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U.S. SENATOR CARL LEVIN (D-MI), CHAIRMAN

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GENERAL RICHARD MYERS (USAF), NOMINATED TO BE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

BODY:

U.S. SENATE ARMED SERVICES COMMITTEE HOLDS A HEARING ON THE NOMINATION OF GENERAL RICHARD MYERS (USAF) FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SEPTEMBER 13, 2001

SPEAKERS:

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LEVIN: Today, in New York City and across the Potomac in Virginia, our fellow citizens continue to sift through the ruins two days after the most deadly and cowardly attack ever against the United States. The terrorists behind this horror sought to destroy more than structures, they sought to destroy the American spirit. But those who unleashed this horror now understand you have failed.

Through our rage at these attacks on our people and on our free institutions shines a focused determination to recover our loved ones and friends who are still lost, and to assist their loved ones in coping with the devastating void into which they have been plunged. Our fury at those who attack innocence is matched by our determination to protect our citizens from more terror, and by our resolve to track down, to root out, and relentlessly pursue the terrorists and those who would shelter or harbor them.

Two nights ago, Senator Warner and I joined Secretary Rumsfeld, General Shelton, and General Myers at the Pentagon, and witnessed first-hand that determination. Brave men and women were attending to the victims and fighting the fires -- all just a few feet away from loved ones and friends who were still missing or presumed killed. Many of them have been working non-stop ever since the attack. America salutes them as the genuine heroes and heroines that they are. And our prayers are with the victims and the families and friends who grieve for them.

For every person who has perpetrated a barbaric act, thousands of Americans have engaged in acts of extraordinary courage. Those acts are still unfolding, and will unfold in the days, weeks, and months ahead.

Debate is an inherent part of our democracy. And while our democratic institutions are stronger than any terrorist attack, in one regard we operate differently in times of national emergency. We set aside our differences and we ask decent people everywhere to join forces with us to seek out and defeat the common enemy of the civilized world.

The chairman of the Joint Chiefs of Staff, General Hugh Shelton, assured the nation two nights ago that America's armed forces are ready. General Shelton has served in the demanding position of chairman of the Joint Chiefs of Staff for the past four years with great distinction. The nation and every man and woman who wears our country's uniform owe him a tremendous debt of gratitude.

And now, General Richard Myers is ready to assume the duties that General Shelton so magnificently shouldered. The president has nominated General Myers to be the next chairman of the Joint Chiefs of Staff. General Shelton's term expires on September 30. This committee must act on General Myers nomination, and we will do so.

The tragic events of the last two days vividly remind us again of the importance of this position. The chairman of the Joint Chiefs of Staff is the highest ranking military officer in the United States armed forces, and is the principal military adviser to the president, the National Security Council, and the secretary of defense.

General Myers is uniquely well-qualified to serve as the next chairman of the Joint Chiefs. He is a decorated Vietnam veteran who knows the dangers faced by our men and women in uniform. He has led U.S. forces in Japan

and in the Pacific with a steady hand. He has served as assistant to the chairman and as commander-in-chief, U. S. Space Command. Since February, 2000, he has served as vice chairman of the Joint Chiefs, the nation's second-highest ranking military officer, at times acting as chairman in General Shelton's absence. General Myers is, I believe, the first vice chairman to be nominated as chairman.

At times when we are reminded almost daily of the dangers to our military personnel and the sacrifices of their families, we particularly want to welcome General Myers' wife, Mary Jo. Mrs. Myers, we welcome you. We thank you for your service to the nation. You, too, will be called upon for sacrifice, in addition to the extraordinary sacrifice which you and the family have already undertaken. This is no ordinary time. This will be no ordinary nomination hearing.

As vice chairman, General Myers has been personally involved in the rescue efforts at the Pentagon and in guiding the United States armed forces during these difficult days. He is in a unique position to update the committee and the country on the situation, and we have asked him to do so.

General Myers, we welcome your testimony on the status of the efforts at the Pentagon, the extent of the damage and loss of life, the role that the U.S. military forces are playing in support of rescue and relief efforts in New York City, and what steps this nation might take to strengthen our ongoing efforts to combat the scourge of terrorism.

General Myers has responded to the committee's pre-hearing policy questions and our standard questionnaire. Without objection, these responses will be made part of the record. The committee has received the required paperwork on General Myers, and will be reviewing that paperwork to make sure that it is in accordance with the committee's requirements.

I just want to make two very brief announcements before I call on Senator Warner, and then on our two colleagues who will be introducing General Myers.

First, at the conclusion of our open session, Senator Warner and I have determined that we will go into a members-only, classified session in the Intelligence Committee Hearing Room, SH 219. General Myers will be there with other members from the uniformed staff. Also, Secretary Wolfowitz will be joining us at that time.

Secondly, we are making arrangements for bus transportation -- I want to thank Senator Warner for his leadership in this -- for members of the committee who would like to go to the Pentagon at approximately 6:30 this evening. There are a number of members who have made their own arrangements to go over the last couple of days. Senator Warner and I fully concurred and thought it would be helpful to arrange for transportation for those who might wish to go to the Pentagon at approximately that time, 6:30 this evening. We will be back to you as soon as possible with details about the precise time and place. It will be after our executive session at a place to be determined.

Senator Warner?

WARNER: Thank you, Mr. Chairman.

And I do hope as many members who can will take this opportunity. Just moments ago, I left the site and I have been on it twice now.

WARNER: And General Myers, I want to thank you for taking the time to go up there today -- we met at the site together -- and particularly, General, that you took the time to recognize the hard-working people there, primarily from Virginia and Maryland, the District of Columbia; fire, rescue, Red Cross, engineers.

It's a remarkable scene, I say to my colleagues, and I think no matter how many times we viewed this on television, those of you who can avail themselves of the opportunity to see not only the site, the work going on, but the precise manner in which that plane was directed at the building.

So Mr. Chairman, I've just received a call from the White House. I am to meet with the president at 3:10, so I'm going to put my statement in for the record. I thank Mrs. Myers, as the chairman said, for your career opportunities,

not only for yourself, but for your distinguished husband. Without doubt, it's a team effort. So often in the military, fortunately, it's a team effort.

So if you'll excuse me, I'm going to depart. I hope to return in time for your executive committee hearing.

LEVIN: Thank you very much, Senator Warner.

General Myers has responded to the committee's pre-hearing policy questions, our standard questionnaire. Without objection, these responses will be made part of the record. The committee has also received, as I mentioned, the paperwork on General Myers, and as I indicated we will be reviewing that paperwork.

There are several standard questions that we ask nominees who come before the committee, and I will ask General Myers these questions. First, do you agree, if confirmed for this position, to appear before this committee and other appropriate committees of the Congress and to give your personal views, even if those views differ from the administration in power?

MYERS: Mr. Chairman, yes I do.

LEVIN: Have you adhered to applicable laws and regulations governing conflict of interest?

MYERS: Yes, I have.

LEVIN: Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

MYERS: No, I haven't.

LEVIN: Will you ensure that the joint staff complies with deadlines established for requested communications, including prepared testimony and questions for the record in hearings?

MYERS: Yes, sir, I will.

LEVIN: Will you cooperate in providing witnesses and briefers in response to congressional requests?

MYERS: Yes, sir.

LEVIN: And will those witnesses be protected from reprisal for their testimony?

MYERS: Absolutely.

LEVIN: At this point, we have two colleagues who both claim General Myers as their own, and we understand why -- fully. It's nice to be fought over in this way, General. We will first call upon, with the agreement of both of our colleagues, Senator Carnahan for the first introduction, and then Senator Roberts for the second introduction.

CARNAHAN: Thank you, Mr. Chairman.

America is enduring one of the gravest moments in our history. But as holy scripture reminds us, it always gives us hope, and we are minded from the book of Esther that there are those who are called to the forefront in just such times. Sitting next to me is a military leader for our time.

He has been tried and proven time and time again. Our country is indeed fortunate in this hour of need to have General Richard B. Myers as the nominee for the chairman of the Joint Chiefs of Staff. He will inherit a post of paramount responsibility, charged with taking on new battles and with deploying new weaponry against the current and insidious threats to our nation. I believe General Myers is the right man to lead our military forces in this endeavor, and I enthusiastically endorse his nomination for the chairmanship of the Joint Chiefs of Staff.

It's a great honor to join Senator Roberts in introducing General Myers to this committee. Kansas and Missouri have long disputed claims to territory, as well as collegiate sports titles. Well, today we added to the historic rivalry between our states. We have a disputed claim over just which state should claim the nominee for the highest military post in the land.

But I believe that we can agree on one thing. General Myers would make an excellent chairman of the Joint Chiefs of Staff. His extensive leadership in space-based defense, U.S.-Asia policy and defense acquisition make him an ideal candidate to oversee the military's transformation of the 21st century.

He is a decorated command pilot, with more than 4,000 hours in the cockpit, including 600 as a fighter pilot in Vietnam. General Myers has been awarded the distinguished flying cross twice, and 19 air medals. He has served with distinction as commander-in-chief of U.S. Space Command and commander of the Pacific air forces. And for the last two years, he has served on the Joint Chiefs of Staff as the vice-chair, leading on the Joint Requirements Oversight Council and Defense Acquisition Board.

But above all, General Myers has emerged as a powerful voice for America's service men and women. As the highest ranking officer in the United States military, the chairman of the Joint Chiefs of Staff must promote the quality of life for our soldiers, sailors, airmen and marines. I have no doubt that General Myers will be a strong advocate for men and women in uniform, both active and reserve components. As a distinguished warrior himself, he can relate to the rigors and sacrifices endured by our service men and women today.

Mr. Chairman, I urge this committee to recognize the extraordinary credentials of this nominee with a favorable reporting to the United States Senate.

LEVIN: Senator Carnahan, we thank you for that strong endorsement.

Senator Roberts?

ROBERTS: Mr. Chairman and Senator Warner, my dear friends and colleagues, it is both an honor and a privilege for me to introduce to the Senate Committee on Armed Services General Richard B. Myers as the nominee to be the next chairman of the Joint Chiefs of Staff.

But first, like our distinguished chairman, let me offer my prayers, my thoughts to the families of the Americans that lost their lives in regard to the attack on the United States -- an attack not only on them, our country, but American democracy and freedom. This will not stand.

I wish to associate myself with the outstanding remarks from my colleague and friend from Missouri, Senator Carnahan. I would like to revise and extend just a portion, however.

General Myers was born in St. Luke's Hospital. That's a fine hospital just across the Kansas border. However, just as soon as he was ambulatory, he was rescued...

(LAUGHTER)

... and taken back to Kansas to a community called Marion where he has lived ever since.

ROBERTS: General Myers is not only a Kansan, but as President John Wiethald (ph) of Kansas State University will point out, just as important he is a graduate of Kansas State University, the home of the ever-optimistic and fighting Wildcats...

(LAUGHTER)

... now rated number 10 in the football polls.

Along with his wife Mary Jo (ph), who is a K. State graduate and a resident of Manhattan, Kansas, America -- what we call the "Little Apple," she is an English major, and I have been informed that Mary Jo has spent the last couple of days staffing the phones at the Army Family Service Center. Well done, Mary Jo, and thank you so very much.

