, you have run this hearing very, very fairly, as you always do...

STEVENS:

I'm trying.

LEAHY:

... and I appreciate that.

STEVENS:

Senator Durbin, recognized for four minutes.

DURBIN:

I'd like to ask two questions, if I can, briefly. And the first follows up on this whole question of the interrogation techniques.

We have, I understand, one soldier who has been captured. Is it a soldier of the last name Maupin (ph), if I'm not mistaken.

MYERS:

Right, Maupin (ph).

DURBIN:

And we're uncertain of his whereabouts...

MYERS:

That's correct.

DURBIN:

... and we certainly hope he's safe.

I'd like to ask, Mr. Secretary, wouldn't it help if there was clarity from you and from this administration that we would abide by the Geneva Conventions when it comes to civilian and military detainees unequivocally?

Wouldn't that help to put to rest concerns about our interrogation techniques in Guantanamo, in Bagram, in Iraq? And wouldn't it also serve to protect any Americans who become prisoners?

As I look at the interrogation rules of engagement which have been issued, there are, frankly, many of those which are violative of the Geneva Convention standard, and these are rules which have been issued by our government.

Wouldn't it be good for us, at this moment in time, to clearly and unequivocally state that we will follow the Geneva Convention with civilian and military detainees?

RUMSFELD:

Senator, that is a question that's being discussed widely in the press and editorial comment in newspapers. And certainly that's a fair thing.

Regrettably, the discussion and the dialogue and the editorials tend to be, in many instances, inaccurate.

There is no ambiguity about whether or not the Geneva Conventions apply in Iraq. There never has been any ambiguity. From the outset, Iraq is a country, the United States is a country. The Geneva Conventions apply to parties -- nations. They don't apply to terrorist networks. They do apply to nations.

RUMSFELD:

Iraq's a nation. The United States is a nation. The Geneva Convention's applied. They have applied every single day from the outset.

Now, where the confusion comes in -- and it's understandable to some extent -- is this -- and I'm very glad you raised it because it's something that's concerned me and I've been disappointed to see the lack of research that's taken place on this subject -- the Geneva Conventions apply to conflicts between states, parties to the convention.

In the case of Afghanistan, it is a state and therefore the Geneva Convention applied to Afghanistan as a state. It did not apply to the Al Qaida that was using that state, and a judgment was made by the president of the United States very simply that to protect the Geneva Convention and to protect U.S. armed forces, it would be wrong to state that the Taliban were merited the benefits of the Geneva Convention. The reason being that the Geneva Conventions apply to people, and they get the POW status, only if they satisfied certain criteria.

Do they operate in a chain of command, do you they uniforms, do they carry arms openly, do they comply with the laws of war? Terrorists don't comply with the laws of war. They go around killing innocent men, women and children.

DURBIN:

Mr. Secretary, I...

RUMSFELD:

Just a minute. Just a minute, Senator. I'll stay late.

DURBIN:

... want to have a chance to follow up on my...

RUMSFELD:

I'll stay. Listen, I'd like a chance to follow up.

The situation is that the president not only said it should not apply, the Geneva Conventions, under the law, to the Taliban or the Al Qaida, although it does to Afghanistan and it always has to Iraq, but he said notwithstanding that fact they would be treated as though those conventions applied.

Now, that's not a decision we made. That's a decision the president made. It's -- in my view, the conventions are there to protect people who obey the laws of war.

To do what you're suggesting simply, regardless of what the convention says, apply the conventions to anybody -- terrorists, Taliban, you name it -- doesn't strengthen the Geneva Conventions; it weakens them.

DURBIN:

Let me go specifically to Iraq, and let me talk about the detainees that were held at Abu Ghraib and other prisons. And let me tell you your interrogation rules of engagement, the ones that are published, go far beyond the Geneva Conventions. The things that we allow with C.G.'s approval here -- stress positions, sleep management, dietary manipulation -- all of these things go far beyond a standard which says, "There'll be no physical or mental torture nor any other form of coercion or that the people involved will be exposed to unpleasant or disadvantageous treatment of any kind." That's the Geneva Convention.

