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HEARING

ON

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

AND

OVERSIGHT OF PREVIOUSLY AUTHORIZED PROGRAMS

BEFORE THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON MILITARY PERSONNEL HEARING

ON

REVIEW OF THE IMPLEMENTATION PLANS FOR THE REPEAL OF LAW AND POLICIES GOVERNING SERVICE BY OPENLY GAY AND LESBIAN SERVICE MEMBERS

HEARING HELD
APRIL 1, 2011

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REVIEW OF THE IMPLEMENTATION PLANS FOR THE REPEAL OF LAW AND POLICIES GOVERNING SERVICE BY OPENLY GAY AND LESBIAN SERVICE MEMBERS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY PERSONNEL,
Washington, DC, Friday, April 1, 2011.

The subcommittee met, pursuant to call, at 9:30 a.m. in room 2212, Rayburn House Office Building, Hon. Joe Wilson (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. JOE WILSON, A REPRESENTATIVE FROM SOUTH CAROLINA, CHAIRMAN, SUBCOMMITTEE ON MILITARY PERSONNEL

Mr. WILSON. Ladies and gentlemen, I would like to welcome everyone to a meeting of the Subcommittee of Military Personnel of the House Armed Services Committee.

I am very grateful to be serving as chair of this subcommittee. I am Congressman Joe Wilson from South Carolina, and our ranking member is Congresswoman Susan Davis of California. We have actually taken each other's place. And I always like to point out that she served with such distinction in a bipartisan manner, and I look forward to continuing a positive relationship.

Today, the subcommittee has an opportunity to influence the future of the course of implementation of a change of law regarding the service of openly gay and lesbian service members.

I was troubled by the process employed through appeal of the law known as "Don't Ask, Don't Tell" this past fall. I felt the repeal was rushed through Congress without adequate review and consideration of the full extent of the implications of repeal.

I believe the lame-duck session was undemocratic, in that dozens of defeated Congress Members adopted a law with significant consequences but it failed to even pass a budget. It was a violation of the principles of representative democracy. Elected officials should be reflective of the views of the voters, and Congress Members who had voted then had been rejected for not reflecting the views of their constituents.

I believe the comprehensive review chartered by the Secretary of Defense Gates was flawed, in that it was never asked of military members and families whether the law should be repealed and it took great liberties during the assessment process to count survey responses that directly expressed concern about the wisdom of repeal as being supportive of repeal.

It is now essential that the Congress ask questions that were glossed over during the comprehensive review. We must get the

process for considering the repeal of Don't Ask, Don't Tell on track and ensure that our military is truly prepared for open service of gays and lesbians. We must ensure that we do not make a mistake by allowing the repeal to move ahead when there is any possibility that it will put the combat readiness of our force at risk at a time that our Nation is in three wars, with worldwide instability.

We have two excellent witnesses who are directly engaged in this process: Dr. Clifford L. Stanley, the Under Secretary of Defense for Personnel, Readiness and co-chair, Don't Ask, Don't Tell Repeal Implementation Team; and Vice Admiral William E. Gortney, United States Navy, director of the Joint Staff of the Joint Chiefs of Staff.

At this time, I will turn to our Military Personnel Subcommittee ranking member, Susan Davis, for her opening statement.

[The prepared statement of Mr. Wilson can be found in the Appendix on page 33.]

STATEMENT OF HON. SUSAN A. DAVIS, A REPRESENTATIVE FROM CALIFORNIA, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL

Mrs. DAVIS. Thank you. Thank you, Mr. Chairman.

And, Dr. Stanley, we are certainly glad to have you back.

And, Admiral Gortney, welcome to the committee.

We appreciate both of you being here, and we look forward to hearing how the services are doing in their efforts to train the force in anticipation of the repeal of the Don't Ask, Don't Tell policy.

Last year, as we all know, on December 22nd, the President signed into law H.R. 2965, the "Don't Ask, Don't Tell Repeal Act of 2010." The law requires the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff—and, I would say, in consultation with the service chiefs—to transmit to Congress a written certification that they have considered the recommendation in the comprehensive review report and the report's proposed plan of action, that the Department has prepared the necessary policies and regulations needed to repeal the Don't Ask, Don't Tell policy, and that the policies and regulations are consistent with the standard of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

Once they have submitted their certification and 60 days have passed, the Don't Ask, Don't Tell policy will come to an end. And the underlying law, which prohibits gay, lesbian, and bisexual Americans from serving in uniform, will become history.

Mr. Chairman, I think the debate is no longer really on whether or not to allow gay, lesbian, and bisexual Americans from serving in uniform. The issue that we are here to focus on today is how the services and the Department are preparing and informing leadership on how the policies and regulations that are being considered have an impact, if any, on military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

I look forward to hearing how the training has been going; what, if any, issues have been raised during the training; and when the Department expects the services to provide their final input in

order to move forward in allowing all Americans, regardless of sexual orientation, to serve in uniform.

Thank you, Mr. Chairman. And I look forward to the hearing today.

[The prepared statement of Mrs. Davis can be found in the Appendix on page 35.]

Mr. WILSON. Thank you, Ms. Davis.

And as we begin this morning, I have a unanimous consent request. At this time, I ask unanimous consent that the gentleman from Mississippi, Congressman Steve Palazzo, be recognized and granted a 5-minute period to ask questions of the witnesses after the members of the Military Personnel Subcommittee have been recognized.

Without objection, so ordered.

Additionally, at this time, I ask unanimous consent that my letter of March 8, 2011, to Secretary Stanley listing a series of questions, 49 questions, concerning implementations of the repeal and the March 30, 2011, reply from the Secretary with his response to the questions be entered into the record. The letters have been placed before the Members today.

Without objection, so ordered.

[The information referred to can be found in the Appendix on page 46.]

Mr. WILSON. And, as you just heard, we actually are beginning a vote. And what we will do is recess at this time and return immediately and proceed. And it is just one vote; this is a miracle. And so, we will be back. And so, at this time, we will recess, and we will begin immediately with Secretary Stanley.

Thank you.

[Recess.]

Mr. WILSON. Ladies and gentlemen, thank you. We have concluded that vote. We may have another vote relatively soon. But, again, we appreciate everyone accommodating. And I particularly want to thank the subcommittee members for their persistence to return. So this is a real testimonial to their commitment to service.

At this time, we have Secretary Dr. Clifford L. Stanley.

STATEMENT OF HON. CLIFFORD L. STANLEY, UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, CO–CHAIR, DON'T ASK, DON'T TELL REPEAL IMPLEMENTATION TEAM

Secretary STANLEY. Well, good morning, Mr. Chairman and Ms. Davis and members of the committee. Thank you for inviting me and Vice Admiral Gortney to testify before you today.

As you know, on December the 22nd, 2010, the President signed the enactment of repeal of Title X, section 654, the policy concerning homosexuality in the Armed Forces. And, subsequently, the Secretary of Defense directed me to lead the implementation process for the Department.

As the Secretary testified, the Department will execute this change in a purposeful and careful manner. By organizing a Department of Defense [DOD] repeal implementation team, we have been able to synchronize the implementation of the services' rel-

evant policy changes and delivered standardized training materials to all services on February 4th, 2011.

Just 2 weeks ago, I testified before this same body and told you that, as Under Secretary of Defense for Personnel and Readiness, my focus is total force readiness, caring for our people, creating a culture of relevance and effectiveness and efficiency. I view the total force readiness as a mental, physical, emotional, and spiritual state of preparedness and resilience.

Now, this policy change embodies that view of total force readiness. More simply put, it is also about respect. "Respect" is not a word that I use lightly. It embraces the true meaning of honorable service. And "respect" is also a word that captures the indelible bond shared by all who serve, especially those who serve in harm's way.

The training materials were developed—that have been developed are based upon the Comprehensive Review Working Group's support plan for implementation by a team of people from across all the services. Emphasis has been placed on leadership, professionalism, discipline, and respect, which we believe will enable any change in policy to be executed with minimal disruption to the force.

Each service began training on or before March 1st, 2011. And while there is no department timeline or deadline for completion, the services anticipate that training will be completed by mid-summer.

Every 2 weeks throughout the training process, the services have provided and will provide a report on the status of training. After having received the first 3 reports over the past 6 weeks, the last of which was submitted today, the services reported no issues or problems with training and that all is going well.

It remains the policy of the Department of Defense that sexual orientation is a personal and private matter and to treat all members with dignity and respect. Leadership, professionalism, discipline, and respect will be essential to the implementation of this change in policy fairly and consistently.

Rest assured that we are committed to making this historic change in a timely manner. And that is consistent with standards of military readiness, effectiveness, unit cohesion, and recruiting and retention in the Armed Forces.

I want to thank you again for this opportunity to update you on our progress in this important policy. Thank you.

Mr. WILSON. Thank you very much, Mr. Secretary.

And, at this time, Vice Admiral William E. Gortney.

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

Admiral GORTNEY. Thank you, Mr. Chairman, Mrs. Davis, distinguished members of the subcommittee. And good morning. I appreciate the opportunity to comment regarding the policy and procedures that have been put in place to support the implementation of the repeal of Don't Ask, Don't Tell.

We have implemented a three-step process to support the successful repeal of the law, the first step being implementing or changing policies, the second step being training changes, and the

third step, training the actual force. And we have achieved good progress in all three steps. The services have reviewed policies and directives that will require change and are on target to implement them upon effective date of repeal.

The repeal implementation team of the Office of the Secretary of Defense, in full coordination with the services, developed standard training materials as well as effective plans to deliver that training. The services have implemented these plans and are proceeding smartly with the training of Tier I, who we call experts; Tier II, the leadership; and Tier III, the total force. Each service has implemented systems to track the training of their force.

In order to assess our progress, the effectiveness of education and training, and identify any obstacles of unforeseen issues that could impact the force, we are receiving the biweekly reports that the Secretary mentioned from the Service, the Coast Guard, and the combatant commanders. These reports track the degree of progress in training the overall force and give commanders a direct line to the Chairman on issues that may emerge. The Chairman and the service chiefs also meet regularly to discuss this progress.

We are indeed moving responsibly toward repeal. Training is under way, policies are under revision, and we are tracking the Department's progress. Our intent is to ensure that a preponderance of the force, including the Reserve and National Guard Bureau, is prepared expeditiously but in a careful and responsible manner.

Repeal will occur 60 days after the certification required by law. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff will certify only after careful consideration of the views of the Secretaries of the military departments, the military service chiefs, and the combatant commanders.

The Secretary of Defense and the Chairman will not certify until, in their judgment, they are satisfied the force is prepared to implement the new policies and regulations consistent with our standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

We are proceeding deliberately and purposefully toward preparing the force and certifying their readiness. The law assured them of time to answer their questions and prepare for repeal. We appreciate this flexibility, as well as your confidence in the force and their leadership in implementing this law.

Thank you for the opportunity to update you on the progress, and I look forward to your questions.

[The joint prepared statement of Secretary Stanley and Admiral Gortney can be found in the Appendix on page 37.]

Mr. WILSON. Thank you very much.

And, as we proceed, we will be under a 5-minute rule. And we have a person above reproach, Michael Higgins, who is going to be the timekeeper. And he will maintain the time. And, actually, the 5-minute rule begins with me. And then, as we proceed, we may have time for two rounds, depending on the level of votes that we have.

For both of you, a question I have—I hope that both of you are involved in the process of evaluating, training, and advising the Secretary of Defense and Chairman of the Joint Chiefs of Staff about whether to proceed with certification.

And I have two questions. One is, what are the objective and subjective criteria you will use to conclude that the education and training program associated with the repeal of the law is, first, effective and, second, sufficiently complete to justify your recommendation that the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the President proceed with certification?

Secretary STANLEY. First of all, thank you, Mr. Chairman.