Please understand, as important as being a fighting Wildcat, that it is an honor for me to present a man I feel is exceptionally qualified to prepare and lead our military as we deal with emerging threats, so tragically portrayed on the 11th of September. We must understand the nature of the warrior class that makes up these state- sponsored or rogue groups that are capable of perpetrating the attack the United States suffered as of Tuesday. Make no mistake about it.

Although the possibility of the classic force-on-force military conflict must be part of our military's capability, we must also be prepared to realign our military strength to address the asymmetric in warfare demonstrated so graphically Tuesday. I am confident that General Myers understands these issues and is certainly ready for them.

I believe that the General has shown that he has a grasp of the requirement for military transformation. I am confident that the events of the past few days will affect the direction of the amount of transformation our military must undergo under his leadership. Part of the equation for transformation is the supporting role the United States military must play in handling the consequences of an act of terrorism.

Again, the events of this week point out the value of the role played by our military, our active duty forces, our guard and our reserve. But the military must have this as a mission and be prepared and be trained to respond.

Now, I'm not going to re-act the impressive military background of the General, but only add that he is clearly well qualified to lead our military in this new age that burst in vivid reality on our doorstep on the 11th, and I urge my colleagues to support General Myers for this most important post. It again is a privilege and honor to recommend him to you.

I thank you, Mr. Chairman.

LEVIN: Thank you, Senator Roberts.

To use the football analogy a little further in the competition here to introduce you, it's a tie between Missouri and Kansas.

(LAUGHTER)

They both won. They both won, and they're both winners indeed.

General Myers, do you have an opening statement for us?

MYERS: Mr. Chairman, I do have a short opening statement.

Mr. Chairman, distinguished members of the committee, thank you for the opportunity to appear before you today. I especially want to thank Senator Carnahan of Missouri, my birthplace, for your very kind words. And I sincerely appreciate your remarks, Senator Roberts, both because you're a fellow man of the plains and a K. Stater, but more appropriately today because of your recent chairmanship of the Subcommittee on Emerging Threats. You've been part of a great team at the leading edge of our efforts to address the challenge of asymmetric warfare, and for that we're all in your debt.

Two days ago, our nation suffered a sudden, horrific attack by terrorists. They attacked two symbols of our national power -- one economic and one military -- but not the heart of that power. The heart of America's strength is found not in its symbols, but in its people -- 270 million determined citizens.

And similarly, the heart of American military power is not a symbol called the Pentagon. The heart of that power resides in every soldier, sailor, airman, marine, coast guardsman sworn to defend our Constitution and the American

way of life.

These despicable acts have awakened a national resolve in the American people and its armed forces that rivals any scene since Pearl Harbor. Today, due in large measure to the outstanding support of the members sitting before me, America's military is trained, ready and extremely capable of responding to the president's clarion call.

If confirmed, I pledge to keep our armed forces at that razor's edge, first and foremost by sustaining our quality force and taking care of the heart of our military, our people. They are our decisive edge. We've made great strides in recent years under the outstanding leadership of General Hugh Shelton, but we've got to continue the momentum to improve their quality of life. Hugh Shelton was key in getting us this far, and of course with your assistance, we can take it to the next level.

MYERS: I will also work tirelessly with our service chiefs and CINCs to ensure that our troops continue to receive the training, equipment and support they need to carry out the wide range of missions that we've assigned to them. And finally, my third priority will be preparing our military for the security challenges of the future, modernizing and transforming the force with new, joint capabilities, even as we face the threats of today.

Members of the committee, if confirmed, I look forward to your wise counsel in a bipartisan spirit, as we work together to address today's issues and tomorrow's challenges. I join you in honoring those of our citizens, military and civilian, who were injured or died in these recent attacks. Our hearts go out to all who have lost loved ones in this terrible tragedy. And we will never forget them.

So thank you, Mr. Chairman. I look forward to your questions in a minute. But first, with your permission, I'd like to talk two issues: the status of the Pentagon and the civil support measures that we've taken, by the armed forces, in providing support in New York and Washington, D.C.

LEVIN: Please.

MYERS: First of all, I think as some of you know that have been to the Pentagon, that the fire is out, that there are some areas that are water-damaged. And we're starting to clean those up and to move back into those.

It will leave about a whole wedge of the Pentagon, maybe not quite a wedge, but almost a wedge of the Pentagon that will need to be rebuilt. So they're in the process right now of recovering the remains, of determining the stability of the structure where the airplane hit and already planning to rebuild that structure.

I was with Senator Cleland when this happened and went back to the Pentagon. And they were evacuating, of course, the Pentagon at the time. And I went into the National Military Command Center because that's essentially my battle station when things are happening.

And it proved to be as resilient as our people did and have throughout this crisis. And that's where we stayed.

The air got a little acrid at times. The air filtration system shut down for moments. But we got it back up and were able to stay there throughout the whole effort.

In terms of military support in New York and Washington, D.C., for the Pentagon, that support, some of you have seen it, but it's from the soldiers and sailors and airmen, Marines and Coast Guardsmen from this area and the local authorities. And there were many first responders.

I can't catalogue all the names on all the sides of all the ambulances and fire trucks that responded, but they were from all over the District, from Virginia and from Maryland. And they all pitched in and did exactly what they had to do.

In New York, the Department of Defense active duty and reserve component, the Guard and Reserve, have supported every request from FEMA. And to my knowledge, there may be some outstanding requests, but we are fulfilling those requests. We fulfilled all the ones that I know of, or in the process of, maybe a few that we haven't

quite responded to yet because of just the time it takes to move the assets.

They mainly fall in the logistics area and in the medical area and in transportation. And we're doing that.

There has also been, as you are probably aware, quite a bit of activity by the North American Aerospace Defense Command in the skies over this great country. And of course, the Coast Guard has taken special measures regarding our ports and waterways and our coastline.

With that, Mr. Chairman, I'm prepared to take your questions.

LEVIN: Thank you very much, general.

We will now proceed on the basis of the early bird rule, with a first round of six minutes each. I understand that approximately 20,000 people work at the Pentagon, perhaps a few more, that there were 132 killed at the Pentagon, 64 on the plane that hit the Pentagon.

Can you tell us about what percent of the Pentagon's work space is out of commission? Do you have any estimate of that?

MYERS: I don't know the exact square footage, sir.

LEVIN: Approximately a percentage of the space -- would it be 20 percent?

MYERS: I would say it's roughly 20 percent or less. And as I said, there are some areas that are water-damaged. The desk and the chairs are fine. And they'll be moving back into those. But it's going to be, like I said, about a wedge, so about roughly 20 percent of the square footage.

LEVIN: General, in your personal view, are there capabilities or equipment that the armed forces need today to respond to the terrorist attacks that they do not currently have? Or are they able to respond today, should that decision be made, to those attacks?

MYERS: Sir, I think we are able to respond today. Of course, there are always ways to enhance our capabilities. And I think you will see, in a supplemental that is either here or heading this way, what some of those capabilities will be.

I'm happy to go into that if you want. Some of them will be in the intelligence area, of course. Some will be in command and control. And there will be some in the force protection arena.

There will be others, of course. But let me just reiterate. We have what we need today to do what we need to do.

LEVIN: Was the Defense Department contacted by the FAA or the FBI or any other agency after the first two hijacked aircraft crashed into the World Trade Center, prior to the time that the Pentagon was hit?

MYERS: Sir, I don't know the answer to that question. I can get that for you, for the record.

LEVIN: Thank you. Did the Defense Department take -- or was the Defense Department asked to take action against any specific aircraft?

MYERS: Sir, we were . . .

LEVIN: And did you take action against -- for instance, there has been statements that the aircraft that crashed in Pennsylvania was shot down. Those stories continue to exist.

MYERS: Mr. Chairman, the armed forces did not shoot down any aircraft. When it became clear what the threat was, we did scramble fighter aircraft, AWACS, radar aircraft and tanker aircraft to begin to establish orbits in case other aircraft showed up in the FAA system that were hijacked. But we never actually had to use force.

LEVIN: Was that order that you just described given before or after the Pentagon was struck? Do you know?

MYERS: That order, to the best of my knowledge, was after the Pentagon was struck.

LEVIN: General Myers, you have agreed to give us your personal views, even when they might disagree with the administration in power. But the secretary was quoted in a July article as saying that his choice for chairman would have to possess candor and forthrightness, of course -- he said -- but he wanted this willingness to disagree to show up only in very direct, private counsel.

Now, have you been told that your willingness to disagree should show up only in private counsel? Or are you committed to give us your personal views when asked, even if those views might differ with that of the secretary?

MYERS: Sir, I've never been told to limit my views to private. And as I said earlier, Mr. Chairman, absolutely.

LEVIN: Thank you. General, you indicated in response to one of the committee's pre-hearing policy questions, as to what your priorities would be if confirmed, that one of your priorities would be to better define the military's role in homeland security. I'm wondering if you could tell us what your concerns are in this area and what role you believe the military should play.

MYERS: Mr. Chairman, that issue was debated in our quadrennial defense review. And it's still being debated. I think this current tragedy puts that issue center stage.

As the commander-in-chief of North American Aerospace Defense Command, as well as U.S. Space Command, we had plans to deploy our fighters to defend from external threats. I never thought we'd see what we saw the last few days, where we had fighters over our cities, defending against a threat that originated inside the United States of America.

So I think this whole issue of homeland defense or homeland security needs a lot more thought. There is a role, obviously, for the Department of Defense. What that role is, I'm not confident I know that answer today. But I just know that the debate needs to take place now.

We've had other issues that we have worked in seminar games, if you will, or exercises, where we've looked at other incidents of weapons of mass destruction. And what we found in some of those is that local authorities are often quickly overcome by the situation. And there is going to be reliance, I believe, on some of the capabilities that we have inside the department.

So we need to sort through those issues. To tell you exactly what our role ought to be, I don't know for sure. I just think we need to think through that, so the next time we have a terrible tragedy, that we are ready to act in a unified way and a focused way.

That is not to say that we haven't done that in this crisis. I think we have come together very, very well. But it certainly raises those questions, Mr. Chairman.

LEVIN: Thank you very much.

Senator Inhofe?

INHOFE: Thank you, Mr. Chairman.

First of all, in spite of what my distinguished friends and senators from Missouri and Kansas, it's always been recognized that a military man's life begins at his first training, which was Vance Air Force Base. So I'll look forward to voting to confirm my fellow Oklahoman.

(LAUGHTER)

MYERS: Thank you, senator.

INHOFE: There is one question that I'm going to ask, just for the record, because I don't think there's an answer today, but it's one I'd like to have you giving some thought to, and that is the idea of depots. I think we recognize that we need a corps capability in public depots.

We've gone through a BRAC round where we eliminated two of the five and transferred the workloads, which was the appropriate thing to do. However, we're using antiquated, World War II plants, buildings, maintenance operations. And for the record, at a later date, if you would submit something, like your ideas as to where they should fit in and how we can modernize them, I'd appreciate it.

MYERS: Will do, senator.

INHOFE: All right, sir.

As having chaired the Readiness Committee for a number of years, I'm concerned there's a lot of problems that are readiness problems. One is encroachment, everything from the environmental constraints to training ranges, the urban sprawl -- of course, at Nellis, you experienced that and that's still a problem out there -- air space restrictions, loss of frequency spectrum. These are all very, very serious problems.