These rules of engagement for interrogation issued by your department are inconsistent with those. And I'm not talking about the terrorists Al Qaida or the Taliban, we're talking about Iraq.

RUMSFELD:

General Myers, correct me if I'm wrong, but my recollection is that any instructions that have been issued or anything that's been authorized by the department was checked by the lawyers in your shop, in the department and in the Office of the Secretary of Defense, and deemed to be consistent with the Geneva Convention.

MYERS:

Absolutely. And you could read any one of those -- stress positions -- you could read any of those -- a stress position for an excessive amount of time or that would hurt somebody is not approved. I don't have that with me. I had it for the last hearing. But I think at the bottom it says, "In all cases they'll be treated humanely."

I don't know if it's on that chart. Is that it at the bottom? What does it say at the bottom?

STEVENS:

Well, gentlemen, this is a very interesting conversation...

MYERS:

We'll be happy to come brief you on this, but that is not illegal according to the Geneva Convention, the ways they were applied. Every time we have an interrogation, we have an interrogation plan. Those are appropriate and that's what we're told by legal authorities and by anybody that believes in humane behavior.

DURBIN:

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I would just conclude by saying, I don't believe what you have issued is consistent with the Geneva Convention. And I think now more than ever, in light of what happened in that prison, in light of the fact that a American service man is being held, we should be clear and unequivocal.

STEVENS:

Senator, we've got to terminate this sometime. I'm late for appointments myself.

Now, we have two other members who have four minutes each. One of them is Senator Dorgan for four minutes.

DORGAN:

Mr. Chairman, thank you very much.

It seems to me that one of the major goals with respect to our security here in this country is the apprehension of Osama bin Laden.

DORGAN:

I'd like to ask you about that briefly.

It has been two and a half years since Osama bin Laden perpetrated the attack against our country. He communicates to us and to the world through videotapes sent to Al Jazeera and other outlets. It seems to me, I'm sure in your mind and in the mind of all Americans, that it is urgent that we find Osama bin Laden and apprehend him.

I'd like to know what is happening on that front. What can you say publicly about it? What is new? What should we understand about any progress that might or might not be being made with respect to finding Osama bin Laden?

RUMSFELD:

The Department of Justice, the FBI, the Department of State working with other countries, the Department of Defense with military intelligence spends an enormous amount of time attempting to develop information, frequently from detainees, that can lead to information that conceivably might produce actionable intelligence to capture. We have not been successful.

It's the kind of thing where people ask me, "Well, are you close?" There is no close in this business. Either you have him or you don't.

And they are well-financed. They're clever. They go to school on us and watch what we do.

And thus far, we have been successful in capturing a large number of the top of Al Qaida. We've been successful in capturing a large number of Taliban. We have been successful in capturing many of the top 55 in Iraq including Saddam Hussein and attacking his sons. But we haven't got OBL.

DORGAN:

Mr. Secretary, you know, I understand you and General Myers and others -- all of us have our hands full with Iraq. We pray that that gets resolved. But would you agree that another significant goal must be the apprehension of Osama bin Laden?

My expectation is if there is a terrorist event, God forbid, in this country in the future...

RUMSFELD:

I think that...

DORGAN:

... it will be directed by Osama bin Laden.

RUMSFELD:

... that's a reasonable expectation. We see threats to that effect consistently for this country and for other countries. And they're not just by OBL.

I mean, as General Myers pointed out, Zawahiri -- he hasn't sworn allegiance to OBL. He's running his own network but he's the next best thing. He's as close to OBL as you can get without having decided that he wants to give up his own independence and swear allegiance to him.

MYERS:

Zarqawi.

RUMSFELD:

I mean Zarqawi.

MYERS:

And this is something that we review all the time. And let me just assure you that we have a great deal of capability and resources put to this problem. And we're trying to do it the best we can.

I mean, we are -- there is no lack of resources. Nobody's asking for anything we don't have. We're trying to -- in a very difficult part of the world where the terrain is not only tough but the people's allegiance to any government are essentially nonexistent -- that it's a very tough place to operate.