The objective criteria are very specific. The first is, make sure the policies and regulations are in sync. And we have about 87 policies that actually have to be reviewed and updated by the services.

We also want to make sure that, objectively, as we go toward our confirmation process, or in this, that we have the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, as well as the President of the United States, they are involved in that process. And that becomes also a part of it, as we look at the criteria for implementation. That is very specific.

And then, also, we have subjective criteria that we are looking at, is ensuring that, in the commanders' judgment, we are looking at things like unit cohesion, standards of military readiness, effective recruiting and retention in terms of whether or not there has been any impact, as well as IG reports, inspector general reports, things like that, to look at.

And I will ask my service counterpart to talk a little bit.

Admiral GORTNEY. Yes, sir. The objective measures are really an easy part. The policy regulations that have to be changed, what percentage of the force is trained by tier—that is fairly straightforward.

The more meaningful is the subjective measures that are coming up at the same time, both through the service change and through the combatant commanders, which is—the importance of leadership in this cannot be overstated. It is the single most important thing. And feedback from the leadership on the progress of the training, the quality of the training, the questions that come up in that training or any barriers that may come up are the critical part.

Mr. WILSON. And my second question would be, following training, how will you know the troops in the field believe they are prepared to cope with the complications that will follow? Will you conduct surveys to validate the effectiveness of the training?

Secretary STANLEY. Well, at this time, Mr. Chairman, there is no plan for surveys.

But, again, as Admiral Gortney said, the leadership piece is significant here. And the relationship now with not only the President but also we are talking about the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, the meetings they have been having in terms of the implementation process that we have been going through, meeting with service chiefs, meeting with service secretaries, the reports we have been getting so far, and the relationship that we have with the field, the leadership piece, that subjective part, is probably the most significant when it comes to keeping your fingers on the pulse of what is happening and whether or not your troops understand and, you know, understand what the rules are.

Mr. WILSON. And I would hope—I know in my 31-year service in the Army Guard and Reserves that we did annual surveys on dif-

ferent issues in general. And so I would hope that maybe there could be a survey question.

A final question for me is, in regard to religious rights and chaplains, I would like to know from both of you, are there going to be detailed guidelines provided to chaplains to ensure they know when and where they can express their views? Where is the line drawn—a private counseling session, a hallway conversation, off-duty conversations?

Secretary STANLEY. Mr. Chairman, we are reviewing the guidelines now, so the specificity of the guidelines is actually under review. But, for the most part, most of what is happening now with the chaplains' responsibility to serve all who are in uniform, that has remained unchanged. The chaplain still has a responsibility to serve, and we have seen no indication that that will change.

Mr. WILSON. And I am very grateful, the chaplains school, the joint chaplains school is located at Fort Jackson, South Carolina. And my son who served in Iraq, his roommate was the chaplain. So I really do appreciate chaplains, and I really don't want them, though, to be constrained in their ability to serve.

And, at this time, I conclude.

Ms. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman.

Dr. Stanley and Admiral Gortney, what issues or concerns have been raised during these training events? Could you take us through that? Have there been any issues with respect to the potential impact the proposed change will have on military readiness, military effectiveness, and unit cohesion, also recruiting and retention? Are there some issues that we should be aware of that have been raised and any concerns or issues that you have around them?

Secretary STANLEY. Well, Congresswoman Davis, so far, it has been pretty much—it has been very good. The training has gone very well. By nature, I sort of say, okay, it has gone very well, but I am still looking. I am certain that the commanders out there and everyone involved in the process is still looking. But it actually has gone extremely well so far. No implications on recruiting because it has actually been pretty early.

We have, to date now, trained almost a little over 200,000 of the force has actually gone through training, about 9 percent.

And I will ask my colleague here.

Admiral GORTNEY. Yes, ma'am. Once again, all of the subjective assessments from the commanders have been that the training has gone well. None of the issues that have come up were not things that we were not already aware of as a result of the survey that was out there that we were then able to tailor the training to, to answer.

So, thus far, no surprises, and we are pretty pleased where we are. And, once again, 9 percent of the force has been trained.

Mrs. DAVIS. One of the issues that I have heard is something that we had talked about before, and that is that there are some generational differences in the response of the troops. And I wonder if you could comment on that briefly.

And then I wanted to ask you just about the deadlines that the services are trying to meet.

Secretary STANLEY. Well, as far as generational—now, I am obviously familiar with the Comprehensive Review Working Group. From the repeal implementation process that the Secretary has asked me to do, that has not come up as an issue. We are dealing with the Active Force. We haven't done any more surveys, so we are not bringing in more data.

Bottom line is that the training has been very effective, and we have been very pleased with what we have seen. But our antenna are up because this is not a rushed process, and we want to be deliberate and purposeful in doing this.

I will ask my colleague.

Admiral GORTNEY. Yes, ma'am. The results of the survey told us key indicators that we need to be aware of. One of them, in the combat arms—or, told us that, with the combat arms parts of the forces for the different services, that we are going to have to pay particular attention to them. And it gives the service chiefs the opportunity to apply the attention that is required there. And, once again, we don't anticipate any show-stoppers there.

Mrs. DAVIS. The Army, as I understand it, is going to be the last to conclude their training. And I wonder what timeline you would expect, then. If they do meet their deadline, what is the timeline that you would expect that the President, the Secretary, and the Joint Chief, that they could actually send that certification to Congress? Have you looked at that and what we might be looking at here in terms of a timeline?

Admiral GORTNEY. Yes, ma'am. As the Secretary said, we anticipated about mid-summer, in order to meet the completion of the preponderance of the force to be trained and the regulations to be in there and to get the recommendations from the service secretaries and the service chiefs to the Chairman.

That deadline is really a function of the Army in order to get—just because of the size of the force and to include the Reserve and the National Guard in that. That is really the long goal there. And it is just a function of numbers that have to be trained.

Mrs. DAVIS. When we talk about the President and the Secretary and the Joint Chiefs sending their certification, there is an assumption there that the Chairman of the Joint Chiefs is consulting with the service chiefs, as well, and that their input would certainly be very much part of that decision-making process that you would go through?

Admiral GORTNEY. Absolutely, ma'am. The service chiefs and the Chairman meet twice a week. It is a scheduled, what we call, "the tank." And about once a month, one of the subjects is a review of how the training is going to date. And he will not provide his advice to the Secretary until he has heard from the service chiefs.

Secretary STANLEY. And I just want to add that Secretary Gates has met at least twice now with the service chiefs, service secretaries, and is in consultation, also, with the combatant commanders, also, to get their input.

Mrs. DAVIS. Thank you.

Thank you, Mr. Chairman.

Mr. WILSON. Thank you, Ms. Davis.

And, based on the time of arrival prior to the vote, we will now proceed with Congressman Mike Coffman of Colorado.

Mr. COFFMAN. Thank you, Mr. Chairman.

First of all, I think that I had requested out of the survey a by-rank, by-MOS [military occupation specialty] breakdown. And I think that that was not provided until about a month after the vote. And I want to say for the record, I think that was intentional, because the numbers for those combat arms personnel, particularly in leadership, were certainly more opposed in greater numbers than non-ground combat arms. And so I want to state that for the record, and my disappointment with the forthrightness of this process, not simply with Members of Congress but with the American people.

And, with that said, let me ask a question of Secretary Stanley. One of the policy implications of repealing Don't Ask, Don't Tell is considering reinstatement of service members who were discharged under the policy.

Given the increasingly competitive environment of joining our military, our All-Volunteer Force, how will the Department institute a fair process regarding service members who were discharged under the Don't Ask, Don't Tell policy versus other former service members honorably discharged who are reapplying for Active Duty?

Secretary STANLEY. Yes, thank you for your question, Congressman.

The process now, as we see it, will be that, as members are coming back in, they can apply to come back in just as anyone else in America would come back in the services. There is no special dispensation, but they will come back in. And we will be looking at them based upon the needs of the services, MOS qualifications, their physical qualifications, where they are at that particular time, and all of that still based on the needs of the service. But they will be looked at and have an opportunity to come back.

Mr. COFFMAN. Thank you.

Let me just conclude with this. As someone who served in both Army and Marine Corps infantry, that I virtually have no confidence in your process. I think that this survey, this study was the conclusion looking for a study. And I think that this is a political decision, obviously, made by the executive branch, and the military will follow it under whatever circumstances or ramifications it has to the combat effectiveness of our forces.

With that, Mr. Chairman, I yield back.

Mr. WILSON. Thank you, Mr. Coffman.

And we proceed to Congressman Dave Loebsack of Iowa.

Mr. LOEBSACK. Thank you, Mr. Chair.

Thanks to both of you for being here today and for your service.

I have a question that sort of goes back to before the actual training and education. With whom did you consult or did the services consult as to what the education programs or the training program ought to look like? How did you come up with these in the first place?

Secretary STANLEY. Well, I will address part of this. I mean, I know that the services now worked with each of the services. I don't know if they had to even go out; we have excellent educational capacities within. I am not aware of any external sources. But we have, as you know, academicians in the military. We looked

at our training edifices, in terms of how they are set up. And each service cooperated and worked together. We have the Defense Equal Opportunity Management Institute, which is significantly steeped in terms of education, research, to develop the training packages as we move forth.

Mr. LOEBSACK. Methodology is one thing, but substance is another thing. Can you sort of explain the difference in that sense? I mean, it is one thing to have training programs as such and methodology employed. But we are talking about a specific area of expertise that will be needed in this case, and that has to do with homosexuality and basically changing, perhaps, even the culture of the military.

Secretary STANLEY. Well, I think the substance—and let me add one more category.

Mr. LOEBSACK. All right.

Secretary STANLEY. And that is, we also consulted with and talked to the other countries, other nations——

Mr. LOEBSACK. Ah.

Secretary STANLEY [continuing]. Some who have already gone through this.

Mr. LOEBSACK. Okay.

Secretary STANLEY. And so when you add that in there, people who have gone through this already, that gets into substance as well as methodology.

Mr. LOEBSACK. All right.

Did you want to add anything, Admiral?

Admiral GORTNEY. No, sir.

Mr. LOEBSACK. Okay.

I appreciate that.

I do have a question also, having been to Iraq three times and Afghanistan six times now in the 4-plus years that I have been in Congress, I do have a question as to how you are ensuring that the training of our combat troops does not disrupt their carrying out their mission.

Admiral GORTNEY. The service chiefs really looked hard at that, and that is why they started training the force as early as they possibly could, so they could catch the force that will be deploying to Iraq and Afghanistan before they get there, and then leave it to the commanders on the field, for those that are there, to determine whether or not it is best to do it then or when they return from their deployment.

It looks, at this time, as if the service chiefs feel that the training can be done, but they are leaving it up to the commanders in the field to make that ultimate determination, then would get it on their return.

Mr. LOEBSACK. And, so far, we have not seen any disruption in terms of their ability to carry out their mission; is that correct?

Admiral GORTNEY. None whatsoever, sir.

Mr. LOEBSACK. No examples, even anecdotal?

Admiral GORTNEY. No, sir.

Mr. LOEBSACK. Okay. Well, that is good to hear. I appreciate that.

What about retention and recruitment as a result of the change in this policy? How are we doing on that front, recruitment and then retention?

Secretary STANLEY. Congressman, no data points yet; too early to tell. I mean, that is one of those things where the environment right now, particularly with the—I mean, our enlistment rate, reenlistment, everything is good. But I am not putting a lot in that right now. It is just early.

Mr. LOEBSACK. Right.

Secretary STANLEY. As we go through this, we are watching that very closely.

Mr. LOEBSACK. What are the expectations? We must have some expectations or thoughts about whether this will have any effect or not.

Secretary STANLEY. The expectations——

Mr. LOEBSACK. On recruitment, in particular.