Recently, we've been concerned with the Vieques range, which of course is Navy and Marine. However, if we, for the first time in our nation's history, were allowed to -- would allow some lawbreaking trespassers to close down a live range, it would have a domino effect throughout not just America, but throughout the world.

So I'd like to have you kind of address, in general, the encroachment problems as you see them and what possible solutions are out there.

MYERS: Senator Inhofe, an excellent question because it's at the heart of our readiness. Our training facilities and our training ranges are absolutely essential to staying ready to discharge the missions that this country wants us to perform. And encroachment is a problem.

It's been a problem for a long, long time. What I would like to say is that the department has, in the last year, really focused on this issue and is trying to work it with, again, a unity of effort, led by the OSD staff and with the support of the individual services and the joint staff.

I think that's going to help mitigate the effects that we're having right now. I think this will be something that we're going to have to deal with for an awfully long time to come, as we develop new weapons systems, as they require more space or different support facilities.

As we try to pursue that, we're going to have to find that right balance between our readiness and the environment and the people that we have an impact on. Technology could play a part in that. And I think we are taking steps to ensure that it does.

I would just like to leave you with a thought that the department is very focused on this particular issue right now. And I think we'll be successful, just through . . .

INHOFE: Yeah, I know that's right. And one of the dilemmas -- let's just take one of the southeastern ground bases like Camp Lejeune or Fort Bragg, where their training areas are interrupted by the suspected habitat of the red-cockaded woodpecker. And the better job they do, the more that expected habitat is expanded.

So they're being punished for the job that they're doing. This is something that I think you need to look at because it's happening throughout the southeast part of the United States.

MYERS: And we will, senator.

INHOFE: All right. Good. And then the general readiness question is the deficiencies that were discussed by the CINCs in this very room when we had them in here. I think the cost, I don't remember the exact cost, but the spare parts, lack of ammunition, shortage of flying hours and all these, these are just general readiness issues.

You know, it's one of these situations where it's all bleeding. It's all hemorrhaging. And I know it's -- you're putting yourself in a situation where you're going to have to try to make some priorities. But do you have any thoughts about what you can do on these general problems of readiness out there?

MYERS: Yes, sir, Senator Inhofe.

MYERS: We have, as you know well, having just marked up the president's '02 budget, the majority of the increase in that budget was for just those things: for flying hours, for driving time for the Army, for steaming time for the Navy, for the spare parts to keep the whole military machine healthy and to try to do so in a way that wouldn't require coming back to the Congress for a supplemental.

And so I think the efforts over the last several years, some of which are, again, just starting to pay dividends because of lead time. And certainly with the '02 or the '01 supplemental and the '02 budget, I think we've taken steps to ameliorate some of those shortfalls.

Go ahead, senator.

INHOFE: And I was going to mention one other thing. I know my time is running out, but one last question having to do with modernization.

I was pleased when General Jumper made a statement some time ago -- about a year ago now, I guess it was -- that gave us an opportunity to have some credibility when we talked about the fact that we have not -- we have slipped a lot in our modernization programs. Most Americans may disagree with the causes of wars or with some of the problems that we have, but they all have been laboring under, I think, this misconception that we have the very best of everything out there.

And we don't have the very best anymore. Our best air-to-air vehicle, the F-15, air-to-ground vehicle, the F-16, in many ways, the SU series that's on the open market, manufactured by the Russians, are better than that what we have.

So I'm sure that that's one of your top priorities. And if you have any comments to make about your ideas on modernization, maybe specifically the F-22.

MYERS: Senator Inhofe, modernization is a huge issue. And when it comes to tactical air, the dilemma we're in -- and I think this is true for the Air Force for sure, for the Navy to a little lesser degree, for Marine Corps for sure. And I don't mean, it's just in degrees here.

But these procurements go in cycles over time. And for most of this decade, we have not bought a lot of tactical air.

So what our tactical air assets have done have just continued to age. And I would agree with your comments. We are not always flying the best fighters in the world anymore.

In terms of the F-22, I think it's absolutely essential. The secretary of defense has authorized entry into low-rate production. And that decision should be made here through OMB very, very quickly. I can go into more detail if you want.

INHOFE: That's fine, general.

And my time has expired. But I'd also want you to look at other services; for example, our artillery capability, our rapid-fire, our ranges. The Paladin that we're using now is not as good as almost any country that could be a

potential adversary.

MYERS: Senator, I absolutely agree.

And though I sit here in front of you in a blue uniform of the United States Air Force, my whole focus is going to be on what the contribution is of systems to the joint warfighting equation. And that's it.

So that naturally takes me into every service's modernization programs and, for that matter, other concepts that they may have and doctrinal changes. That's all important to me.

INHOFE: Thank you.

LEVIN: Thank you, Senator Inhofe.

Senator Akaka.

AKAKA: Thank you very much, Mr. Chairman.

We've heard many good statements on General Myers. I would like to express my welcome and support for the nomination of General Richard E. Myers to serve as the chairman for the Joint Chiefs of Staff. I also want to welcome Mrs. **Myers to this hearing** as well.

I had the pleasure of first meeting General Myers when he served as the commander of the Pacific Air Forces, PACAF, from 1997 to 1998 at Hickam in Hawaii. And while he was there, he made a big difference in the Pacific.

I also want to thank General Myers for taking the time to visit with me last week to discuss a number of issues. And some of the questions I would have asked here, we did discuss it in your visit. And so I will ask you other questions.

But I just want to say, Mr. Chairman, I have full confidence in General Myers' ability to serve in this critical position. And I look forward to working with you, General Myers.

MYERS: Thank you, senator.

AKAKA: Of course, I'm very interested about what will be happening to Hawaii and what changes may come. My question is about the Asian Theater threats.

How will U.S. forces be altered to focus on potential Asian Theater threats, as identified by Secretary Rumsfeld? And how might this affect force posture in Hawaii?

MYERS: Senator Akaka, that is the subject of two things. One is the quadrennial defense review, which is ongoing and the defense planning guidance, which ask the services to look at several posture options around the world, to include the Pacific, the Asia-Pacific region.

Some of those do-outs won't come back until next spring, when the services will come back with some of their ideas on perhaps a more efficient posture for their forces. And some of it will come out of the review, of course, as well. So it's a little bit premature because we have not finished those reviews.

Again, it's going to be trying to balance our obligations around the globe and the missions that we're given. Clearly, the emphasis on Asia-Pacific is the one the secretary has set for us and one that we embrace. And we're looking at exactly those questions. I think it's just a little bit early to give you specifics on that, sir.

AKAKA: General -- and this will be my final question, I want to be brief -- what are the first measures that need to be taken for military transformation, in your opinion?

MYERS: Well, transformation, we could talk a long time about transformation. Let me just talk about one aspect of

it, I think, that gets perhaps to your question. And it goes back to ensuring that, inside the Department of Defense, we have unity of effort for transforming -- and, for that matter, modernizing -- our forces.

Part of that includes guidance from the office of the secretary of defense and the staff. Part of that includes work that the services will do. Part of that includes development of joint operational concepts and architectures that must lead, development of material, items that might enhance our joint -- or our transformation.

And of course, there is a major part that resides at Joint Forces Command down in Norfolk because they've got the role of experimentation, which you would think would led our transformation efforts. And it's trying to focus those efforts between all those pieces: the acquisition community, the requirements community and the programming and budgeting process.

We've got to bring all that together to encourage and to help our transformation. The secretary of defense has -- very rightly, I think -- focused in on our programming and budgeting system as being a product of the Cold War and is looking to make changes in it to make it more responsive to our transformation needs.

So if I were to talk about it, I would talk about the process first and the products later.

AKAKA: Thank you very much for your responses.

LEVIN: Thank you, Senator Akaka.

Senator Smith.

SMITH: Thank you, Mr. Chairman.

Mr. Chairman, is your intention to go one round and then go into executive session?

LEVIN: It's going to depend on how long the round takes, I think. But there also may be a delay on the executive session. Senator Warner and I need to go now to meet with the leadership at 4:30. And that could affect that.

We may have to have an interim period of some time, which would hopefully last no more than 15 or 20 minutes. So there's a little bit of uncertainty now about when that will begin. I've just been informed. However, I would say we'd hope to do it in one round, but perhaps if there are some questions which we simply need to ask, we would have a very short second round, would be my hope.

SMITH: Thank you.

General Myers, congratulations on the honor of being selected as chairman. It is amazing, really, to think that what normally is just a perfunctory service, if you will, of the committee to bring the nominees in, whether it's the chairman or other positions on the joint chiefs, it's usually become just a few questions and answers and then move forward with your nomination, now takes on huge implications.

And I just want you to know, speaking for myself and I know I speak for others, we have great confidence in your and the job that you're going to have to face. And just want to let you know we're with you and look forward to doing the nation's business.

MYERS: Thank you, senator.

SMITH: I just have -- it's hard to stay out of what happened, but I do have a couple of questions that I want to ask in classified session. But I want to ask you one that got some publicity, to see if you can answer it here. If you can't, then fine. Say so and we'll do it in executive, classified session.

But there were some reports that there were some international flights headed here during this episode. That is not unreasonable, to think international flights might be coming here. But I mean that may have been turned around

abruptly after things developed.

Is there any truth to the accusation that there may have been some international flights involved with this activity? Do we have any information on that?

MYERS: I do not have complete information because at the time it happened -- I can give you there was one flight inbound to the U.S. that had turned on its transponder and indicated a code that it was being hijacked. Before it got to Alaska, we had fighter aircraft on it. It eventually landed in a remote base in Canada.

And the problem is, I do not know -- and they were safe. And I don't know the results of that, whether it was a mistaken switch setting or what it was. I can't tell you that.

We can find that answer for you, senator.

SMITH: The plane was not hijacked? It just landed.

MYERS: Well, we don't know. I'd better say I don't know because we had other things to do at that time. And once it was safely on the ground and the passengers were safe, we went on to the next order of business.

That was in the middle of all this. We had reports of other aircraft, one other aircraft that I'm aware of. And the reports were somewhat mixed and I don't think were true because it was turned around by the operating company and went back to Europe on its own and was fine.

So the only one I know of that even comes close is the one I mentioned. And I don't know if that was a hijack attempt or some other kind of duress that the airplane was under.

SMITH: Do we know the country of origin?

MYERS: Not for sure.

SMITH: Mr. Chairman, I have some other . . .

MYERS: I can tell you in closed session what I do know.

SMITH: I'll wait for that.

I have some other questions, Mr. Chairman, but I'm going to submit those for the record because they don't relate to the current environment and I'll yield back the remainder of my time.

LEVIN: Thank you, Senator Smith, very much.

Senator Carnahan?

CARNAHAN: Thank you, Mr. Chairman.

General Myers, I understand that you've had extensive experience in planning for combating cyber attacks. I was wondering if you would describe your work in this emerging field and elaborate on your plans to build off of these experiences?

MYERS: Well, where I first ran into the responsibility was when I was at U.S. Space Command. And about a month after I arrived, after I was confirmed by the committee and I arrived for duty, the president and the secretary of defense decided that the responsibility for defense of the DOD networks would fall to U.S. Space Command and then, a year later, that U.S. Space Command would have the responsibility for attack.

By the way, I didn't get a vote in this. This was a responsibility that was issued.

We had to learn very quickly on how to go about these responsibilities. Since then, we have come a very, very long way. And General Eberhart, who now serves at U.S. Space Command, has really taken this to the next level.