MYERS:

And there's other considerations that we can go into in a classified session. But we certainly are putting a lot of resources to this issue.

DORGAN:

So you're saying we're on the hunt, on the move, we have resources directed.

I know that at one point, substantial resources were directed to that goal. Is that...

MYERS:

I would say we have substantial resources directed to that goal. I would say it's correct.

DORGAN:

There were others who predicted that within this year -- for example, we were getting close enough to expect that within this year that Osama bin Laden would be apprehended.

RUMSFELD:

I think predications like that are difficult. It's like predicting what a war is going to cost or how long it's going to last or how many people are going to be killed. Anyone who does that ends up being embarrassed.

DORGAN:

I just finally want to say whatever resources you need to do that job, I think this committee is very interested in making those resources available if the resources aren't, at this point, sufficient.

RUMSFELD:

You bet.

DORGAN:

Thank you.

STEVENS:

Senator Feinstein?

FEINSTEIN:

Thanks very much.

If I may, Mr. Secretary, I just want to venture an opinion on the Geneva Convention. I think we always have to apply the Geneva Convention, because with our nation, regardless of whether it is state or non-state, we have a certain moral imperative that we cannot escape and that's everything that a just nation believes in, and there's no escape from it.

And so my very strong view is that this nation should always observe the protocols of the Geneva Convention.

Now a question if I might...

RUMSFELD:

May I comment on that?

FEINSTEIN:

Surely.

RUMSFELD:

That's sounds so plausible and so reasonable. And I'm told by people who study these things that there's a danger to doing that.

And the danger is that the Geneva Conventions were put in place to try to protect innocents, civilians. And to the extent people behave in a way that's inconsistent with the conventions, that is to say they attack innocent civilians, they don't wear uniforms, they don't carry arms openly, they carry them on a concealed basis, they mix themselves among civilian populations, putting civilian populations at risk -- as we see happening in Iraq today, putting people in front of them, children and the like -- to the extent you say, "That's OK, let's give everybody the benefits of Geneva Convention," then the worry

was, when the convention was developed -- and I'm not expert on this, but I'm told this -- the worry was that it would lead people to put more innocent people in jeopardy.

Do you want to comment on that?

MYERS:

Well, I think that's exactly right. And I think the next point is, then, having said that, that the Geneva Convention -- that we will apply it in all cases. And we have faithfully. And I think to include our interrogation techniques.

FEINSTEIN:

Let me make my point. A large number of detainees are innocent. They're in the wrong place at the wrong time. You just acknowledged earlier that 31,000 detainees were released, presumably because they were innocent.

And, you know, and you also said, General, a very profound thing this morning. You said there's no way we can lose this war militarily and there is no way we can win it militarily -- which I think makes the exact point of why this nation's adherence to the Geneva Conventions, protocols, the fourth and fifth and others, are so very important.

Now let me just ask one other question. You also said that your hope would be that within a few months after the transition, we would be able to withdraw. And we talked about planning ahead.

RUMSFELD:

I did not say that.

FEINSTEIN:

The general, I believe...

MYERS:

No, I said we would -- the next time we'd have a lens on what the requirement would be. We'd have to see how the political track -- that was what I hoped I...

RUMSFELD:

Absolutely not, that would be a terribly misunderstanding. There's no one I know who believes that.

FEINSTEIN:

So you're saying the next time to view that would be within...

MYERS:

Senator, because now -- between now and 30th June, we know it's going to get worse. We've said that for months. And then we're going to have to see afterwards how Iraqi citizens behave once they have a government.

And so sometime this fall I think General Abizaid will feel comfortable to say, "OK, here's the track we're on now."

FEINSTEIN:

DODDOA-010581

Could I ask for your assessment, both of your assessments, if I might, on another subject?

What is your assessment of the probability of civil war following a transition -- largely Sunni/Shiite?

RUMSFELD:

It's been a problem we've worried about from day one.

RUMSFELD:

It's a problem we worried about on entering the country, that it could happen. It hasn't happened.