Secretary STANLEY. Sorry. But the expectations would be that there will be no impact. But, by nature, I just continue to look, because readiness is in the portfolio, and we have to take that very seriously.

Mr. LOEBSACK. Right. Well, I appreciate waiting until we have data. As a former social scientist myself, I think we have to be evidence-based in this process, all the way through the process from beginning to the end.

Did you want to say anything on that?

Admiral GORTNEY. Yes, sir. And I think, as far as metrics, retention and recruitment are going to be the last metrics we are going to get. It is going to take time to get that information in.

However, when we surveyed the services from around the world that have implemented this, as far as recruitment, they did not see an impact to that. So we will have to wait and see from here.

Mr. LOEBSACK. All right. Thanks to both of you.

And I yield back the balance of my time. Thank you, Mr. Chair.

Mr. WILSON. Thank you, Mr. Loebsack.

At this time, we proceed to Congressman Allen West of Florida.

Mr. WEST. Thank you, Mr. Chairman, also Madam Ranking Member.

Secretary Major General Stanley and also Vice Admiral Gortney, thank you for being here today.

Part of me is going to speak from the experience that I had, 22 years as a commander of the company and also at the battalion level.

And one of the things I look at is, the mission of the United States military is to fight and win the wars of our Nation. And I think this is a very serious situation in which we find ourselves, in that we are now looking at a behavior and we are starting to try to conform the military to a behavior. And I remember, coming into the military, we took behaviors and we formed it to the military, we formed that cohesion. And using a term that they have over in the Middle East, I just am very wary of the fact that this could be the camel getting his nose under the tent, and then what comes from there.

So, with that being said, my question is this—and I go back to the episode with Major Nidal Hasan, where we had commanders

up here at Walter Reed that saw some very disturbing behaviors there with Major Nidal Hasan, but, for whatever reason—I think that one of the main reasons is the retribution of an atmosphere of political correctness—they did not speak up about that. And, of course, we know what happened when he was transferred down to Fort Hood, Texas.

How do you let us in this committee or give us the comfort in knowing that commanders and leaders that are out there and see failures in the implementation of this program are free to speak up and not have to worry about an environment, a political environment, where they are told to shut up and make this happen or else?

Secretary STANLEY. Well, Congressman West, thank you for the question.

I think it starts with the President of the United States, goes to the Secretary of Defense and the Chairman, in terms of selecting the very best leaders. I think that nothing can be said even stronger about having the best people. This is about leadership, as Admiral Gortney said.

We all know that this world we live in doesn't have perfection, but we know we can do better. And as a person who is charged with readiness, I am not saying I own that but I will tell you that I have a role in that, in ensuring that we work toward having our leadership to ensure that what you have alluded to will not happen.

I will yield.

Admiral GORTNEY. Yes, sir. The importance of leadership in this cannot be overstated. It is just like the importance of leadership in all of combat readiness.

And as I read the results of the survey, the thing that jumped out at me was once again the importance of leadership, and that if I would be looking for where there might be challenges with this, it would be in commands that already have indicators of poor leadership.

And you are aware of what those indicators are. And it is tied to combat readiness, it is tied to discipline, and it is tied to morale. And so those commands that don't have that, I know the service chiefs are looking really hard at, because they know in those individual commands they may have challenges.

It comes back to leadership. And we all know that we don't have perfect leadership all the time, but we are looking as hard as we can to make sure that we do have it.

Mr. WEST. Well, the leadership is a concern. And I can tell you that, having friends that are still wearing uniforms, that is their big concern.

And I go back to the incident that happened back at Fort Campbell, Kentucky, in the 101st Airborne Division, when we had the young soldier that, unfortunately and tragically, was beaten to death in his unit, in his platoon. But what ended up happening from there was a series of the chain of command, from that level all the way up to a division commander, was lost. And so, that is the thing that I want to make sure of, is that we do not go now on a witch hunt because of external social engineering, special in-

terest groups that will affect the readiness of the United States of America.

So, with that being said, I yield back the remainder of my time. Thank you, gentlemen.

Mr. WILSON. Thank you, Colonel West.

And we now have Congresswoman Niki Tsongas from Massachusetts.

Ms. TSONGAS. Thank you both for your testimony here today and, Dr. Stanley, for your co-chairmanship of the Don't Ask, Don't Tell Repeal Implementation Team. It is not a simple process, and many questions.

But just to reiterate why we moved to repeal Don't Ask, Don't Tell, since 1993 more than 14,000 gay service members have been discharged under the discriminatory Don't Ask, Don't Tell policy. And, of these discharges, nearly 1,000 were specialists with vital mission-critical skills—Arab linguists, for example. We hear those figures over and over again. I have always believed that this policy actually threatens the readiness of our military, by discharging hundreds of military personnel critical to our national security and shutting the door to thousands more.

And it is also unconscionable to maintain a policy when at least 24 other countries, including allies such as Great Britain, Australia, Canada, and Israel, already allow open service by lesbian and gay service members. And that is why I have always strongly supported repeal of this policy.

And I concur wholeheartedly with Admiral Mullen's distinguished leadership about this issue; his assessment when he stated in his testimony before the Armed Services Committee last year that this policy, quote, "forces young men and women to lie about who they are in order to defend their fellow citizens," unquote, undermining a basic tenet of military service, which is to be honest.

And so I was proud to vote for the repeal of Don't Ask, Don't Tell. And I am glad you are both here today to give us a sense of how much progress has been made and when final repeal may occur. I am hopeful that certification will occur by the second quarter of this year.

So I am curious—you are testifying, basically, that on both objective and subjective measurements that things are proceeding fairly smoothly. So do you have some sense of when that certification might finally occur, given that you have yet to detect or determine that there are real obstacles to it?

And, also, how has the Department complied with Secretary Gates' instruction that he announced on January 6 of this year to accelerate the preparation of efforts to move ahead?

Secretary STANLEY. Thank you, Congresswoman Tsongas.

We have embraced, obviously, our leadership—Secretary Gates was very specific. We want to do this deliberately and purposefully; a process that we don't want to rush because we want to make sure that it is done right. At the same time, we don't want to take forever to do it. So we have been moving with deliberate speed to get it done. And just the sheer size in the numbers of people, what we are talking about, has actually shaped the process.

We are looking at mid-summer to go toward certification. But even when I say that, if there is something that comes out that we

didn't anticipate, which is what we are looking for, particularly with readiness implications, we would be prepared to even either slip it or whatever from that. But mid-summer is what we are looking at realistically, with no problems so far.

I will ask my counterpart.

Admiral GORTNEY. I completely agree with the doctor, mid-summer. All of the services wanted to move out in a deliberate process. No one was trying to drag their feet in this. It is really the magnitude of the challenge that is out there and making sure that, as we get our arms around the magnitude of the challenge, we don't miss anything.

And so we are grateful for the deliberate process that has been laid out for it. And we think mid-summer for the recommendation, followed by 60 days after that repeal, is achievable.

Ms. TSONGAS. As you have looked at other countries, which you suggested you had, have you seen sort of markers, things that you know might emerge that you can anticipate and head off? You know, what are the lessons learned from those other countries that have moved ahead on this and done so with great success?

Secretary STANLEY. Well, thank you for the question, Congresswoman Tsongas.

The other countries didn't have the kind of problems that we anticipate, but we are the United States, and we are a little different in terms of our culture. I mean, we are different. And so, as a result, we didn't take the nonevent or uneventful things that happened in other countries as being indicative of what may happen here, which is why our antennae are still up as we move forward deliberatively and purposefully in the process.

Ms. TSONGAS. Thank you both.

Mr. WILSON. Thank you, Ms. Tsongas.

We next proceed to Congresswoman Vicky Hartzler of Missouri.

Mrs. HARTZLER. Thank you, Mr. Chairman.

Thank you, gentlemen, for being here today.

There has some discussion that certain members of the military were let go. But surveys that I saw have shown that possibly up to 10 percent of the military that are currently in the force possibly may leave as a result of this.

So how will you know that this repeal won't harm recruitment or retention? What indicators are you setting up? What surveying process is going to be in place? What follow-up reports are going to be generated? And will Congress have an opportunity to see those? And what is anticipated? How will you gather that information?

Secretary STANLEY. Well, thank you, Congresswoman Hartzler.

First of all, thank you for the question because I wanted to come back to something that was asked earlier. We do climate surveys, by the way, and this is a commander's tool that is available to them, to do assessments, you know, routinely. That is a constant.

Also, it is difficult to forecast. We haven't seen any indication that that would happen. But there is an obligation now that each service member takes; they have a contract. And just because you want to get out, you don't get out. Now, it doesn't mean that you—the commander, though, on the ground makes the call, according

to good order and discipline and what is most effective for the unit. But the bottom line is, it is not an automatic.

But the readiness implications are significant if everyone wanted to get out. We don't have the data point that you have to say that—whatever the percentage is that wants to get out.

And I will yield at this time.

Admiral GORTNEY. Yes, ma'am. One of the things from the other services from around the world that implemented it, they had a similar perception, that more people would get out at the end of—in reality, it didn't happen. That doesn't mean that that can't happen in this particular case.

Retention is a function of personal beliefs. It is a function of sense of purpose. And it has a large degree with the economy on the outside.

Mrs. HARTZLER. Uh-huh.

Admiral GORTNEY. And so, separating retention statistics when we get down to it, when we are finally able to gather those, we are going to have to sift very carefully to find the true cause. And we survey—for every service member that gets out, we do survey for the reasons as to why they get out.

Mrs. HARTZLER. Okay. That was my question. So when they leave, they are going to be asked that question and have an opportunity to say.

And then, so, is there a report—I am new. I wasn't here when this passed. So is there a, 1 year from now, the military shall report back to Congress on the implications and how many people—I mean, is there something like that in statute?

Secretary STANLEY. Yes, ma'am. In fact, before this very committee, we actually appear, not regarding just this issue, but the entire shaping of our military force, the force structure, the size, the numbers that get out, the numbers that stay in. And there are a whole range of reasons for that, as well as skill—and particularly skill sets, as we deal with readiness. So there is a lot of information that comes to the House as well as to the Senate.

Mrs. HARTZLER. Okay. So, no report per se that is in the works, but just—okay.

Can you tell me how implementation of this new policy is going to improve the standards of military readiness, effectiveness, unit cohesion, recruiting, retention? How is it going to improve things by doing this?

Secretary STANLEY. Well, we don't—there are a lot of unknowns right now, in terms of improving readiness. We do know that, from an integrity standpoint, as already alluded, that we won't have members having to lie about who they are as they are serving.

But having said that, the unknown right now is what we are going through in the implementation process. So, ideally, we will know more later on, but keeping the skill sets—there are people who have been discharged. We want to keep the right people in.

If I took this away from the conversation of today, looking at balancing the force, looking at having the right people with the linguistic backgrounds, intelligence backgrounds, different things like that, that shaping, in itself, is significant, taking away this variable. And I know the purpose of this hearing is different, but that is where I am coming from.

Mrs. HARTZLER. Well, the mission of the military is to win wars and to protect and defend the land. And I am very concerned that, in a time of war in our country—we have men and women in harm's way—that we are making such a radical, major shift in our policy and, I believe, jeopardizing missions and putting people in harm's way. So I am very concerned.

How do you think it will increase our mission of being able to win wars by doing this?

Admiral GORTNEY. Ma'am, we are—it is the service chiefs', Chairman's best judgment that it is not going to impact our ability to fight and win our Nation's wars. And I happen to believe it, as well.

I think we can go through this based on the analysis, the detailed analysis that led us up to this point, and the process, the procedures we are putting in place to train the force, and the feedback mechanisms that are in place to get back to the chain of command if we hear something otherwise, are all there, that we will be able to then apply good leadership to make sure that that doesn't happen.

Mrs. HARTZLER. Okay.