Here in Washington, D.C., we have a joint task force for computer network operations. It does its job through coordination with all the services, of course, and other agencies. There is great cooperation with our civilian telecom folks. And there is also great cooperation with the FBI and other civil authorities who have a role in all this.

The thing I would like to leave you with is it's not unlike the earlier question about homeland defense or homeland security. Certainly, when you're under attack in a cyber way, fairly quickly you have to determine: is this an attack on the United States by another nation or another group that wants to do you harm? Is it a prankster?

So it essentially comes down to: is this a civil matter? Or is this a national defense or a national security matter? And we have mechanisms for deciding that. But I think that's another area, along with the whole homeland defense issue, that needs a lot more thought.

I would just end by saying that the mechanisms set up for cyber security for the Department of Defense have been very effective. And the recent viruses that have spread throughout the country have had essentially no impact on our operation.

CARNAHAN: The Emerging Threats Subcommittee has been involved in examining the National Guard's role in managing the aftereffects of a nuclear or chemical or biological attack. For example, we are continuing to help develop the weapons of mass destruction civil support teams. And these teams, some of them are being trained in Army facilities around the country, including Fort Leonard Wood in Missouri.

And they are being trained to work with some of the emergency first responders to decontaminate areas and to help with medical aid. I was wondering if you would describe what you feel the importance of these are and detail your commitment to honing our abilities to respond to such attacks.

MYERS: Senator Carnahan, absolutely. I think they're just extremely important.

This is an area where the National Guard, I think, can play a key role. I think they're ideally suited for this type of mission because it's one they can train for. And, God forbid, we'll never have to use them. But if we do, they'll be ready. They'll be trained.

I think those missions are perhaps more natural for the National Guard than some of the current missions. So that's one of the things we have to look at, as we look at the overall issue of homeland defense, is the role of the reserve component, primarily the National Guard and how they would play in this.

I think it's extremely important. I think the National Guard's role is only going to increase.

CARNAHAN: Thank you, Mr. Chairman.

LEVIN: Thank you very much, Senator Carnahan.

Let me apologize to my colleagues. I had the wrong list in front of me, in terms of the order of calling on senators. And as a result, there were people called out of order on both sides already.

And now I have the alleged correct order. And let me now read it because there has been some confusion on this. The next senator on the Democratic side would be the senator who I should have called on first.

Senator Cleland. I apologize to you.

And then, it would go to Senator Roberts, back to Senator Reed, back to Senator Allard. Senator Akaka, who I wasn't supposed to call on until way later, got called early. So I would then go back to Senator Nelson, then to

Senator Collins and then to Senator Lieberman, who is no longer here.

But Senator Carnahan, apparently you got called early, so you got -- I don't know how that can happen when you introduced our nominee. But nonetheless, if I haven't totally confused you by now, that's the new order of calling on senators. And I apologize.

(UNKNOWN): What about the rest?

LEVIN: Oh, the rest? Let me finish the list, in that case. After Senator Lieberman, on this side, will be Senator Bunning, then Senator Ben Nelson, Senator McCain, Senator Landrieu, Senator Hutchinson, Senator Dayton, Senator Sessions.

(UNKNOWN): About midnight?

LEVIN: No, we're going to try to do that by -- multiply six times about 15 and you got it. So we just called -- Senator Carnahan was there.

So now, it's Senator Roberts.

ROBERTS: I thank the chairman.

In August, general, General Shelton sent an action memo requesting permission for -- I'm quoting -- "transfer of antiterrorism force protection" -- the acronym, everything has to be an acronym, ATFP, "functions to the assistant secretary of defense for special operations and low-intensity conflicts." That's a long one, ASD SOLIC.

And he stated, in that action memo, that ATFP is not a statutory function of the JCS and is more appropriately the shared responsibility of OSD, the CINCs and the services. Now, I was prepared to address this issue before the 11 September tragedy. But I must tell you I am not -- not -- supportive of the JCS not being involved in antiterrorism force protection.

I do agree that OSD and the CINCs and the services must be involved as well. It's their responsibility, but so must the JCS. This is too big of an issue not to have the leadership, I think, that your office can bring.

Would you give your views on General Shelton's request? And can you shed some light on this decision?

MYERS: Senator Roberts, to my knowledge, that was a recommendation to the secretary of defense. And again, to my knowledge, I don't believe we have a decision on it yet.

On General Shelton's thoughts behind this, was basically unity of effort. The services and the unified commanders are the ones that are responsible for force protection. The role that this office and the joint staff played and the role of the office of the secretary of defense are staff functions to disseminate policy, work the resources and so forth.

The idea was, if you're looking for redundancy, maybe this is a place you could look and that, from a staff function, not from any other shirking of responsibility, but from a staff function, who should have that responsibility? And that was the chairman's thoughts at the time.

It was to eliminate some redundancy, is what he was thinking.

ROBERTS: We're going to have to talk about that later. I won't go into it right now.

But I have another question. It may be somewhat redundant, in regards to a question that was asked previously.

Last November, the GAO reported that the services were not integrating their chemical and biological defense into unit exercises and that the training, if done, was not always realistic, in terms of how units would operate in war. Similarly, the DOD reported last year that the Army's combat training centers continue to see units at all levels

unable to perform all chemical and biological defense tasks to standard.

The DOD report, like the recent GAO report, noted that less than satisfactory performance of the units is directly attributable to the lack of a chemical and biological training at the unit's home installations. What is your assessment of that?

Let me say, however, that if you had asked me and Mary Landrieu, the distinguished chairman of emerging threats, what we would have expected on 11 November, if in fact we knew there was going to be an attack, we would have probably said a biological weaponry of some kind, perhaps chemical, perhaps a cyber attack. I don't think any of us would have come up with a top 10 saying that terrorists would hijack four airplanes, kill the crew, endanger and kill the passengers and then attack American icon infrastructures.

But having said that, there is a very realistic possibility in regards to chemical and biological defense. I am worried about it. What comments do you have?

MYERS: Senator Roberts, I am worried about it as well. And I agree with your threat assessment. I think that we know that is a real threat to our forces deployed around the world and, perhaps from terrorism, in the United States.

So we've got to be ready. Now, this is interesting because when I got to the Pacific in the early '90s, we decided this was not a big threat. And we started to tear down some of our infrastructure that supported it.

I know this is true in the United States Air Force because I had an Air Force hat on at that time. And then we were told no, as we looked at the threat, this was the wrong direction. So we've tried to get that ship turned in a different direction.

I think we're in that process. And we've got to be just as ready for that kind of threat as we are for the more conventional threat.

So I agree with your comments. And it's one of the things that, if I'm confirmed, that I'll take a hard look at.

ROBERTS: Are the deployed units falling short of standards for chemical-bio defense capabilities set by joint doctrine?

MYERS: Sir, I'll have to get back to you on that. That's not one of the things that has come up in the readiness reporting that I review monthly. So I'll have to get back to you on that, sir.

ROBERTS: I have no further questions, Mr. Chairman.

LEVIN: Thank you, Senator Roberts.

Senator Cleland?

CLELAND: Thank you very much, Mr. Chairman.

I just want to thank Senator Roberts and Senator Landrieu for, over the last couple of years, making this senator more and more painfully aware of the unconventional threats to our country, which manifested themselves on Tuesday.

General, it's a good thing that, as I look back at that morning, that you and I were meeting. It's a good thing we were meeting here and not us meeting in the Pentagon because about the time you and I were having our visit, discussing the need to boost our conventional forces, to look at the question of terrorism and attacks on the United States, at just about that very moment, the Pentagon was being hit.

MYERS: Yes, sir.

CLELAND: So, it's good to see you.

MYERS: Good to see you, senator.

CLELAND: I'm glad to be here with you. In thinking of this moment in American history, I think no new chairman of the joint chiefs of staff has ever taken over in such a perilous time, maybe with the exception of some officers who took over in December 1941, when we didn't have a joint chiefs of staff.

But you take over at a perilous moment, a historic moment, but one filled with opportunity. Our wonderful chaplain, Dr. Lloyd Ogilvie (ph), says that sometimes life can be awfully simple or simply awful. Tuesday, it was simply awful, as we all know.

One of the things that it seems to me, though, is that some things came out of that that are awfully simple and that is: number one, we need to boost our intelligence capability; two, we need to make sure that so much of our assets, more of our assets, are put forward toward counter-terrorism activity; and three, that the United States American military has to be an integral part of this and that cyber-terrorism is a part of this in the future. These are findings that have been brought before the Subcommittee on Emerging Threats and before this committee in the last couple of years, that we needed to be more prepared in these areas.

And so, with Tuesday's events, for me it's awfully simple: that this is where we've got to beef up. It is amazing that we spend well over \$300 billion a year on defense and yet, Tuesday, we seemed very much defenseless.

So I just wondered what lessons, over the last 72 hours, you have quickly learned that are awfully simple to you that you can share with this committee.

MYERS: Well, I think you've hit on some of them. And as I mentioned earlier, one of the first things we need to do - - and this will take some thought because it's not without differing views on the issue -- and that is what is the department's role in this type of activity inside the United States?

Overseas, it's a little easier to envision. Inside this great country, it's a little bit more difficult.

So what is our role? What is our mission and so forth? And so that's the homeland defense issue. And we need to get about that business of coming to grips with that and how all the agencies of this government collaborate and cooperate to bring focus to the problem.

I would also, on the intelligence side, say that obviously that's a lesson learned.

As you know, Senator Cleland, there is a major review of our intel apparatus going on right now. And I think it goes without saying that our intelligence operations are structured as they were during the Cold War. They're looking at that.

And my guess is they'll have substantial changes to the way we're perhaps organized and, for sure, equipped to deal with the 21st century. And you'll see some of that in the supplemental that is coming this way.

Another issue that came to my mind that maybe others haven't thought of is the absolute essential nature of our communications. And they worked fine in this crisis. But you could envision other scenarios, other asymmetric attacks on the United States, where maybe our communications wouldn't work so well.

And we spend a lot of money for secure, survivable communications. And we have a program to do that over time. It's got some funding problems right now.

But if it drove something home to me, is the need to fund that properly and to make sure -- and I'm not saying this incident would trigger something like that, but you could have incidents you could think where you might not have the comms (ph) you need to have with the country's leadership to make the kind of decisions you need to make. And so I would add that one to your list.

CLELAND: One of the other things that seems awfully simple to me is that Senator Roberts and I took the floor to a relatively empty Senate last year and five or six different times talked about the role of America in the wake of the Cold War being over and that, in many ways, we were hyperextended. We were overextended. Our forces were spread thing.

And I personally, like you and others in this body here, have been to see where we have spent \$300 million in defending, with Camp Bonnestille (ph), Kosovo; where throughout the continent of Europe; where last August I was up on the DNZ; where we've got 37,000 troops in Korea. For this hyperextension of American power, all around the globe, it does seem ironic to me that we can't defend New York and Washington.

I mean, so some things were simply awful on Tuesday. But I think out of that come some things that, to me, are awfully simple. And that these are the priorities we ought to focus on.

Thank you very much for your service and God bless you.

MYERS: Thank you.

CLELAND: Thank you, Mr. Chairman.

LEVIN: Thank you, Senator Cleland.

Senator Allard.

ALLARD: Thank you, Mr. Chairman.