We do know that terrorists and foreign people and former regime elements and some other elements in the country have consciously developed a plan to try to incite that and to attack various elements and lead people to believe it was another element in the country in the hope that that could create anarchy and chaos and cause the coalition to leave. So it's a risk; it's a risk.

The goal would be for us to stay there as long as we have to to have the Iraqi security forces sufficiently develop that they would be able to deal with the overwhelming majority of the kinds of problems that could occur, normal law enforcement and the like.

Our role, one would think, would diminish, as the government stands up this year and next year in some way as soon as it's possible, but to -- for a good period of time -- be available to be of assistance in the event it's necessary.

And the last thing in the world anyone wants to see is a civil war in that country.

STEVENS:

Thank you very much.

FEINSTEIN:

I thank you both very much.

Thank you, Mr. Chairman.

STEVENS:

Mr. Secretary, I think -- I'm not sure about history, but I know you've served as Department of Defense secretary before. And I certainly congratulate you for the way you're handling these terrible days right now.

And, General Myers, we have worked with a number of chairmen of the Joint Chiefs of Staff and you're the finest. And I really believe we are very fortunate to have you where you are. We appreciate your testimony today.

RUMSFELD:

Could I make one last comment?

STEVENS:

Yes, sir.

RUMSFELD:

DODDOA-010582

Mr. Chairman, and members, this event, these abuses have been a body blow for the country.

I've heard a lot of comments today and one citation that it's the beginning of the end and that kind of a feeling. I must say, I don't believe that. I think that these abuses that took place are terrible, they're inhumane and they're inexcusable, and they'll be punished.

RUMSFELD:

But they don't represent America. They certainly don't represent Americans or the American military.

Iraq has made enormous progress and it's getting ignored: The schools are open; the hospitals are open; the oil is pumping; they've got a new currency; the ministries have been formed; there are governing councils for the provinces; there are city councils for the cities; 80-90 percent of the people in that country are being governed by local councils over them.

And all we hear about are the problems, and there are problems.

And I've got to tell you, there are going to be more revelations of abuse that will come out in the days and weeks ahead because we've got six investigations looking into all of this. And they will not come out because of the media being so wonderful and investigating everything; it'll come out because the United States military investigations will let them out, and they'll announce them, and that's a good thing and that tells a whole of a lot about our country.

The -- I've kind of stopped reading the press, frankly. I'm sure you can understand why.

I've been reading a book about the Civil War and Ulysses Grant. And I think about the -- and I'm not going to compare the two, don't get me wrong and don't somebody rush off and say he doesn't get the difference between Iraq and the Civil War.

The fact of the matter is the casualties were high, the same kinds of concerns that were expressed here were expressed then. They weren't in e-mails. They weren't in digital cameras. They were in diaries and letters. They were by families. They were by soldiers, politicians. And they were all across the spectrum. They were despairing. They were hopeful. They were concerned. They were combative.

And in the end, they were losing 1,000, 1,500, 2,000 casualties in a three-day war. The carnage was horrendous, and it was worth it.

And I understand concern. By golly, I've got it. But I look at Afghanistan, 25 million people liberated, women voting, able to go to a doctor, and I look at Iraq, and all I can say is I hope it comes out well. And I believe it will, and we're going to keep at it.

Thank you.

STEVENS:

Well, thank you very much. And we appreciate your comments. And, God willing, we hope you're right. We certainly pray you're right, as a matter of fact.

STEVENS:

This hearing concludes our planned hearings on the fiscal year 2005 defense budget.

I have stated that the committee will schedule a hearing on the forthcoming request when more details are available. We will have to do that before we mark up.

We thank you all for what you've done for us. We do have a series of questions that have been submitted for the record. As you heard, we appreciate you submit those -- no rush. We won't close this record until some time at the end of the month.

RUMSFELD:

Thank you very much.

STEVENS:

We appreciate your concern, and again, we generally thank you. I mean, you've taken a lot of time with us today. Did you know that every member of the subcommittee was here and asked questions of you?

And that's probably a record for this subcommittee on these wrap-up hearings that we have.

As Senator Inouye says, it's the first time they all came for the wrap up.

Thank you very much.

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