Thank you, Mr. Chairman.

Mr. WILSON. Thank you very much, Ms. Hartzler.

And we proceed to Congresswoman Chellie Pingree of Maine.

Ms. PINGREE. Thank you very much, Mr. Chair.

Secretary Stanley and Vice Admiral Gortney, thank you very much for being here today, for your service to this country, and for taking on a challenging transition. I appreciate all that you have had to say today.

I know we have sort of said this isn't about reconsidering whether or not we should have done this, but I want to reiterate some of the things that my colleagues have said and Representative Tsongas said very well, that this is a good policy, this was a change that we needed to act on. I was very proud to vote for this and to support it. And for all of the reasons that have already been discussed, whether it is about unit cohesion or the cost to our country—and, in the end, the fact is, Don't Ask, Don't Tell was a morally reprehensible policy. And I just think that it violated the fundamental value of fairness and equal treatment that we cherish in this country. And I am just so pleased that we are here to talk about the end of it and the transition out of it, which I think is great.

I also want to say, I know some people have talked about their concerns about whether or not the surveys were accurate or how this is going to affect the actual troops in the field. And I am pleased to hear that you have said there has been very little evidence of that. And I want to we remind everyone that those surveys show that 90 percent of our military personnel who said that they had served with a gay or lesbian person had no reaction to it and said it was perfectly fine in their unit. And I think that is an important thing to remember.

I think that is very important when we think about how quickly we implement this policy. You know, we can drag ourselves down in kind of the, you know, political window of, "Well, it is not quite done yet, and you haven't finished the training." So I just want to

push a little bit on the implementation. I am pleased to hear that you are moving forward, that you have 9 percent accomplished. But I just want to ask a little bit about, can we move any faster?

Because I do believe that, once it is fully implemented, it will be a conversation we won't have any more. And our troops will not have to think about it; they will be working. We won't debate it politically, and our country will continue to move forward in a way that we need to do in a time of a lot of conflict.

So is there a way to move faster or hurry up on the process?

Secretary STANLEY. I will just make an opening comment, that the conditions on the ground and the commanders are actually driving this. I mean, whatever the Secretary—Secretary Gates wants it to be fast, but, at the same time, we are listening to the services.

And I will defer to my colleague.

Admiral GORTNEY. Yes, ma'am. I think the pace that we are going on is appropriate, entirely appropriate.

Once again, surveys are only so accurate. And so, it goes back to, as we do the training in a deliberate manner, we train the experts first, we train the leadership who are the key part of this, then train the force, and that we have the ability to, as the doctor says, antennas up, pick up if we have something wrong here that we need to go back and address. And we are going to have to collect that information, we are going to have to assess and come up with a way to address it head-on. And the only way to do that is in a deliberate process. So, any faster, we might miss something.

And so, I think we are on the right path. I think mid-summer is achievable and will allow us to pick up on anything if we are picking up any of the signals that we are so carefully looking for.

Ms. PINGREE. There is a 60-day statutory waiting period, right? So I wonder, can any of the process that you are working on now happen during that period?

Secretary STANLEY. Well, actually, during the 60-day process, we actually have things even planned there.

Ms. PINGREE. Okay.

Secretary STANLEY. As the certification takes place, there is still a little bit more training of the force going on then, because you never really get to 100 percent, and that is the reality——

Ms. PINGREE. Right.

Secretary STANLEY [continuing]. Because you always have people coming in, there are people leaving, there are people sick, there are people in transportation. There are just lots of other things going on. So that will be—doing some of that, people going into combat, coming out of combat, that kind of circumstances, so that is also in that.

Ms. PINGREE. Great.

Well, one other point. I mean, I am pleased to hear that you say, in the time period you have gone through, it has gone smoothly, people are reacting well to it. As I understand, many of the things that people bring up as concerns, frankly, just don't happen much in the military. We haven't had incidents, we haven't had a lot of things that people have been concerned about.

And there are already a lot of policies in place. You know, people talk about, what if I need to change my roommate? Well, you can

already do that, whether it is a homosexual or heterosexual roommate. Chaplains, as the chair appropriately asked, can already make a decision that they won't meet with a certain person and have it be with someone else or if they have some, you know, issues that they have to deal with.

Can you talk a little more about that? I mean, I appreciate the fact that the military already has a lot of policies in place and they are there for people today.

Admiral GORTNEY. That is correct, ma'am. Really, it is treating people with dignity and respect. We are not creating a special class within the military. And all of the issues that you brought up are really just leadership issues that we confront every single day, regardless of your preference. So most of the questions that do come up are what is not changing.

Ms. PINGREE. Great. Well, that is my time. Thank you very much. I appreciate your work on this.

Mr. WILSON. Thank you, Ms. Pingree.

We now proceed to Congressman Austin Scott of Georgia.

Mr. SCOTT. Thank you, Mr. Chairman.

Admiral, would you agree with me that military service in this country is a privilege, not a right?

Admiral GORTNEY. Absolutely.

Mr. SCOTT. And we have an All-Volunteer Force, at this stage. Nobody is forced to join our military.

Admiral GORTNEY. That is correct.

Mr. SCOTT. And this policy change that was passed, did it pass as a stand-alone piece of legislation, or was it tied to the military appropriations act?

Admiral GORTNEY. That I am not familiar with, sir.

Mr. SCOTT. Secretary Stanley.

Secretary STANLEY. I am going to take that for the record. I think I know that for the record, but I don't want to say something for the record that is not correct.

[The information referred to can be found in the Appendix on page 67.]

Mr. SCOTT. Well, would you tell me what you think the answer is?

Secretary STANLEY. Okay. I was under the impression that this was stand-alone. And I saw nothing to indicate anything other than that.

Mr. SCOTT. Okay.

Secretary STANLEY. But I just wanted to make sure there wasn't something else there. That is all.

Mr. SCOTT. Okay. I would like to know the facts about that.

Next question: How much money that could have been spent equipping the warfighters has been spent on the implementation of this?

Secretary STANLEY. So far, the calculation for the training materials is about $10,000. The other areas, there has actually been no calculation yet. The active services are working now to compute what the timing has been for, you know, the time taken out for training; there are transportation costs. The services are working on that. We have that.

Mr. SCOTT. Secretary Stanley, if something was done at the DOD for $10,000, I would like to know what it was. I haven't seen anything come out of there with a price tag that low. But I would like to know the price tag for this and how much has been spent on this implementation.

And I hope that, as we move forward, that we are able to undo some of these things. And I will tell you, in talking to the military personnel in my district, you have a lot of men and women who we have spent a lot of money training—I can tell you, the last one that I spoke with, we have spent hundreds of thousands of dollars training that gentleman on how to disarm IEDs [improvised explosive device]. He will not re-enlist, nor will his brother, who has been trained the same way. They simply will not re-enlist. And you are going to lose and this country is going to lose a lot of very, very valuable members of our military because of this social policy.

Mr. Chairman, I yield my time back.

Mr. WILSON. Thank you very much, Mr. Scott.

And we will proceed with the second round.

I continue to be very concerned about the First Amendment rights of chaplains. I have heard from chaplains; they are concerned that the repeal implementation training could have a chilling effect on their speech. Chaplains are afraid to express their true beliefs because they could be penalized.

With that, what procedures will be available to afford chaplains the opportunity to report pressures placed on them to temper comments and chill their freedom of religious speech? What procedures will be in place to protect such chaplains from punitive career personnel actions from supervisors and others who do not share their views?

Secretary STANLEY. Well, Mr. Chairman, first of all, the chaplains still have their First Amendment rights. Chaplains still serve a pretty diverse population in the military. Those same rights that existed before exist now.

But the policy review we are going through is actually being conducted to address the potential that there is something that we have overlooked. And we haven't finished the policy review yet.

But protecting those First Amendment rights—and, also, when we look at this particular equation or this question, the religious endorsers haven't withdrawn anyone and the chaplains are still engaged. I think we are there addressing what may be potential issues, but we don't have issues yet.

And I will ask the——

Admiral GORTNEY. We are blessed to have great chaplains in the service. And there are, I am certain, moral dilemmas for all the chaplains on many issues out there. I think the policy review that the doctors bring will help bring those to light. And we are not asking anybody to change their beliefs, we are not asking anybody to change their feelings, just treat everybody in the service with the same dignity and respect that we, ourselves, would like to be treated.

Mr. WILSON. But if somebody feels like they are being religiously oppressed, their First Amendment rights, is there a process or procedure where they can express concern without retaliation?

Admiral GORTNEY. Absolutely, sir. That is why we have a chain of command. And, you know, I have never worked in a perfect chain of command, never had one, didn't have one under me. But you do have a chain of command, and you do have opportunities to bypass that chain of command if you think you are being wronged. And all those processes and procedures are still in place.

Secretary STANLEY. Mr. Chairman, it is so much, again, about the leadership equation that we talked about earlier, dealing with commanders, providing that kind of environment where people can talk and have an opportunity to go up the chain of command as well as down the chain of command. But leadership is really the most important part of what we are talking about right now.

Mr. WILSON. Will it be monitored at all, complaints by chaplains, as to if they feel that they have been chilled in their ability to serve?

Admiral GORTNEY. Well, sir, the policy is still in place. But I will tell you that, as a commander, I am very sensitive since we know that some chaplains may have concerns about this. The commanders in the fields are going to know those chaplains and are going to know whether or not they are going to have a concern with it. And then, if that chaplain can't come to grips with dealing with this service member's particular challenges because of the service member's beliefs, then we will get a chaplain that will be able to meet his or her needs.

Secretary STANLEY. Mr. Chairman, although we aren't there yet with repeal, it is moving in that direction. After certification, if we get into the sustainment phase, my recommendation to Secretary Gates would be that these kinds of things would be the things we would be looking for, to ensure that we have a policy that is implemented fairly, equitably, and purposefully.

Mr. WILSON. And I am particularly hopeful that, as you proceed, that there will be regulations and guidelines that could be real-world understood by chaplains so they don't feel that, in fact, they have truly lost their First Amendment rights. And so I really will be monitoring this and would like to see what is done.

Another concern I have is that we will be providing troops in countries where the culture and laws provide that homosexual acts are culturally not approved or even illegal. Are our troops going to be briefed on this prior to going? And what kind of training will they receive?

Admiral GORTNEY. Yes, sir. Prior to any service member's deployment overseas, we do cultural awareness training for the specific country or region that they are going to. And this will be included into that training.

Mr. WILSON. And I thank you very much.

And we will proceed to Ms. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman.

I know that the issue of cost has been brought up, and I know, during the debate, there was discussion about the cost to the country, the cost to taxpayers, for having to essentially dismiss, kick out members who were serving in the armed services.

Dr. Stanley, do you happen to have the price tag on that?

Secretary STANLEY. No, Congresswoman Davis, I don't have the price tag on the numbers—you mean the numbers who were discharged, like pilots, special MOSs, things like that?

Mrs. DAVIS. The numbers of service members who were discharged as a result of their homosexuality, who were essentially—yeah, who were dismissed.

I mean, as I recall, there was a price tag of about $300 million to dismiss those service members. And then you had the cost of actually recruiting and filling those skill sets in the services, as well.

I guess, if you could just come back to the committee, perhaps, as we have opportunities down the line, to have those numbers, that would be very helpful.

Secretary STANLEY. Absolutely.

Mrs. DAVIS. I know that they were out there. And I think the first 13 years of the policy may be in the neighborhood of about $300 million.

Secretary STANLEY. Absolutely. I would like to take that for the record and get back to you.

[The information referred to can be found in the Appendix on page 67.]

Mrs. DAVIS. Okay, great. Thank you.

I also wanted to ask about status of the several court cases that are seeking to end Don't Ask, Don't Tell. What would be any difference in the process if the decision was made by the courts regarding those cases?