I'd like to join my colleagues in congratulating you, General Myers, on a very successful career, part of which was in the state of Colorado, as commander of U.S. Space Command. And I felt like we had a great working relationship there. And I want to ask you some questions on missile defense and then maybe a question or two on the Space Commission report, if I have time.

On missile defense, in your advance questions to the committee, you thought that it would be reasonable to deploy a ballistic missile defense if it met four criteria relating to deployment and threat, cost effectiveness and operational capability. You also stated in your answers that you believe that deploying a ballistic missile defense to defend the United States from a limited attack was in the national security interest.

And so I have four questions related to that. Have you concluded that the ballistic missile threat warrants such a deployment?

MYERS: Sir, my conclusion is that it has. And if I can expand just a minute?

ALLARD: Yes.

MYERS: We've had, for quite some time now, the threat of the shorter-range missiles against our troops. And we saw that starkly in Desert Storm when the so-called Scud missile went into Dhahran and killed over 20 of our U.S. personnel.

Since that time, the proliferation of missile technology, of course, has spread to many other countries. So from the shorter-range missiles to the longer-range missiles, I think we can now say that we absolutely, there is a -- at least there is the capability out there. And this could be a threat to the United States.

ALLARD: Have you concluded that affordable, cost-effective ballistic missile defenses can be developed and deployed?

MYERS: I think that part remains to be determined. I think we're well on the way to that. But I think there is -- I

think for the shorter-range missiles, the answer is absolutely yes.

In fact, this month is the month the first unit equipped for the new Patriot III system, which is the -- that is a response. And it's taken us 10 years, but we have a response now for the shorter-range missiles that is much more effective than the missile defenses we had during Desert Storm. And as I said, the first unit will be equipped this month and then follow-on units, of course.

So I think, for the shorter-range missiles, the answer is yes. For the threats against the United States, I think the honest answer to that is we've got to wait and see. My gut tells me that yes, we'll be able to develop this in a way that is affordable and effective.

I think that's what General Kadish has testified before this committee. But we need to watch that.

ALLARD: Have you concluded that such systems will be operationally effective?

MYERS: Again, I think we have to -- I have not concluded that yet. Again, on the shorter-range systems, I think we can say Patriot III has been through extensive testing. I think we can say it's effective.

We're going to have to look at the rest of them as they come on board: so-called THAAD, the potential Navy systems, airborne laser. Many of those are in developmental stages. And I think it's too early to say that they're, at this moment, effective.

But I think the vector for all of them is actually positive. And we're just going to have to evaluate those, as we do all systems, as they come on-line, through appropriate testing.

ALLARD: Have you concluded that such systems will increase U.S. security?

MYERS: If they meet those criteria that we talked about earlier, Senator Allard, I would say they do. In the terms, I'll go back to Patriot III again, I think it does increase our security. And we'll just have to see, as the other systems come on board.

If they develop as the requirements call for them to develop, then I think we'll be able to say yes to that. But for some of those systems, it's probably too early.

ALLARD: I'd like to turn to the Space Commission report.

MYERS: Yes, sir.

ALLARD: The commission recommended that the United States -- and I quote -- "develop, deploy and maintain the means to deter attack and to defend vulnerable space capabilities, including defense in space." And then they go on - quote -- "power projection in and from and through space."

What new investment should the Defense Department make to develop, deploy and maintain the capabilities described in the Space Commission report?

MYERS: Some of those we can probably talk about here in open session and some of those we're probably going to have to talk about in the closed session or separately. The one that immediately comes to mind that I think we can talk about and is fundamental to the term we use as space control, which is guaranteeing access to space for our use and denying it when appropriate to adversaries, and that is space surveillance, our ability to know what is going on in space.

We have a system today that is made up of many different elements, some of which are quite old. It needs to be refurbished. The goals have been set in the defense planning guidance to do exactly that. So that's one I think we can talk about.

We can talk about the absolute fundamental nature of space control to everything else we want to do in space. And it all starts with knowing what's going on up there. So space surveillance is the one I'd highlight.

ALLARD: I'd like to now go to, since I still have some time left, to go to space-based radar.

MYERS: Yes, sir.

ALLARD: This has been a controversial program between the House and the Senate and that came out in the conference. Last year and in previous years, we've had quite a bit of discussion on it.

What is your feeling about space-based radar. And can you relate to this committee whether the Air Force and OSD have decided to deploy space-based radar?

MYERS: The whole issue about space-based radar, if we take it up to the next level, is what we're talking about here is persistence. We're talking about the difference between reconnaissance, which looks at things in elements of time, to something that surveils, that looks at something all the time.

We're pretty much in the reconnaissance mode today. My personal view is, in intelligence, we need to go to the surveillance mode for this kind of capability.

And so, when the technology is ready and affordable, my vote would be that we need to pursue this initiative. This is something that's also captured, I think, in our defense planning guidance, as I recall. There is emphasis there.

This will not be -- my time at Space Command taught me, since I delved into this at length, this will not something that will be quickly able to put on orbit. There is a lot of technological work yet to do. Having said that, my own view is that this is achievable over time and that, when we have an affordable system, one we can put up, that we ought to pursue that.

ALLARD: Thank you. My time is expired.

LEVIN: Thank you, Senator Allard.

Senator Reed?

REED: Thank you very much, Mr. Chairman.

And welcome, General Myers.

And let me thank you and Mrs. Myers for a lifetime of selfless service to the Air Force and to the United States. And knowing that you're a graduate of the Army War College, I know you're prepared for the duties that you will soon assume.

Let me also take up the issue of national missile defense. Given the answers to your previous questions and with respect to a national missile defense against long-range, intercontinental missiles, would you recommend deployment of such a system in this fiscal year that's coming up?

MYERS: A deployment of the system in this fiscal year? My understanding is that we're not ready for deployment in the fiscal year '03?

REED: Would you recommend acquiring additional missiles, some of which have not been tested, for a contingency deployment in the upcoming fiscal year?

MYERS: I think whatever system we deploy has to be -- we have to have high confidence in its ability to do the job that we require it to do. So . . .

REED: Could you estimate, given your knowledge today, when you would have that high confidence? Next fiscal year? The following fiscal year?

MYERS: Senator Reed, I can't give you the details on that. I would rely on General Kadish and his folks to provide that assessment.

REED: Thank you. And in terms of the security of the United States with deployment of such a system, what criteria would you look to?

MYERS: The ones that Senator Allard talked about before and that we have to know that we have a technical capability that meets the operational requirement and that it's affordable.

REED: Not specifically, for example. There is a discussion recently in the press that China is proposing to increase its long-range missile fleet. And there is some suggestion that the administration has not actively discouraged them because such a fleet could clearly overwhelm any national missile defense we would deploy and therefore, the Chinese would take confidence that we would deploy a system that's not a threat to them.

But that increase of missiles, would that be a more stable world, in your view, or a more complicated world?

MYERS: Let me attack it from the other side, and that is attack your question from the other side. I think one of the fundamental things we have to do is be able to protect our troops overseas and our U.S. citizens. We've talked about the threat. And I think there's a threat on both sides.

We know we have a short-range threat. We've had that for some time now. There is a longer-range threat that has been acknowledged.

So I would say that whatever steps we can take to handle that threat, to defeat that threat, are appropriate. And our troops and our allies and, I think, our U.S. citizens would want us to do that.

REED: Well, let me just say that I think there is a strong sense of support, obviously, for increased research in all of these areas; also for deployment because it seems to be capable -- as you mentioned, the PAC-3 is ready for deployment -- of theater missile defense systems. And with that, I think we're all in agreement.

Let me ask another question. This is one that touches upon the whole issue of strategic posture of the United States.

If a foreign power launched a missile against the United States, even if that missile were intercepted, would you recommend to the president we retaliate against that act of war?

MYERS: That's a hypothetical situation. But I can put my old hat on back at North American Aerospace Defense Command because that was exactly the responsibility that fell. And the situation you have posed, if there was a missile launched and we intercepted it, would I advocate a response?

In that scenario, in that narrow scenario, absolutely not. In fact, as we sat there in Cheyenne Mountain and showing, taking people through the mountain, we played a simulation of what an attack on the United States might look like. And the frustrating part was, you know, we do a pretty good job of telling folks we're under attack with very high assurance, but there's nothing you could do about it.

It would be wonderful if we had that capability. And it would give the national command authorities time then to refine a response. And it might not be to retaliate, which might help stabilize the situation.

REED: General, again, I think your experience and your service is extraordinary. And it gives us, at least it gives me, confidence because you're going to be confronting these very difficult issues, some of which are, at this point, mercifully hypothetical. But your judgment and your experience is extremely valuable.

If I have additional time, I'd like to turn to a more, I think, procedural issue; that is, with the damage to the Pentagon,

when do you estimate that the QDR might be publicly released?

MYERS: Excellent question, sir. And I can tell you, we've been meeting for the last, whatever, 48 hours or so and our sole focus has been on the issue at hand. The QDR word has not come up once.

And I regret that I don't have a good answer for you. I think that since that is the secretary's product, I know he has been totally consumed by the current situation. We can get an answer for the record for you.

I'm sure he is thinking about that, probably about now as well. But I don't have an answer for you, sir.

REED: And just, if I have additional time, a final question, which goes back to the events of last Tuesday. And this was a national tragedy of historic proportions.

But it seems to me, in a very narrow point of force protection, that in terms of the Pentagon, a major military facility, you had absolutely no advance warning that such an attack was being contemplated, prepared, planned or executed. Is that correct?

MYERS: There was no strategic warning that this was contemplated or planned, to the best of my knowledge.

REED: And I presume, based on your discussion with Senator Cleland, that this has been a source of almost immediate examination and review by the Department of Defense, as to what can be done in the future to avoid this situation?

MYERS: Absolutely. And it's not just the Department of Defense, but all the civil agencies as well that have intel apparatus, given that this, you know, that they may have knowledge as well.

REED: Thank you very much.

MYERS: Absolutely.

LEVIN: Thank you, Senator Reed.

Senator Collins?

COLLINS: Thank you very much, Mr. Chairman.

General Myers, let me join my colleagues in congratulating you on your appointment. But also, I want to express my sorrow and sympathy to you. I realize that all of you who work in the Pentagon have friends and co-workers and associates that are missing.

And it must be a very difficult time for all of you. And I just want to extend my sympathy and condolences to you.

MYERS: Thank you, senator.

COLLINS: In the priorities that you submitted to the committee in response to an advance question, you said that we should better define the military's role in homeland security. And obviously, given the events of this week, we're very happy to see that you have included that as a priority.

Under the 1986 Goldwater-Nichols law, most of the world has been divided up into geographic areas, each assigned to a specific regional commander-in-chief, the CINCs, who in time of crisis serve as the military's top crisis manager or warfighter in that area. It's my understanding, however, that the United States territory itself is not thought of in those same terms.

If we're going to increase our focus on homeland defense, does that mean that we should consider the possibility of treating our own country as, to some extent, a military operational command, the way we have divided the rest of the

world?

MYERS: Senator Collins, I think the best way to answer that is that, in a sense, we have already done that. We have the Joint Forces Command, which is located in Norfolk. And the forces in the United States, for the most part -- there's some exception with Naval forces and Marine forces on the West Coast -- but for the most part, the forces in the United States, the components of the Army, Navy, Air Force and Marines, report to Joint Forces Command.