Secretary STANLEY. There are several court cases right now, and I know they are with the Department of Justice as they move those through the process, the Ninth Circuit, I believe. And I am not sure what the other circuit is. But the bottom line is, I know that the Department of Justice is working those; they continue to move forward. I don't anticipate any other changes, in terms of what we are doing, in those court cases right now.

Mrs. DAVIS. Okay. Thank you.

And, if I could, Mr. Chairman, I happen to have just a report from the *Daily Transcript* in San Diego. There was a meeting there where Major General Ronald Bailey, who heads the Marine recruiting depot, was speaking to a group of service members and other individuals in San Diego and just commenting on the fact that has been said here before: When asked about repealing Don't Ask, Don't Tell, he said he was very much in favor of it. "It is about leadership, and my leadership philosophy is to treat everyone with respect and dignity. There is no separation. All I ask is that you be a marine."

So if I could put that in the record, sir. Thank you.

[The information referred to can be found in the Appendix on page 45.]

Mr. WILSON. Without objection.

Mrs. DAVIS. And I will yield back my time. Thank you.

Mr. WILSON. Mr. Coffman.

Mr. COFFMAN. Thank you, Mr. Chairman.

The former Commandant of the Marine Corps raised questions, General Conway, about billeting his marines. And I think the statement was, he would need extra funding, that he did not want to mix heterosexual marines with homosexual marines. And I think

that—and I suspect that his same rationale was why he doesn't insist on having men billeted directly with women, to avoid not simply because of cultural issues but also to avoid unwanted sexual contact.

Have you all—when I was a soldier and a marine, I can remember sleeping in those squad bays. I think they have broken a lot of those up now. I think they still using them in a training environment, but I think after that they have gone to these, I think, two-men or two-women rooms.

Has that issue been discussed? And how will you deal with that?

Secretary STANLEY. Yes, Congressman Coffman, the issue has been discussed. And I am going to yield to my colleague here, but I would just say that, as we approach that, that sexual orientation is a private, personal matter. We have not been putting in—the issue of separate berthing is not something that we are not going to be separating because of sexual orientation.

And I am going to ask my colleague to address that in more detail.

Admiral GORTNEY. Leadership has had billeting challenges between personalities as long as there has been leadership and personalities in commands. And it is going to be up to leadership to handle those on a case-by-case basis, as they have for centuries. And we don't anticipate it to be a problem.

Mr. COFFMAN. Thank you.

And, with that, because we are repealing Don't Ask, Don't Tell, so, obviously, now we are saying that the behavior is acceptable, sexual orientation in any form certainly is acceptable, then why don't you simply remove the precautions? Why don't you simply change, then, that, irrespective of not simply sexual orientation but gender, that people be housed together? If you are going to go down that road, why don't you completely go down that road?

Secretary STANLEY. We are dealing specifically with sexual orientation, which is very private, very personal. We are serving with service men and women every day and, in many cases, don't even know where they are, where they orient themselves, unless they actually say something.

And so, what we have said and where we are today is that orientation, being private and personal, is a leadership issue that commanders can deal with. And commanders have the authority today to actually put people in separate rooms or have separate billeting if it is best for the command, unit climate, morale, unit cohesion, as you move forward. But that is a commander's call. The commander can do that.

Mr. COFFMAN. Thank you, Mr. Chairman. I yield back.

Mr. WILSON. Thank you, Mr. Coffman.

We now proceed to Ms. Tsongas.

Ms. TSONGAS. You all have talked so much the issue of leadership and the role of the commander, and we see that come up in many different contexts. And I am just curious if you could talk about the specifics of the kind of training that are now going to commanders around the repeal of Don't Ask, Don't Tell. You know, do you walk them through various scenarios? What is the process for, sort of, implementing this repeal with the commander?

Admiral GORTNEY. Very good question, ma'am.

What the services wanted to make sure is that they didn't relearn lessons learned from previous training evolutions. And so the training is—a lot of effort went into the training, into what was the training content itself. It is a mixture of a video that describes process, procedures, policy. And then it breaks, and then it is a give-and-take, an exchange by one of the mentors of the training, to pull out the key training aspects from what they had just witnessed. And in there, they also go into vignettes for whatever particular part of the policy or the procedure that was discussed in that video. Once that is out there, then they move on to the next part of the training.

I went through it about 3 weeks ago, and I was very impressed with the quality of the content and the manner in which it was presented and the ability to draw out conversation with the training audience. It was very good.

Ms. TSONGAS. Do you envision, as we get into the sort of sustainment mode—I think that was the word, I think, Secretary Stanley, that you used—that this kind of training would continue to take place as new commanders sort of rise up through the chain and are tasked to deal with issues they may not have in a lesser spot so that it is an ongoing, ever-present element of training of the commanders as they rise up?

Secretary STANLEY. Absolutely. I mean, the training, it is—I don't want to say phased, but we are doing the total force. At the same time that we are doing the entire force, we are also bringing in new recruits, so their training has to occur.

So it will become part of not only the recruits—as recruits come in, as initial training, those that we might have missed, and then all the services will make it part of their general military training that covers many of the different issues that happen to be out there. So it will continue to be ongoing, just as we do anyway.

Ms. TSONGAS. And then, another question on the service academies. I happen to be on the board of visitors for the Air Force Academy. And I know that, in discussing repeal of Don't Ask, Don't Tell, the thinking was to wait to see how you all come forward, what the recommendations are. But how will this be implemented in the service academies?

Admiral GORTNEY. It is no different. The service academies had their experts trained, have their leadership trained, and then training the force. And their force is the future leadership once they graduate there. So a lot of effort going into that.

Ms. TSONGAS. Thank you.

I yield back.

Mr. WILSON. Thank you very much.

Mr. West.

Mr. WEST. Thank you, Mr. Chairman, Madam Ranking Member.

Back in the mid-'90s, under the Clinton administration, I remember being a Brigade S–3 (officer responsible for unit training and operations) at Fort Bragg, North Carolina, and the re-enlistment NCO [noncommissioned officer] came in and told me that there was a new mandate coming down from the administration. This administration sent down a—it was called the "consideration of others training." And it was mandated monthly that we had to do it down to the platoon level. And then it became known by the soldiers as

"sensitivity training." And it was all of a matter of someone had said that the Army and certain parts of our military had too much of a warrior ethos.

I hear what you are saying here now, that we are going to not just be a one-time training, that this now is going to be a sustained type of training. I understand in the educational processes, you know, being at TBS [the basic school], or being at OBC [officer basic course], or being at the service academies. But now we are really starting to talk about something that is going to continually be a monthly sustainment requirement in our units. Because it is one thing to train recruits when they come into the service, but now, you know, what happens, as you both know, having been commanders, you continue to have training within your units down to that platoon level all the way up to the collective level.

So what guarantee are you going to give me that, once again, the camel has not gotten its nose under the tent and, the next thing you know, this is going to become a monthly training requirement throughout the United States military?

Admiral GORTNEY. Sir, the training that I was alluding to that we didn't want to go back to was that sensitivity training that we lived through in the mid-'90s, which is why we put so much effort into this particular—the training venue and the models. We do not want to do that again. No one enjoyed that back in the mid-'90s.

I can't tell you that the training will be monthly, ongoing training will be monthly. I don't imply that it will be monthly. What it will become part of is part of general military training that is ongoing: honor, courage, commitment, treating people with dignity and respect, all of that that goes into that. It will be part of that reoccurring thing.

Secretary STANLEY. And, Congressman West, I concur and echo what the admiral said. But I will also say that this is definitely not about changing people's beliefs and where they are. This is really about leadership, professionalism, discipline, and respect. It is about being good soldiers, sailors, airmen, marines, and Coast Guard.

Mr. WEST. My only concern is that, as you all know, we are a military in combat, we are a military that is engaged, and there are so many training requirements that we already place out there on our units. And just the same as we have a government that places, you know, mandatory requirements and unfunded mandates on our State and local levels of government, I don't want to see us start to now, from a political aspect, mandate more training requirements, which takes away the training time that that young platoon leader, that young company commander needs to be able to have an effective, fighting force.

Because what I saw as a Brigade S–3 was that the time that I spent having to do the "consideration of others training," that was the time when guys were not at the rifle range, guys were not out there in the motor pool, guys were not out there shooting their artillery pieces.

So, please, go back to the administration and tell them that they just opened up a third combat theater of operations. Now is really not the time to play around with the lives of our men and women that are out there in combat.

Thank you so much, and I yield back.

Mr. WILSON. Thank you, Colonel West.

And we now have Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair. I appreciate that. And thank you for the chance to talk about this a little bit more.

I just want to address a couple of things that have been part of our discussion here. I mean, first, as far as both the costs and the continuing training go, I think I see this differently than some people in the conversation. I think this is a transition we are asking our military to make. And I, in fact, have tremendous faith both in the leadership, which you have talked about quite a bit, and the ability of the leaders in the military to help our soldiers and everyone else to make this transition, but also in our armed services personnel, themselves, across the country.

I mean, we have been through a lot of transitions in the military, whether it was integrating the military, whether it was the huge role that women now play in the military, and I believe that you have always risen to the task and you have come forward. And so, I think this won't be something you have to talk about month after month after month. This is going to change the culture, and then it will be done. And I appreciate that. And that is why I emphasize, you know, the faster you can do it, I think the more it will be an old conversation that we won't have to continually have.

So, that is my perspective on it.

And the other side is the cost. People have brought that up. I appreciate the fact that you said it cost $10,000 for the training materials. And I, too, am impressed if we can do this for a relatively low cost.

But I would also like to reiterate: Even if it costs us money to go through the training process, which I think you are being thorough and very thoughtful about, I see numbers from the GAO [Government Accountability Office] that say that the cost of discharges between 2004 and 2009 was $193.3 million. I know you are going to validate in writing what this costs.

But discharging soldiers, 14,000 members of the military who have been let go because of their sexual orientation, it is not only unconscionable that these people who were willing to serve their country and came forward and were asked to leave, but the costs are horrendous.

I was thinking about one of the soldiers that we have seen a lot about, Colonel Fehrenbach, who was highly decorated. It was $20 million worth of training that we put into his service, and then we asked him to leave.

So, to me, this is not only an unfair and unreasonable policy for all the reasons we have already discussed, but it seems to me it has been very expensive. And as you have talked about earlier and I would be happy to hear you talk about more, we have lost many highly trained personnel, but losing anyone in the military is a trained soldier.

So, yes, there may be some members of the military who choose to leave, but I find it hard to believe it will be equal to the cost of the numbers that have already left. And I think that is important to remember.

I don't know if you have any comments about any of that.

Well, thank you. I yield back my time.

And I, again, appreciate the work that you are doing, and I hope that it continues at a rapid pace.

Mr. WILSON. Thank you, Ms. Pingree.

Ms. Hartzler.

Mrs. HARTZLER. Thank you, Mr. Chairman.

Just wondering, are men and women currently housed together in the barracks? Do they shower together, men and women soldiers?

Admiral GORTNEY. No, ma'am.

Mrs. HARTZLER. Why not?

Admiral GORTNEY. Well, good order and discipline. And they choose not to do it, leadership is smart not to do it, to keep them separated for good order and discipline.

Mrs. HARTZLER. Is it due to their sexual orientation?

Admiral GORTNEY. No, ma'am, it is not. It is due to gender.

Mrs. HARTZLER. So there may be some opposite-sex attraction there, and so it would disrupt order and discipline if they showered together and were housed together. Is that correct?

Admiral GORTNEY. By not separating the sexes?

Mrs. HARTZLER. Right.

Admiral GORTNEY. That is correct.

Mrs. HARTZLER. How come, then—you said that this is due to sexual orientation, that there is not going to be any change in policy. What is the difference? It seems to me that you have a double standard here.

Admiral GORTNEY. Well, one is because the gender is very public, and sexual preference is very private. And we are not asking about their sexual preference.

Mrs. HARTZLER. Well, I think you are not being consistent there.

But I wanted to ask, will persons requesting reassignment for themselves or someone else due to their sexual privacy concerns be subject to negative fitness reports and other career penalties?

Admiral GORTNEY. Absolutely not.

Mrs. HARTZLER. So you feel confident that they will feel comfortable going to their commanders and expressing concerns with that without being penalized in any way?

Admiral GORTNEY. That is our intent, and that is what we hold our leadership accountable to do.

Mrs. HARTZLER. Okay. Shifting gears, I was a teacher, and so I care a lot about children. And as we are talking about training and education, I was wondering, what training and education is being required of family members and children and DOD family support programs, schools, childcare centers?

Secretary STANLEY. The family service centers, the Web sites, the family centers within the different services actually have training available on their Web sites. Military OneSource, some other sources are actually available on the Web, as well as doing them in their actual family centers. And commanders actually work toward that. It is not mandatory, not required, but certainly the training is there.

Mrs. HARTZLER. There is a lot of controversy, as you know, about different curriculum, LGBT [lesbian, gay, bisexual, transgender] curriculum in civilian schools. And I am just wondering, with the

DOD schools, you know, will authorities make it possible for military families to have access to alternative education choices for their children which do not mandate the use of LGBT curriculum in classrooms or extracurricular activities on bases?

Secretary STANLEY. I think the question is pretty heavy. I would like to take that for the record and then take part of that. First of all—and the reason I am taking it for the record is because I am not versed in everything that is mandatory in the curriculum of our DOD schools.

The big issue, though, also, is that most of our children are actually not in the schools. They are actually in the communities, you know, out in society. Most of them are.

And so looking at that a little bit more holistically is why I want to take it for the record, look at the curriculum, and then get back to you on the specifics of where we are on that. Thank you for the question, though.

[The information referred to can be found in the Appendix on page 67.]

Mrs. HARTZLER. Thank you.

Thank you, Mr. Chairman. I yield back my time.

Mr. WILSON. Thank you, Ms. Hartzler.

Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

Admiral, have you ever had to dismiss anybody from the service?

Admiral GORTNEY. I have.

Mr. SCOTT. Was it because of their race?

Admiral GORTNEY. No, it was not.

Mr. SCOTT. How about their gender?

Admiral GORTNEY. No, it was not.

Mr. SCOTT. Their faith?

Admiral GORTNEY. No, it was not.

Mr. SCOTT. Sexual orientation?

Admiral GORTNEY. Yes, it was.

Mr. SCOTT. It was because of their sexual orientation.

Admiral GORTNEY. My first command, VFA–15, had an incident shortly after Don't Ask, Don't Tell passed, that we—a young sailor came forward through his chaplain, through our chaplain, that he was gay, and we discharged him from the service.

Mr. SCOTT. Did you discharge him from the service because he was gay or because he violated a standard of conduct?

Admiral GORTNEY. Because he was gay.

Mr. SCOTT. He did not violate a standard of conduct before he was dismissed?

Admiral GORTNEY. He did not.

Mr. SCOTT. That is not the answer I thought you would give, to be honest with you, Admiral.

Admiral GORTNEY. It happens to be the truth.

Mr. SCOTT. Well, I appreciate that. Sometimes we don't get that from testimony.

Admiral GORTNEY. You are welcome, sir.

Mr. SCOTT. So somebody was dismissed simply because of their sexual orientation, not because of the code of conduct.

Admiral GORTNEY. Yes, sir. And it was, if I could explain the situation——

Mr. SCOTT. Yes, sir.

Admiral GORTNEY [continuing]. Because it kind of cuts through this whole issue, and it was a defining moment for this young commanding officer.

A crusty old command master chief, my command master chief, walks up to me and says, "Skipper, I have a problem." And, "Master Chief, what is your problem?" He says, "Well, Airman"—pick a name—"has come to me through the chaplain, and he is gay. I don't know how to handle this. I have never dealt with this before." I said, "Master Chief, I have got it," and called the chaplain in.

And the chaplain had been working with this young sailor for some time through the individual mental trauma that he was having with this particular issue, and the chaplain said, we need to bring it forward to the commanding officer. And that is how we handled it.

And it was the chain of command working. And it was the chaplain doing his job, working, given the situation that was confronted with us with the law that was confronted with us.

Mr. SCOTT. How long ago was this?

Admiral GORTNEY. Oh, now you are testing. This would have been 1994, 1995 time frame, I believe it was.

Mr. SCOTT. Sixteen, 17 years ago.

Admiral GORTNEY. Yes, sir.

Mr. SCOTT. Are you aware of any other incident where somebody has been dismissed simply because of sexual orientation?

Admiral GORTNEY. I will have to get back to you on the record on the numbers of that. That was the one personal instance that I have had in my five command tours, that we had to do that.

[The information referred to can be found in the Appendix on page 67.]

Mr. SCOTT. And your testimony before this committee is that there has been no violation of the standard of conduct?

Admiral GORTNEY. Not that I am aware of, no, sir.

Now, there are instances where gays and lesbians were discharged but there were also personnel conduct that was resulted with it, that was a factor as well. But, in my case, that was not the case.

Mr. SCOTT. Do you think that in most cases, though, that there is a violation of the standard of conduct associated with the dismissal?

Admiral GORTNEY. I would say in very few cases is standard of conduct involved.

Mr. SCOTT. Thank you.

Mr. WILSON. Thank you, Mr. Scott.

And, at this time, we will proceed to adjourn.

And, again, I thank you for being here today.

And I want to particularly thank the subcommittee members for being here today and remaining through the whole hearing.

We are adjourned.

[Whereupon, at 11:10 a.m., the subcommittee was adjourned.]

A P P E N D I X

April 1, 2011

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

April 1, 2011

Statement of
Chairman Joe Wilson

Review of the Implementation Plans for the Repeal of the Law and Policies Governing Service by Openly Gay and Lesbian Service Members

April 1, 2011

Today the Subcommittee has an opportunity to influence the future course of the implementation of a change in the law regarding the service of openly gay and lesbian service members.

I was troubled by the process employed to repeal the law known as Don't Ask, Don't Tell this past Fall. I feel the repeal was rushed through the Congress without adequate review and consideration of the full extent of the implications of repeal. I believe the lame duck session was undemocratic in that dozens of defeated Congressmembers adopted a law with significant consequence but it failed to even pass a budget. It was an insult to the principles of representative democracy. Elected officials should be reflective of the views of their constituents; the Congressmembers voting had been rejected for not reflecting views of constituents.

I believe the comprehensive review chartered by Secretary of Defense Gates was flawed in that it never asked military members and families whether the law should be repealed and it took great liberties during the assessment process to count survey responses that directly express concern about the wisdom of repeal as being supportive of repeal.

It is now essential that the Congress ask some of the questions that were glossed over during the comprehensive review. We must get the process for considering the repeal of Don't Ask, Don't Tell back on

track and ensure that our military is truly prepared to allow the open service of gays and lesbians.

We must ensure that we do not make a mistake by allowing the repeal to move ahead when there is any possibility that it will put the combat readiness of our force at risk at a time our nation is in three wars with worldwide instability.

Statement of
Representative Susan Davis

Review of the Implementation Plans for the Repeal of the Law and Policies Governing Service by Openly Gay and Lesbian Service Members

April 1, 2011

Thank you, Mr. Chairman. Dr. Stanley, we're glad to have you back. Admiral Gortney, welcome to the committee. We appreciate both of you being here, and look forward to hearing how the Services are doing in their efforts to train the force in anticipation of the repeal of the don't ask, don't tell policy.

Last year, on December 22nd, the President signed into law, H.R. 2965, the Don't Ask, Don't Tell Repeal Act of 2010. The law requires the President, Secretary of Defense and the Chairman of the Joint Chiefs of Staff to transmit to Congress a written certification that they have considered the recommendation in the Comprehensive Review report and the report's proposed plan of action; that the Department has prepared the necessary policies and regulations needed to repeal the don't ask, don't tell policy; and that the policies and regulations are consistent with standard of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces. Once they have submitted their certification and 60 days have passed, the don't ask, don't tell policy will come to an end and the underlying law

which prohibits gay, lesbian and bisexual Americans from serving in uniform will become history.

The debate is no longer on whether or not to allow gay, lesbian and bisexual Americans from serving in uniform. The issue we are here to focus on is how the Services and the Department are preparing and informing leadership on how the policies and regulations that are being considered have an impact, if any, on military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

I look forward to hearing how the training has been going. What, if any issues, have been raised during the training, and when the Department expects the Services to provide their final inputs in order to move forward in allowing all Americans regardless of sexual orientation, to serve in uniform.

Thank you, Mr. Chairman.

Joint Prepared Statement

of

The Honorable Clifford L. Stanley
Under Secretary of Defense (Personnel and Readiness)
and
Vice Admiral William Gortney
Director of the Joint Staff

Before the

House Armed Services Military Personnel Subcommittee

April 1, 2011

Mr. Chairman, Ms. Davis and members of this distinguished Subcommittee, thank you for inviting us to testify before you.

On 22 December 2010, the President signed the enactment of the repeal of 10 U.S.C. §654, "Policy concerning Homosexuality in the Armed Forces." Subsequently, the Secretary of Defense directed me to lead the implementation process for the Department.

The Department has executed this change in a purposeful and careful manner. By organizing a DoD Repeal Implementation Team, we have been able to synchronize the implementation of all the Services' policy changes, education and training, and communication strategies. Directed by the Secretary of Defense's Terms of Reference, the Repeal Implementation Team has operationalized the Comprehensive Review Working Group's (CRWG) *Support Plan for Implementation*, including by approving policy guidance related to repeal implementation on January 28, 2011, and delivering standardized training materials to all Services on February 4, 2011.

Just two weeks ago I testified before this same body and stated that as the Undersecretary of Defense for Personnel and Readiness my focus was: *Total Force Readiness*, *Caring for Our People*, and creating a *Culture of Relevance, Effectiveness and Efficiency*. We both view *Total Force Readiness* as a mental, physical, emotional and spiritual state of preparedness and resilience. Implementing repeal embodies that view of total force readiness – more simply put – it is about respect. Respect for change and respect for the men and women of our all volunteer force to serve this great nation, no matter their race, color, creed, religion, or sexual orientation.

Each Service was directed to identify its specific instructions and regulations related to all policy areas affected by the future repeal, and prepare draft changes based on the policy guidance provided by the Repeal Implementation Team. These policy areas include accessions and separations. Each of the Services has completed its review of these policies, is in the process of finalizing the changes, and will be ready to implement them upon the effective date of repeal.