In addition, we have, within the last year-and-a-half, stood up a joint task force for civil support at Joint Forces Command, which has the responsibility to handle incidents of weapons of mass destruction in these United States. On top of that, we've got the North American Aerospace Defense Command, which worries about the air sovereignty over Canada, over the North American continent, over Canada and the United States.

I think what we need to do beyond that is what I think you're suggesting: is there a larger role for the Defense Department in handling potential incidents in the future and exactly what that role will be. And that's one that, as I've indicated, I think will take a lot of debate.

If you remember, the first time this was brought up, to my knowledge, and the debate was made public, there was a lot of concern about the Department of Defense getting into areas that were traditionally those areas of civil responsibility. And this is a huge question. You know, what do you want your United States military to do for this country?

And so, we've been tiptoeing around that issue for quite some time. My view is that this tragedy is going to help crystallize our thoughts. And we'll have some thoughtful debate and find a way forward.

COLLINS: It is a difficult issue about the military's appropriate role in our society. And I'm struck by the fact that the attacks that we experienced this week are being treated more as a matter of law enforcement, that the Department of Justice, for example, is the lead agency, rather than as an act of war, where the Department of Defense would be, I would assume, the lead agency.

Do you have any comments on how we better define the role of the Department of Defense?

MYERS: Well, as I indicated earlier, it was on the question on cyber warfare as well, it's the same issue. Is this a civil law enforcement issue? Or is it one of national security? Because, however you decide that question, then will decide who has got primary responsibility.

This is the same issue. I think the debate needs to occur. And we need to define our roles and responsibilities, probably in ways that we haven't yet today.

I will tell you though, that the cooperation among all the departments and agencies of this government has been absolutely superb. And yes, this was a terrorist act and the FBI and the Department of Justice are working the evidentiary piece of this. And that's appropriate.

There are pieces being worked, of course, by the Department of Defense and the United States military. And that's appropriate as well. And the cooperation between all of these agencies and departments is very, very good.

COLLINS: General, I recall that after the terrorist attack on the USS Cole, there was discussion that the military's force protection planning, while quite comprehensive and effective, had neglected part of the picture, that we had been prepared for asymmetric threats from ashore, when a vessel was in a foreign port, but that we had not been properly prepared for an attack from small harbor vessels. And in some ways, this came to mind when I thought about the attack on the Pentagon.

It strikes me that a great deal of our force protection efforts have focused upon ensuring the security of facilities and military personnel overseas. Does what occurred this week at the Pentagon suggest that the department needs to refocus its planning on force protection issues here in the United States itself?

MYERS: Well, I think the answer to that is yes. And I think some of that has already begun. I think the force protection here in the United States has always been front and center.

I know when I was at Peterson Field, Colorado, that was an issue for us. We conducted exercises throughout all the bases that were under our purview on just that very issue. And I know the other services are doing the same.

I think the United States Army has just recently taken steps to start closing bases that were formerly open to the public and closing them in the sense that you have to go through an entrance procedure at a gate to meter the flow in and to check the flow out. So I think there are steps being taken.

Two other comments. What the Cole showed us, as you correctly described, senator, was that there were some scenes that we hadn't thought about. But it goes to the larger issue of how we deal with this in the first place.

And I would just tell you that what will keep me awake at night in this job is: are those things that we haven't thought about? I mean, we've been surprised before. We were certainly surprised on Tuesday.

There are probably more surprises out there. And my job and the job of the armed forces and everybody that supports us is to try to be as creative in our thinking as we can, to try to plug these seams and these gaps.

Having said that, we're deployed worldwide to do this nation's bidding. And we know that we'll never be 100 percent effective. But what we ought to answer to is: have we thought about everything we can think about?

Are we doing all we can possibly do? Have we asked for the resources to do that? And if I can't say yes to that, then I'm not doing my job.

COLLINS: Thank you, general.

Thank you, Mr. Chairman.

LEVIN: Thank you, Senator Collins.

Before I call on Senator Bill Nelson, let me just make an announcement. For the information of members of the committee, there will be a bus at the corner of First and C Streets at 6: 30 this evening, to take members over to the Pentagon and to bring them back. And please let the committee chief clerk know if you want to go.

Senator Bill Nelson.

BILL NELSON: Thank you, Mr. Chairman.

General Myers, Mrs. Myers, last week, I moved into an apartment overlooking the Pentagon. Tuesday morning, I was here in the Capitol in a meeting with Senator Daschle. But my wife was at our apartment. And she witnessed the whole thing.

And each evening, as I have been home since then, I have witnessed the very heroic efforts of a lot of people out there, as I get up periodically through the night, fitfully sleeping, and my congratulations to you. Now, that leads to my question to follow up Senator Collins' line of questioning.

The second World Trade tower was hit shortly after 9:00. And the Pentagon was hit approximately 40 minutes later. That's approximately. You would know specifically what the timeline was.

The crash that occurred in Pennsylvania after the Newark westbound flight was turned around 180 degrees and started heading back to Washington was approximately an hour after the World Trade Center second explosion. You said earlier in your testimony that we had not scrambled any military aircraft until after the Pentagon was hit. And so, my question would be: why?

MYERS: I think I had that right, that it was not until then. I'd have to go back and review the exact timelines.

BILL NELSON: Perhaps we want to do this in our session, in executive session. But my question is an obvious one for not only this committee, but for the executive branch and the military establishment.

If we knew that there was a general threat on terrorist activity, which we did, and we suddenly have two trade towers in New York being obviously hit by terrorist activity, of commercial airliners taken off course from Boston to Los Angeles, then what happened to the response of the defense establishment once we saw the diversion of the aircraft headed west from Dulles turning around 180 degrees and, likewise, in the aircraft taking off from Newark and, in flight, turning 180 degrees? That's the question.

I leave it to you as to how you would like to answer it. But we would like an answer.

MYERS: You bet. I spoke, after the second tower was hit, I spoke to the commander of NORAD, General Eberhart. And at that point, I think the decision was at that point to start launching aircraft.

One of the things you have to understand, senator, is that in our posture right now, that we have many fewer aircraft on alert than we did during the height of the Cold War. And so, we've got just a few bases around the perimeter of the United States.

So it's not just a question of launching aircraft, it's launching to do what? You have to have a specific threat. We're pretty good if the threat's coming from outside. We're not so good if the threat's coming from inside.

In this case, if my memory serves me -- and I'll have to get back to you for the record -- my memory says that we had launched on the one that eventually crashed in Pennsylvania. I mean, we had gotten somebody close to it, as I recall. I'll have to check that out.

I do not recall if that was the case for the one that had taken off from Dulles. But part of it is just where we are positioned around this country to do that kind of work because that was never -- it goes back to Senator Collins' issue. Is this one of the things that we'll worry about. You know, what's next?

But our posture today is not one of the many sites and the many tens of aircraft on alert. We just have a handful today.

BILL NELSON: Well, that one is one that we need to talk about together as we get prepared for the future.

MYERS: Yes, sir.

BILL NELSON: Because we know of a new kind of threat now, unfortunately.

My second question -- and this will be my last question, Mr. Chairman, because I know you want to move on and get into the executive session. You were talking about, particularly from your experience, which I greatly value, having been in Space Command, of our surveillance assets and the necessity of having those assets there and working and being able to get those assets to orbit.

We have a risk factor of catastrophe on such launch vehicles like the Titan down to about one in 20. In the old days, when we first started launching, it was one in five. But it is one in 20.

And that may necessitate the only other access to space that we have, which is the manned vehicle. I bring this up to you because just last week, I was invited to have, as a member of the Science, Space and Technology Subcommittee of the Commerce Committee, a hearing on space shuttle safety.

The essence of the hearing and the unanimity of the five witnesses was that the NASA budget has been starved sufficiently, over the years and presently, such that space shuttle safety will be severely compromised in the future. Not today, but in the future.

And so, I wanted you to know the conclusion of that hearing because, in your new capacity as chairman, it is clearly in your interest that you have the access -- reliable access -- to space when you need it. And although your payloads are configured for expendable booster rockets, should that access to space ever go down, you would need that backup, even though there would be some considerable time delay because of reconfiguration of the payloads.

And so, I would certainly commend you to have your folks start checking into this. I think, because of the actions of the tragedy of this week, that we're going to be able now to turn around that budget and start getting the shuttle upgrades, over the course of the next five years, in place in order to give the United States that reliable access to space that we have in the space transportation system.

Thank you, Mr. Chairman.

LEVIN: Thank you, Senator Nelson.

General Myers, just a very brief request. When I asked you what time it was that the FAA or the FBI notified the Defense Department after the first World Trade -- the two crashes into the World Trade Center and you indicated you didn't know the time. Could you ask someone on your staff to try to get us that time, so that we will have that either before this session here or for executive session?

MYERS: Mr. Chairman, I just did that.

LEVIN: Thank you.

BILL NELSON: Mr. Chairman, may I, just for the record? Commenting from CNN on the timeline, 9:03 is the correct time that the United Airlines flight crashed into the south tower of the World Trade Center; 9:43 is the time that American Airlines flight 77 crashed into the Pentagon. And 10:10 a.m. is the time that United Airlines flight 93 crashed in Somerset County, Pennsylvania.

So that was 40 minutes between the second tower being hit and the Pentagon crash. And it is an hour and seven minutes until the crash occurred in Pennsylvania.

LEVIN: The time that we don't have is when the Pentagon was notified, if they were, by the FAA or the FBI or any other agency, relative to any potential threat or any planes having changed direction or anything like that. And that's the same which you will give us because that's . . .

MYERS: I can answer that. **At the time of the first impact on the World Trade Center, we stood up our crisis action team. That was done immediately.**

So we stood it up. And we started talking to the federal agencies. The time I do not know is when NORAD responded with fighter aircraft. I don't know that time.

LEVIN: Or the time that I asked you for, which was whether the FAA or FBI notified you that other planes had turned direction from their path, their scheduled path, and were returning or aiming towards Washington, whether there was any notice from any of them, because that's such an obvious shortfall if there wasn't.

MYERS: Right.

LEVIN: And in any event, but more important, if you could get us that information.

MYERS: It probably happened. As you remember, I was not in the Pentagon at that time, so that part of it is a little hazy. After that, we started getting regular notifications through NORAD, FAA to NORAD, on other flights that we were worried about.

And we knew about the one that eventually crashed in Pennsylvania. I do not know, again, whether we had fighters

scrambled on it. I have to . . .

LEVIN: If you could get us those times then. We know you don' t know them.

MYERS: But we'll get them.

LEVIN: Now, Senator Bunning is next.

BUNNING: Thank you, Mr. Chairman.

I join with my colleagues in thanking you and your wife for your service to our country. Tuesday's tragic events have again reminded us of the importance of a continuous vigilance in the defense of this nation.

You will have a very large job ahead of you to protect this great nation from this and other threats. I look forward to working with you and your colleagues to fulfill our constitutional responsibility to protect our country.

I want to get on to some other things that haven't been discussed. Many air power advocates believe air power alone can accomplish our defense goals. They believe that ground and sea power should be minimized at best. General Billy Mitchell subscribed to this kind of thinking, yet in every bombing campaign we have engaged in, our initial bombing assessments were more optimistic than what was actually accomplished.

No one here denies we should be the supreme commanders of the air. However, air power is just one component of the combat power.