A team of military experts, officer and enlisted, from across all the Services developed training materials for repeal implementation based upon the CRWG's *Support Plan for Implementation*. These materials were packaged in such a way to facilitate low bandwidth and non-traditional training settings. The scope of this education and training includes the changes to policies, reinforcement of what is expected of all Service members, and responsibilities for leadership, so leaders can train U.S. forces consistently and with confidence. Emphasis is put on Leadership, Professionalism, Discipline, and Respect, which we believe will enable any change in policy to be executed with minimal disruption to the force. The predominant form of training will be by commanders and leaders, but the Services will also use various forms of training including Mobile Training Teams, Chain Teaching, Computer-Based Training, Digitally Assisted Training, or combinations of these techniques. The Department has purposefully told the Services to take the time necessary to get this done right, but not one minute more. As a result, the Services are carefully executing a deliberate and thorough roll out of the necessary training. The timing for each will vary due to the varying size of the individual Services, operational schedules and the most efficient and effective methods to deliver the training. Each Service began training on or before March 1, 2011, and, the Services anticipate training will be completed by the end of the summer. The Services' start dates and projected end dates for training each tier are detailed below:

Table 1: Summary of each Service Training Plans

	Tier 1	Tier 2	Tier 3
Army	22 Feb start/15 Jul (AC) & 15 Aug (RC) end	22 Feb start/15 Jul (AC) & 15 Aug (RC) end	1 Mar start/15 Jul (AC) & 15 Aug (RC) end
USMC	7 Feb start/15 Mar end	7 Feb start/15 Mar end	15 Mar start/1 Jun end
USN	28 Feb start/1 Jul end	28 Feb start/30 Apr end	28 Feb start/1 Jul end
USAF	14 Feb start/1 May end	1 Mar start/1 May end	1 Mar start/30 Jun end
USCG	1 Mar start/15 May end	1 Mar start/15 May end	1 Apr start/30 Jun end

Throughout training, every two weeks, the Services will provide a report update to the Secretary of Defense on the status of training. The report will include commander's feedback on any issues leading up to repeal based on the following: policy, readiness, effectiveness, unit cohesion, recruiting and retention. It will also include the commander's assessment of repeal

related incidents and barriers to repeal, should any occur, and any additional comments. At this point in the training, the Services have reported no issues or problems with the training and that it is going well.

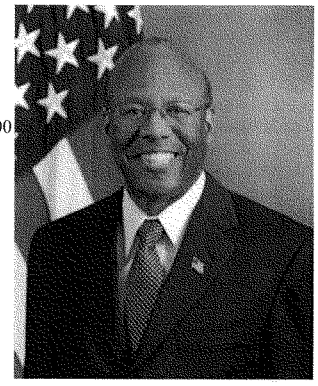
It remains the policy of the Department of Defense that sexual orientation is a personal and private matter, to treat all members with dignity and respect, and to ensure maintenance of good order and discipline. Leadership, Professionalism, Discipline, and Respect will be essential to implement this change in policy fairly and consistently. Rest assured we are committed to making this historic change in a timely manner that is consistent with standards of military readiness, effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

We are moving deliberately, responsibly and expeditiously toward repeal. Training is underway and policies are under revision in preparation for repeal. The Secretary of Defense and Chairman of the Joint Chiefs of Staff receive a bi-weekly report containing both objective and subjective updates regarding the Department's progress. The Secretary of Defense and the Chairman of the Joint Chiefs will certify after careful consideration of the views of the Secretaries of the Military Departments, the Military Service Chiefs, and the Combatant Commanders. The Secretary of Defense and the Chairman will certify when they are satisfied that conditions for implementation of the new policies and regulations written by the Department are consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces. Our intent is to ensure that a preponderance of the force is trained for repeal, which occurs 60 days after the actual certification, including the Reserves and National Guard Bureau.

Thank you for the opportunity to update you on our progress on this important policy.

Dr. Clifford L. Stanley

Under Secretary of Defense (Personnel and Readiness)



Dr. Clifford L. Stanley was sworn in as the Under Secretary of Defense for Personnel and Readiness on February 16, 2010. He is the senior policy advisor to the Secretary of Defense on recruitment, career development, pay and benefits for 1.4 million active duty military personnel, 1.3 million Guard and Reserve personnel, 680,000 DoD civilians, and is responsible for overseeing the overall state of military readiness.

Before assuming his current position, Dr. Stanley was President of Scholarship America, the nation's largest nonprofit, private-sector scholarship organization. Prior to assuming this position at Scholarship America, he served on the senior leadership team of the University of Pennsylvania as the Executive Vice President. In that capacity, he was responsible to the president for the non-academic functions of the university, such as business, finance, facilities maintenance, and campus security.

Secretary Stanley, a retired United States Marine Corps infantry officer, served 33 years in uniform, retiring as a Major General. His last position was as the Deputy Commanding General, Marine Corps Combat Development Command, Quantico, Virginia. Additionally, he served as the Marine Corps Principal Representative to the Joint Requirements Board which supported the Chairman of the Joint Chiefs of Staff in carrying out his responsibilities.

Other leadership positions included: Commanding General, Marine Corps Air Ground Combat Center, Twentynine Palms, CA; Director of Public Affairs, Headquarters Marine Corps, Washington DC; Assistant Deputy Chief of Staff for Manpower and Reserve Affairs, (Manpower Plans & Policy); Commanding Officer, 1st Marine Regiment, Desk Officer in the Office of the Assistant Secretary Of Defense, East Asia and Pacific Region; Advisor to the Secretary of Defense on POW/MIA Affairs; Special Assistant and Marine Corps Aide for the Assistant Secretary of the Navy; and instructor at the US Naval Academy. Secretary Stanley was also a White House Fellow where he served as Special Assistant to the Director of the Federal Bureau of Investigation.

Throughout his career, both in and out of the military, Dr. Stanley has helped men and women exceed their expectations while building cohesive teams dedicated to high achievement and selfless service. Dr. Stanley has a proven track record of being a visionary and inspirational leader dedicated to diversity, families, and a true sense of taking care of others.

Dr. Stanley is a graduate of South Carolina State University. He received his Master of Science degree from Johns Hopkins University, graduating with honors. His formal military education includes Amphibious Warfare School, the Naval War College, Honor Graduate of Marine Corps Command and Staff College, and National War College. Dr. Stanley earned his Doctorate Degree from the University of Pennsylvania, and holds Doctor of Laws degrees from South Carolina State University and Spalding University.

United States Navy
Biography

Vice Admiral William E. Gortney
Director, Joint Staff

Vice Admiral Bill Gortney graduated from Elon College in North Carolina, earning a Bachelor of Arts in History and Political Science in 1977. He entered the Navy as an Aviation Officer Candidate, received his commission in the United States Naval Reserve in September 1977, and earned his wings of gold in December 1978.

Vice Admiral Gortney reported as the Director, Joint Staff in July 2010.

Vice Admiral Gortney commanded on three occasions in the U.S. Central Command area of operations supporting Maritime Security Operations and combat operations for Operations Enduring Freedom and Iraqi Freedom. These include U.S. Naval Central Command / U.S. 5th Fleet / Combined Maritime Forces, NSA Bahrain, 2008-2010; Carrier Strike Group 10, onboard USS Harry S. Truman (CVN 75), 2007-2008; and Carrier Air Wing 7, onboard USS John F. Kennedy (CV 67), 2002-2003. Additional command tours include VFA-106, the East Coast FA-18 Fleet Replacement Squadron, NAS Cecil Field, Florida, 1996-1997; and VFA-15, 1994-1995, onboard USS Theodore Roosevelt (CVN 71).

Fleet assignments include VA-82, 1981-1984, onboard USS Nimitz (CVN 68); VFA-87, 1988-1990, onboard USS Theodore Roosevelt; Executive Officer, VFA-132, 1991-1992, onboard USS Forrestal (CV 59); Executive Officer, VFA-15, 1992-1994, onboard USS Theodore Roosevelt; and Deputy Commander, Carrier Air Wing 7, onboard USS Dwight D. Eisenhower (CVN 69).

Overseas assignments include Deputy for Current Operations, Joint Task Force Southwest Asia, Eskan Village, Saudi Arabia, 1999; Chief, Naval and Amphibious Liaison Element to the Combined Forces Air Component Commander, U.S. Central Command, for the opening months of OIF at Prince Sultan Air Base, Saudi Arabia; and Chief of Staff, Commander U.S. Naval Forces Central Command / U.S. 5th Fleet, NSA Bahrain, 2003-2004.

Shore assignments include VT-26, NAS Beeville, Texas, 1978-1980; VFA-125, NAS Lemoore, California, 1984-1988; Aide and Flag Lieutenant to the Assistant Chief of Naval Operations (Air Warfare), Washington D.C., 1990-1991; Joint Staff, J-33 Joint Operations Department CENTCOM Division, 1998-1999. He is a 1996 graduate of the Naval War College, earning a Master of Arts in International Security Affairs. His first flag tour was as the Deputy Chief of Staff for Global Force Management and Joint Operations, Fleet Forces Command, Norfolk, Virginia, 2004-2006.

Vice Admiral Gortney has flown over 5360 mishap free flight hours and 1,265 carrier-arrested landings, primarily in the A-7E Corsair II and the FA-18 Hornet. He is authorized to wear the Navy Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit (four awards), Bronze Star, Defense Meritorious Service Medal (two awards), Meritorious Service Medal (three awards), Air Medal (three awards: Gold Numeral One, two Strike/Flight), Defense Commendation Medal (three awards), Navy and Marine Corps Commendation Medal, Navy and Marine Corps Achievement Medal, Sea Service Ribbon (8 awards), and the Overseas Service Ribbon (2 awards).

DOCUMENTS SUBMITTED FOR THE RECORD

April 1, 2011

SANDIEGOSOURCE
The Daily Transcript®

D.A.D.T. repeal is good for recruiting, commanding general says

By ANDREW KEATTS, The Daily Transcript
Wednesday, March 16, 2011

The commanding general for Marine Corps recruiting in the Western region is "thrilled" with Congress' decision to lift the military's "don't ask, don't tell" policy.

"That's just more people to recruit," said Maj. Gen. Ronald Bailey, during a speech Wednesday before the San Diego Military Advisory Council (SDMAC) for its March meeting.

President Obama signed a repeal of the controversial "don't ask, don't tell" policy in December, ending the military's 17-year-old ban on openly gay soldiers serving in the armed services.

"It's about leadership, and my leadership philosophy is to treat everyone with respect and dignity. There's no separation. All I ask is that you be a Marine," Bailey said, responding to a question on the repeal's effect on military recruitment efforts.

Additionally, he said scheduled reductions in the size of the Marine Corps wouldn't affect its ability to meet the public's expectations. The Corps will remain its current size of roughly 200,000 Marines until it is no longer needed in Afghanistan, he said.

"I don't see any impact or effect [of reductions to the size of the Marines] in the San Diego Recruit Depot," he said.

Bailey was transferred to San Diego in August 2009 and assumed command of Marine Corps Recruit Depot/Western Recruiting Region. He was promoted to his current rank in May of last year and took control of Marine Corps Recruiting Command in January 2011.

He said the Marine Corps, along with its longtime advertising agency, **J Walter Thompson**, have effectively tailored their recruiting approach to the so-called "millennial generation" so it continues to bring in the best and the brightest.

Increasingly, the Corps recruits through social networking sites. One recruiter in particular, Bailey said, managed to gather all of his candidates through Facebook.

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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

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ROBERT L. SIMMONS, II, STAFF DIRECTOR

March 8, 2011

The Honorable Clifford L. Stanley, Ph.D.
Under Secretary of Defense
for Personnel and Readiness
4000 Defense Pentagon
Washington, DC 20301-4000

Dear Secretary Stanley:

My purpose in writing is to request your assistance in providing additional information regarding the policy and procedures that have been put in place to support implementation of the repeal of Don't Ask, Don't Tell.

I have enclosed a list of questions that have surfaced following your January 28, 2011 news conference with Marine General James Cartwright, Vice Chairman of the Joint Chiefs of Staff, and the series of briefings received by the staff of the Military Personnel Subcommittee over the past month. I believe the answers to these questions will be essential to the effective consideration of the implementation process by the Congress.

My purpose is to ensure that the Nation and the military departments are fully prepared to implement the repeal in a manner that protects the combat readiness of our forces. I expect that these questions will be at the center of the discussion during hearings that are currently scheduled within the Committee on Armed Services for the month of April. In that regard, it would be of great benefit to get your response by March 24, 2011.

I appreciate your assistance in this matter.

Sincerely,

Joe Wilson

Joe Wilson
Chairman
Military Personnel Subcommittee

AGW:jbw
Enclosure

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

MAR 30 2011

PERSONNEL AND READINESS

The Honorable Joe Wilson
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515-6035

Dear Mr. Chairman:

Thank you for your letter dated March 8, 2011, requesting additional information regarding the policy and procedures that have been put in place to support implementation of the repeal of 10 U.S.C.§654, commonly known as "Don't Ask, Don't Tell."