To be able to respond to all threats, we must have a balanced and combined armed forces. We must assert sea and land power, as well as air power. The administration has heavily pushed air and space power. This is fine because we need to continue in proving our capabilities.

But I am a bit concerned. There are some who believe we can simply fight battles and wars with cruise missiles and laser-guided bombs.

General Myers, how do you view the role of air power and all the other components that make up our armed services?

MYERS: Senator, the United States needs the capability that all our services bring to our armed forces. And I would just simply say that. I mean, we can't do without . . .

BUNNING: Do you subscribe to the fact that we can bring people to submission just with air power?

MYERS: I think it takes, it's going to take a balance of all our capabilities. And one particular scenario may lend itself more to ground power than to air power. One scenario might be more air power- dominant than ground power or naval power. That doesn't mean that you don't need all those elements, so the president can have the flexibility to do what the objectives of the mission call for.

So I don't subscribe to just one element of our service power as adequate.

LEVIN: Senator Bunning, would you hold just for one moment?

My estimate of when our executive session will start is now 5:00 because there's four, five, six people -- six senators here who have at least a first round. So that's my best estimate as to when we'll initiate that executive session.

And Senator Ben Nelson, I would ask if he will now chair so that -- excuse the interruption, Senator Bunning.

BUNNING: Thank you. Tuesday's tragic events highlighted to us the threat posed by terrorism. For some time, there has been a debate in academic circles and among the counter-terrorism community as to whether the proper response

to act of terrorism should be a legal one or threatening them as crimes or military, treating them as act of wars. Which do you believe is the proper way to respond to acts of terrorism, whether abroad or here in our country?

MYERS: Senator, this is an issue a little bit outside the military's lane, in the sense that it's a policy and a political decision.

BUNNING: You mean the military are not political? General, Is that what you're telling me?

MYERS: I hope we're not political.

BUNNING: Goodness.

MYERS: Senator, I hope we're not political. What we need to do is provide the president the best military advice that we can.

BUNNING: What I'm getting as is we don't want the end result of a terrorist attack on the United States to be handled in court because we believe it's an act of war. Now, if it's an act of war, the military should be involved in determining how the punishment should be dealt out, through the administration's use of the military.

We surely don't want any terrorist you can think of to use a court system, rather than a military solution, to an act of terrorism, whether it be against the USS Cole or whether it be against the Pentagon.

MYERS: And I think the president has said it exactly right, and that is we will essentially use all elements of national power to thwart this aggression. And that includes use of the United States military.

BUNNING: Would you call this an act of war then or not?

MYERS: Again, I don't want to get into the semantics of whether it's an act of war. I think there's -- I mean, we can get wrapped around a legal . . .

BUNNING: That's what I'm afraid of.

MYERS: Well, I'm not for doing that. I'm for responding exactly as our national command authorities want us to respond. And if they make the decision that it's appropriate to use U.S. military force, I absolutely support that.

BUNNING: The horrific acts against us on Tuesday will obviously require a reassessment of our defense priorities. If confirmed, what action would you take to ensure the security of our nation, of our armed forces, from terrorist attacks?

MYERS: Senator, some of the ones we've already talked about. But I think we need to look really closely at our intelligence capabilities, our ability to analyze the information we get. We get a lot of information. It's the ability to analyze it, I think, and disseminate it in a timely manner that make the difference.

I think we need to look at our communications as well. And again, I go back to the other issue, and that is the issue of homeland security, homeland defense. There are a lot of unanswered questions in this area that we've just got to wrestle to the ground. And we can't keep putting these off or we'll not be prepared in the future.

BUNNING: Thank you. My time is expired.

BEN NELSON: According to the chairman, who has departed, I am next in line, so it may serve a useful purpose to call upon myself.

(LAUGHTER)

General Myers and Mrs. Myers, I certainly appreciate very much your public service and your commitment to the

United States and to our country and to our citizens. And I welcome you in advance of your confirmation to this very important position that you'll occupy.

I was looking very carefully at your biography to determine whether or not you had been stationed at Offit to claim you as a Nebraskan. But somewhere along the line, you may have escaped Offit, but I'm sure you visited there on occasion, and that's close enough.

MYERS: Absolutely, senator, many times.

BEN NELSON: The acts of this week, Tuesday, have probably, in the most indelible way, framed the issue for us for the future and that is that national security requires that we be prepared, both internationally and internally. There are those who would suggest that, as Senator Collins and Senator Bunning and others, that we make certain that we not treat the acts of this week as some sort of a legal or criminal matter alone; that they must, in fact, be dealt with as a military matter, with a military response to the situation.

I am one of those. I believe that we need to -- I think it's important that we do the forensic work, in order to establish the particulars of what have happened here. And I commend those who are doing that.

As a matter of fact, it leads me into the area of cooperation internally that I think may set, if you will, the protocol, if not the framework for internal national security. Before I do that, I do note with some irony that it's important to document all of the timeframes by using our most able informant, CNN, about the timeframe and other particulars.

But as we look at how we can bring together the intelligence community, as well as the military establishment and our law enforcement agencies -- the FBI, the Justice Department -- it's important to point out that the FBI has recognized and has stated four separate situations where the military is most likely to be called upon to assist in a domestic law enforcement situation, which involves either a threat or an act of terrorism, including weapons of mass destruction terrorism.

One, to provide technical support and assistance to law enforcement and other crisis response personnel -- obviously, I think that is being undertaken; interdicting an event and apprehending those responsible; restoring law and order following an incident; and finally, abating the consequences of a terrorist act.

I hope that I'm learning from you today not only your reaction to the events of this week, but not only your determination and commitment, but perhaps some idea of what you would take, what you would bring to the table to bring about the kind of protection that we're looking for today to preserve our security for internal national defense, as well as for international national defense. Is there anything that you haven't said about that that you might say to help us come to terms with the importance of it and perhaps some general thoughts about what can be done?

MYERS: Well, obviously, the importance of it is very high. And I think I'll just go back to defining the department's role inside the United States. And that is, I mean, that's one that legitimately requires very, very serious debate.

I think the one thing that we must do is to continue to enhance our intelligence capabilities and not just inside the military but in the civil agencies as well.

BEN NELSON: If it isn't predictable, it's not protectable.

MYERS: In some cases, that's true. In some cases and probably in many cases, that's true.

And so that's where I would, again, that's where I'd focus our efforts. I think this review we have ongoing on the whole intelligence community is appropriate. And I think they'll pick up on this and probably come out with some really good recommendations on how we can do a better job of coordinating and cooperating.

The human side of our intelligence collection has been bolstered in recent years, but could probably be bolstered some more. We've just got to look at this whole spectrum of how we, when we gather all this information, how we can quickly analyze it and get it to people that need to know it.

And my personal view is, we're not as good as we need to be, not just because of this recent incident, but previous things that I've seen indicate that we need to really work on that issue as well. So that would primarily be where I'd focus my efforts.

BEN NELSON: I have confidence in your ability to do this and particularly in the military setting because, whether it's true or not, I think the general public perception is that the military knows how to cooperate without stepping all over itself. At least you have given us that impression. I hope that the reality is the same, even in spite of some exceptions.

But it would seem that if there is any hope for it to occur, that you will be able to bring it about.

MYERS: Senator Nelson, I think we can do that.

BEN NELSON: I thank you.

MYERS: Thank you.

BEN NELSON: Senator Hutchinson is the next, call upon you.

HUTCHINSON: Thank you, Senator Nelson, Mr. Chairman.

General Myers, congratulations. I am very pleased to support your nomination. I think listening to Kansas, Missouri, Nebraska, Colorado, Oklahoma all try to claim you. If Arkansas could, we would.

(LAUGHTER)

I haven't found a way we can, but I'm very pleased to support your nomination. I know you'll do a wonderful job. And thank you for your service to our nation.

I know some of my colleagues are going out to the Pentagon later today. I went out earlier today. And I join those who have been out there and those who have seen the work that's going on in commending those brave responders and those who are risking their lives in still an unstable situation.

I do not have reservations about FBI being lead on this and Department of Justice because I, like Senator Nelson, believe that evidence has to be and we have to have the forensics. We have to have the evidentiary base in order for the military to take an action or for the commander-in-chief to order actions. And I am convinced that when we have that, that indeed there will be a military response to the attack upon our nation.

I want to present a little scenario to you. What happened at the twin towers, while unprecedented in magnitude, is not unprecedented, the type of attack. As a nation, we have had Oklahoma City. We have had attacks upon towers. We have had experience in plane crashes.

And so, while this is a national tragedy of unprecedented proportions, it is not unprecedented the type of situation that we're dealing with, excavating and trying to uncover bodies. With the understanding that there is an ongoing debate as to the proper role of the military in protecting in a domestic terrorist attack, if this attack had been, instead of airliners, flying bombs, piercing the Pentagon and piercing these towers, if the attack had been -- and I think the estimate is that there could be up to 50 people who were co- conspirators or participants in this -- if it had been 50 people going into 50 U.S. cities carrying briefcases with biological pathogens, biological weapons, what would have been the consequences?

And how vulnerable are we? And how prepared are we, in your considered opinion?

MYERS: Again, I mean, this is hypothetical. But in the scenario that you painted, I think we're vulnerable. And I think the consequences could be great.

HUTCHINSON: Indeed, I agree. We're talking tens of thousands, which is an absolutely unimaginable tragedy for our nation. Our vulnerability to a biological or a chemical attack could result in millions of victims.

Or, to put it in military terms, had it been a private jet, a private or a general aviation aircraft loaded with biological weapons, flying into that Pentagon, are we prepared? Would we have had protection in that situation?

MYERS: Limited protection. But obviously, there are a lot of folks around the Pentagon.

HUTCHINSON: Right. I was very pleased, in the advance questions, with your response to the issue of vaccine production. You said, "I support establishing a long-term, reliable national vaccine production capability. The Department of Defense has a long-term need for reliable sources of FDA-approved vaccines for any biological health threat that may impact our soldiers, sailors, airmen and Marines now and in the future."

I appreciate that. I think that commitment is absolutely essential.

You say earlier in your comments, you speak to anthrax, but you also expand that to recognizing that there are a lot of biological threats to force protection that confront us. What concerns me is that, while we have a terrible shortage in vaccines now, we are not able to protect our men and women in uniform, that the estimates, if we go with a GOCO, if the determination is that that's the best way for us to address this, we're still talking years.

I think we've got to do better. I think we have to place a high priority on that. We've got to protect against this threat.

And the added benefit of that kind of production capability will be to, I think, also provide protection to the American people who are equally vulnerable. So I think you for your commitment to that. I want to urge that that be given a priority under your leadership and that we expedite, to the extent possible.

We spend hours, and we did during defense authorization, on missile defense. I don't object to that. We need to debate that. That's a serious issue that there's a lot of pros and cons.

We spent relatively little time talking about what we ought to be doing in the national commitment on vaccine production. And the cost, compared to missile defense, is miniscule.

Any response or comment?

MYERS: Senator Hutchinson, the only response is that this particular issue has been highlighted again in the defense planning guidance and in the quadrennial defense review. I think it's a recognized shortfall, speaking largely now about the ability to combat weapons of mass destruction to include chemical and biological and that it will get attention and increased resources. That is the intention at this point.

HUTCHINSON: Thank you, general.

MYERS: Thank you.

BEN NELSON: Senator Dayton?

DAYTON: Thank you, Mr. Chairman.

General Myers, I share the admiration of my colleagues for your many years of very, very distinguished service to our nation. And I also want to express my admiration for your candor and directness in your replies here today.

In the eight months I've been a senator, in all the meetings I've sat through, your candor and directness stands out, first among them all and in marked contrast to some of the difficulties getting candid and direct answers from others in the last 48 or 60 hours, I would say, particularly. So thank you very much.

MYERS: Thank you, senator.

DAYTON: I think that bodes very well for the working relationship that you'll have with the members of this body and the other.

MYERS: Thank you, sir.

DAYTON: In response to one of Senator Carnahan's questions, you brought up the role of the National Guard, which Minnesota has both components. And also we have reserves as well who, among other things, certainly stand ready and willing to serve their country and have done so admirably, but who have expressed to me some concerns about their future assignments, which now are extending to as much as five months or so.

Could you just outline? I realize we're at limited time to cover that whole terrain, but the appropriate roles, as you alluded to, of those respective components?

MYERS: I think we can state today that for us to carry out, for the Armed Forces of the United States to carry out their missions around the world, that we cannot do that without the Reserve component, both the Reserve forces and the National Guard forces. I mean, we just can't do it.

I would also say that I think each service has worked very hard to mitigate the impact on the lives of our Reserve component individuals so they can contribute, but it doesn't destroy their job and their life that they were leading. We probably haven't done that perfectly. And that will continually need to be evaluated. But they are absolutely essential to our conduct of missions today.

DAYTON: Thank you. I was intrigued by your answer on page 20 of your response about you believe it's in the national security interest of the United States that all land-based ICBMs be de-MIRVed. And you said there are no significant military advantages to the elimination of MIRVed, land-based ICBMs, which has particular relevance, given President Putin's comments that that might be a Soviet response to our pulling out of the ABM Treaty.

Could you elaborate on that, please, sir?

MYERS: As I recall that question, I think I was talking about the significance of U.S. missiles. We have, as you know, de-MIRVed some under previous agreements. And we still have some that are MIRVed.

DAYTON: Maybe I'm misinterpreting because the question that preceded that referred to the Russians, that they may not de-MIRV. And you pointed out correctly that START II Treaty is not in force.

MYERS: Right.

DAYTON: So that they're not being required to do so. So maybe I misunderstood. Let me just rephrase it then and say would that be of strategic and security concern to the United States if Russia took the position that it would not de-MIRV its nuclear warheads in response to something such as withdrawing from the ABM Treaty?

MYERS: I don't think the issue of whether they're MIRVed or de- MIRVed is really the issue. The issue to me would be, first of all, what is our strategic relationship with Russia? And today, I think it's quite different than it was, obviously, during the Cold War.

The second point would be that it would be the overall levels of warheads that would be of concern. The missile defense system is conceived as one of limited defense, so whether they're MIRVed or de- MIRVed, that's really not an issue about overwhelming defenses because it will probably never be the case that we'll have a defense against a large attack. I would be more concerned with the total number of warheads that are on delivery vehicles and, in accordance with presidential guidance, trying to take that to the lowest level possible, consistent with our national security needs.

DAYTON: Thank you. Finally, I was very impressed with your statement about the lessons you learned in your

previous positions. You said, "First the armed forces aren't made up of people; rather, that the people are the armed forces." Sometimes we lose that focus. I thought that was very well stated and very appropriately so.

This committee, in my brief time here, has focused itself on meeting some of the needs that haven't been sufficiently addressed in support of the men and women who make up our armed forces. And I know that the authorization bill we're going to be acting on next week will take a further step forward.

What else can we do or must we do to provide the kind of support they deserve?

MYERS: I think we need, senator, I absolutely agree with you. And we made great strides. And this committee has led the charge. And, in fact, the Congress has led the charge in making sure we have appropriate pay.

We've worked some housing issues. We've worked medical benefits. These are issues, though, that if you don't keep working them, you're going backwards.

And so pay comparability is an issue we need to continue to work. And you saw in the '02, the bill you've just all worked very hard on, that was a big issue. There is the housing issues, not only the adequacy of the housing that we provide, but the housing pay to our folks to make sure there is not exorbitant out-of-pocket expenses for their housing needs.

And then I would say access to medical care continues to be an issue, as we try to find that right balance between what we do in- service and what we do with managed care. And I'm sure your constituents have probably told you, there are issues there with access that we need to continue to work.

DAYTON: Thank you very much, general. I'm assured that you will help us not only make sure we don't go backward, but also that we can move forward. We're going to ask you also to apply that consideration to the reserves as well, the National Guard, the men and women who make those up.

MYERS: Any time I talked about armed forces, sir, I'm talking about the total team, which includes, by the way, those civilians, those Department of Defense civilians, some of whom were tragically killed in the recent attack on the Pentagon. We are one team.

DAYTON: Well stated. Thank you.

Thank you, Mr. Chairman.

BEN NELSON: Senator Sessions?

SESSIONS: Thank you, Mr. Chairman.

Congratulations, General Myers. It's a great honor to be given this high post. And I know that you will give your very best to it. I congratulate your wife and for your great career together.

Everybody wants to claim a piece of your background. And I certainly will. I note that you attended Maxwell Air War College in Montgomery, Alabama and got your master's degree from that great -- one of America's great universities, Auburn University.

MYERS: Yes, sir.

SESSIONS: So we're delighted to see you achieve this great and high honor. You know, I was at the Pentagon yesterday. And in the course of that, had the opportunity to talk to a lieutenant colonel who was in his office when the plane hit, on that very side.

He said he was blown across the room, up against the wall. He got outside and realized just how bad it was.

And he and a sergeant broke out a window and went back in; described one person coming out all in flames, that they had to put him down and put the fire out. And that gentleman was saying over and over again, "There are others in there. Please go back and help those who are in there." And they went back repeatedly until the fire marshal told them not to go back in.

It's the kind of courage and commitment and dedication to unity and to one another, I think, that is characteristic of our armed forces. And I do believe we have the greatest armed forces in the world. And I know that you are terribly honored to be able to lead that.

MYERS: Definitely, senator.

SESSIONS: I thought I would just ask you a few questions that are real fundamental and will go to your challenges in your job, not unlike what you and I discussed when you came by for a visit, and that is basically about our budget. President Bush this year is proposing -- and will achieve, I believe -- a \$38 billion increase, over \$30 billion increase in our defense budget from \$290-something (billion) last year to nearly \$330 (billion) this year and with a supplemental in between.

So it's a major increase. But we've committed to do more for our men and women in uniform and their pay and benefits. And much needs to be done.

It's distressing to me -- and I'll ask you if you will agree -- that even with this largest increase we've had in over a decade, that we still are not able to do as much as we need to be doing to recapitalize our aircraft, our ships and our Army and Marine equipment.

MYERS: Senator Sessions, that's absolutely the case. The account -- the modernization account, if you will -- has been, for a lot of this past decade, been used to ensure current readiness and current operations. So we borrowed from that account to make sure we're ready to do what we have to do today.

We're reaching the point now where our shipbuilding accounts, our aircraft modernization accounts, Army transformation accounts are short. And the average age of our aircraft continues to go up. Things are just getting older.

The consequences of that are that it costs more to maintain them and that they're not always as ready as we want them to be when we have to call upon them. That is a major challenge, is how to balance our modernization and transformation needs with our current readiness needs and our personnel needs, the three major elements of our budget.

So I agree with you. That's the challenge. That's one of the things that I feel that I have to focus on and have to provide advice to the secretary, as required to do so.

SESSIONS: As chairman of the joint chiefs, that will be, perhaps I would suggest, long-term service to the Department of Defense, that will be your greatest challenge, would you agree? How to handle our transformation and recapitalization?

MYERS: Yes, senator. It's got to be right up there. I would mention one other, and that is to make sure that the national military strategy, the national security strategy, national military strategy and our defense strategy are in balance with the force structure we have to do the job.

And that, I mean, it kind of goes hand in hand with what you're talking about. But those are probably the biggest challenges.

SESSIONS: Well, I think that's well said. So let's look at this. I've heard several talking heads in the last several days say that this terrorist attack was what we're going to see in the future. It's the 21st century war.

I believe Secretary Rumsfeld has said something like that. We know that doesn't mean there won't be any other kind

of wars. We have to be prepared for others. But it certainly, I think, has an element of truth to it, that we are in an asymmetric threat situation that presents new and unique challenges, different from the time when we faced the Russians on the plains of Europe.

Question: do you think the leaders of these services fully understand that we do need to make transformation? Do they also understand that there will not be as much money as we'd like to have to hold on to everything that we may like to do? And is there enough commitment within the uniformed services to make the transformations that will be painful at times to get us ready to handle the threats we will be seeing in the future?

MYERS: Senator Sessions, as you know as well as I do, the service chiefs, members of the joint chiefs that I've been with here for the last year-and-a-half are the best this country has to offer. They are very smart men and they understand very well the challenges of the future.

They understand the need to modernize. They understand the need to transform their capabilities, to be responsive to the asymmetric threats that we have faced and that we will face. And I think they are absolutely the right ones to do that.

The question is always this is a tough balance between today's problem and tomorrow's challenge. And it's one, I mean, we wrestle this every day. But they are absolutely the right people to do it. And they are committed to doing it.

SESSIONS: Well, I think you're going to have to lead that. And at times, some are going to have to give up with cherished dreams for their service. Some of us in Congress may have to find some more money than we actually have been able to find so far. Even with this large increase, it's still not enough.

So I think it's going to take a combination of change, refitting for the future. I believe Secretary Rumsfeld is doing the right thing. I think he's got to challenge old established thinking. I hope you'll help him in that.

MYERS: Sir, I will. And I am committed to that as well.

SESSIONS: Thank you, Mr. Chairman.

BEN NELSON: Thank you, Senator Sessions.

I believe Senator Allard is the -- you've already asked -- have you asked questions? Okay, it's 5:00. And we are going to move to Hart 219, which is out that door. And we will ask those senators who are within my sound of my voice to come there.

Secretary Wolfowitz, I believe, is within earshot and we'll notify him.

One other announcement, which is important, which is going to affect the length of this executive session. There's going to be a 5:20 roll-call vote on the Harkin Amendment on Commerce, State, Justice, which means that we're going to have perhaps a half an hour probably for our executive session. So we are going to begin immediately. Room 219, just for senators, General Myers, Secretary Wolfowitz.

Again, general, thank you. And we look forward to a very speedy confirmation.

MYERS: Thank you, Mr. Chairman. Thank you all.

END

NOTES:

???? - Indicates Speaker Unknown

-- - Indicates could not make out what was being said. off mike - Indicates could not make out what was being said.

PERSON: CARL M LEVIN (92%); RICHARD MYERS (89%); HUGH SHELTON (75%); BILL NELSON (67%); EDWARD M KENNEDY (57%); ROBERT C BYRD (56%); DANIEL K AKAKA (55%); MARY LANDRIEU (55%); JACK REED (55%); JEFF BINGAMAN (53%); MARK DAYTON (53%); JOHN W WARNER (53%); ROBERT C SMITH (52%); JOHN MCCAIN (52%); STROM THURMOND (52%); JAMES M INHOFE (51%); TIM HUTCHINSON (50%); PAT ROBERTS (50%); A WAYNE ALLARD (50%);

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