I have enclosed my response to each of your questions regarding the implementation of the repeal of "Don't Ask, Don't Tell." Based on the Secretary of Defense's direction, I am leading the implementation process for the Department, and I want to assure you that the men and women of the Armed Forces are preparing for the repeal in a purposeful and responsible manner.

Thank you for your continuing support and concern for the men and women of the Armed Forces.

Sincerely,

Clifford L. Stanley

Enclosure:
As stated

Justification for the Original Law

Question: Of the fifteen findings regarding readiness, good order, and unit cohesion included in section 654, of title 10, United States Code, which remain valid? What is the justification for moving ahead with repeal in spite of the validity of some finding?

Answer: In my view, findings 1 through 12 and 14 still remain valid. Thirteen and 15 do not. As stated in the Don't Ask, Don't Tell Repeal Act of 2010, repeal will only take place when the President, Secretary of Defense, and Chairman of the Joint Chiefs certify that the Department of Defense has prepared the necessary policies and regulations, and that implementation of those policies and regulations is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

Justification for Repeal

Advocates for repeal of the law justify it as "the right thing to do."

Question: How would implementation of repeal improve standards of military readiness, effectiveness, unit cohesion, and recruiting and retention in the military?

Answer: As the Chairman of the Joint Chiefs of Staff has stated, repeal of 10 U.S.C. §654 will improve the military because no longer will able men and women who want to serve and sacrifice for their nation have to sacrifice their integrity to do so. Repeal will only take place when the President, Secretary of Defense, and Chairman of the Joint Chiefs certify that the Department of Defense has prepared the necessary policies and regulations, and that implementation of those policies and regulations is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

Risk of Dysfunctional Repeal Process

Question: Did the Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell" and the Support Plan for Implementation, November 30, 2010 (Comprehensive Review) underestimate the difficulty of implementing repeal during war and miscalculate the willingness of the force to accept repeal by misinterpreting the survey response "equally as positively or negatively" and counting it as a positive response signaling acceptance of repeal?

Answer: The survey questions in the survey administered by the Department's Comprehensive Review Working Group asked Service members to make predictions about the impact of repeal, not to express their support for or against a change in policy. I agree with the assessment of the Working Group that it is appropriate, from the standpoint of assessing the impact of repeal, to consider the "mixed" responses alongside the "no effect" and "positive" responses. A response by Service members of "equally as positively or negatively," when asked to predict impact of

repeal, would support an assessment that the repeal can be implemented without adverse impact to military readiness.

Collecting Data on Gay/Lesbian Service Members

Question: Given the decision to not gather statistical information about the sexual orientation of inductees or current military personnel, how will the Department of Defense evaluate the consequences of repeal and protect the rights of gays/lesbians?

Answer: Sexual orientation is a personal and private matter. DoD components are not authorized to request, collect, or maintain information about the sexual orientation of Service members except when it is an essential part of an otherwise appropriate investigation or other official action. Moreover, the rights and responsibilities of all Service members—regardless of sexual orientation—are equally protected under the UCMJ, regarding professional comportment, discrimination, harassment, and fraternization. Thus, demographic information regarding sexual orientation of Service members will not be required.

Privacy/Cohabitation

The Comprehensive Review recommended that the Department of Defense expressly prohibit berthing or billeting assignments or the designation of bathroom facilities based on sexual orientation.

Question: Given that commanders will retain some authority to alter cohabitation situations, what will procedures/regulations specify with regard to associated process, criteria, and costs?

Answer: Commanders are equipped to deal, on a case-by-case basis, with issues that may arise with specific individuals within their units. Consistent with current policy, commanders have discretion to alter billeting assignments in accordance with Service policy in the interest of maintaining morale, good order and discipline, and consistent with performance of the mission. Any decision by the commander will not be based on sexual orientation, but will be based on maintaining good order and discipline within his/her unit.

Privacy/Cohabitation

The Comprehensive Review recommended that the Department of Defense expressly prohibit berthing or billeting assignments or the designation of bathroom facilities based on sexual orientation.

Question: Once a commander decides to accommodate a request to alter a billeting arrangement based on sexual orientation, won't that determination amount to de facto evidence that gay/lesbian service members have been stigmatized and unit cohesion disrupted?

Answer: No, a commander has a range of options to consider using in leading his/her unit before making a decision to alter berthing or billeting assignments in accordance with Service policy. The commander has the experience and judgment to determine what is best in maintaining morale, good order and discipline consistent with performance of the mission. Such a decision to alter berthing/billeting will be made only after the commander has deemed it best for the unit, and will not be based solely on sexual orientation. Therefore, such a decision will not amount to

de facto evidence that gay and lesbian Service members have been stigmatized and unit cohesion disrupted.

Privacy/Cohabitation:

The Comprehensive Review recommended that the Department of Defense expressly prohibit berthing or billeting assignments or the designation of bathroom facilities based on sexual orientation.

Question: Given the intimacy of billeting in the military, why is there so much emphasis on separate housing for heterosexual male and females, but no concern about gays and lesbians being housed with members of the same sex?

Answer: The creation of separate facilities based on sexual orientation is prohibited, and commanders may not establish practices that physically segregate Service members according to sexual orientation. Berthing and billeting assignments will be made without regard to sexual orientation. Any issues that arise will be handled by commanders on a case-by-case basis.

Standards of Conduct

Question: If personal conduct rules are intended to apply both on- and off-installations and equally to heterosexual and gay/lesbian service members, does the Department of Defense believe that greater sensitivity or unease with gay/lesbian personal displays of affection will demand policies to restrict heterosexuals' conduct that is viewed in our society as routinely acceptable behavior?

Answer: No. Enforcement of Service standards of conduct, including those related to public displays of affection, dress and appearance, and fraternization will be sexual orientation neutral. All members are responsible for upholding and maintaining the high standards of the U.S. military at all times and at all places. We do not anticipate any change to the standards of conduct, but will continue to review them as always.

Standards of Conduct

Question: Will the Department of Defense clarify the definition of fraternization to make certain that it includes gay/lesbian service members and has there been a projection regarding the potential for increased numbers of fraternization cases after repeal?

Answer: The policies that currently exist on fraternization apply regardless of sexual orientation. The Services retain the authority to counsel, discipline, or involuntarily separate those Service members who fail to obey established standards; leaders are expected to take corrective or disciplinary action to preserve morale, good order and discipline and unit cohesion.

Standards of Conduct

Question: Will implementation procedures continue to bar behavior and verbal comments that convey an unwelcome sexual message, whether heterosexual or gay/lesbian? For example, the

display of suggestive calendars, photographs, pictures, or statements conveying an unwanted sexual message that amounts to a "hostile work environment."

Answer: Yes, the Department will continue to bar inappropriate sexual messages, regardless of sexual orientation.

Standards of Conduct

Question: Will gay/lesbian personnel in different chains of command be permitted to date each other and live with each other as "partners" in barracks?

Answer: Upon repeal, existing standards of conduct, including fraternization and living conditions, shall continue to apply to all Service members regardless of sexual orientation. In cases where conduct is prohibited, leaders shall be expected to take such appropriate corrective or disciplinary action as they determine may be necessary to preserve morale, good order and discipline, unit cohesion, military readiness, and combat effectiveness.

Complaint Process

Question: How will procedures/regulations ensure that complaints are sufficiently investigated to both protect service members from false accusations and complaints from being labeled as bias against gay/lesbian service members?

Answer: The current rules regarding processing of complaints through the chain of command, to inspectors general, or otherwise, will remain in effect and are sufficient to ensure that Service members are protected from both false accusations, and from being labeled as biased against gay and lesbian Service members.

Complaint Process

Question: Will procedures/regulations require that data on sexual misconduct incidents, both consensual and non-consensual, are compiled and publicly reported, to include specific information regarding sexual orientation?

Answer: No. Present procedures/regulations do not require that data on sexual misconduct incidents regarding sexual orientation be compiled and publicly reported. Furthermore, the Services are not authorized to request, collect, or maintain information about sexual orientation except when such information is deemed to be an essential part of an investigation or other official action.

Complaint Process

Question: The Comprehensive Review made clear that sexual orientation discrimination complaints should not be conducted by Military Equal Opportunity (MEO) authorities as would be the case for protected classes (race, sex, etc), but isn't it true that the Comprehensive Review and the implementation training materials suggest that MEO authorities will play important

advisory roles in policy development and training that will make it difficult to divorce MEO from the gay/lesbian harassment and discrimination complaint process?

Answer: Commanders are charged with promoting an environment free from barriers that prevent Service members, regardless of sexual orientation, from rising to the highest level of responsibility possible. Although sexual orientation will not be designated as a class under the Military Equal Opportunity program, commanders may call upon Military Equal Opportunity personnel to review policies and programs that may cause barriers in the working environment and impact the treatment of all Service members. Complaints regarding harassment or discrimination based on sexual orientation will be dealt with through existing mechanisms available for other such complaints not involving race, color, sex, religion or national origin, namely, the chain of command, the Inspector General, and through other means determined by the Services. When criminal, complaints of harassment may be referred to law enforcement for investigation. The Department does not believe that on a case-by-case basis it will be difficult to divorce MEO activities from the gay and lesbian harassment and discrimination process.

Benefits

Question: Now that the Constitutionality of the Defense of Marriage Act will not be defended in court by the Administration, has the Department of Defense begun evaluating a change in its current position regarding benefits for gay/lesbian service members and their families, the implications for similarly situated heterosexual partners, and the cost of new benefits?

Answer: There will be no changes at this time to eligibility standards for military benefits, including applicable definitions. The Department will continue to study existing benefits to determine those, if any, that should be revised, based on policy, fiscal, legal, and feasibility considerations. The Department will continue to comply with the Defense of Marriage Act, consistent with the Attorney General's statement of February 23, 2011, that "the President has informed me that the executive branch will continue to enforce the law."

Benefits

Question: Will the reassessment of the benefits issue be completed and decisions formulated before the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the President certify that implementation of repeal can proceed?

Answer: The Department has not changed its current position regarding benefits for gay and lesbian Service members and their families as stated in the Repeal Implementation Policy Guidance Memorandum. The Department will continue to study existing benefits to determine those, if any, that should be revised, based on policy, fiscal, legal, and feasibility considerations.

Benefits

Question: Now that there may well be instances where a privilege or benefit will be provided to partners in a committed relationship, what are the Department of Defense definitions for "partner" and "committed relationship" for gays/lesbians and heterosexuals?

Answer: The Department has not changed its current position regarding benefits for gay and lesbian Service members and their families as stated in the Repeal Implementation Policy Guidance Memorandum. For benefits which Service members may designate anyone of their choice as beneficiary, Service members may designate anyone, including their partners in committed relationships, heterosexual or homosexual, however the terms "partner" and "committed relationship" may be defined.

Education and Training

The Comprehensive Review recommends a mandatory "three-tiered" education program, starting with judge advocates, recruiters, and chaplains, then commanders and leaders, and, finally, the remainder of the force.

Question: How will the training prepare male and female personnel for routine exposure to gay/lesbian personnel of the same sex in living conditions offering little or no privacy?

Answer: Members of the Armed Forces accept living and working conditions that are often austere, primitive, and characterized by forced intimacy with little or no privacy. The training explains that compliance with professional standards of conduct will be essential to fostering respect among fellow Service members and resolving concerns about privacy.

Education and Training

The Comprehensive Review recommends a mandatory "three-tiered" education program, starting with judge advocates, recruiters, and chaplains, then commanders and leaders, and, finally, the remainder of the force.

Question: Will the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff proceed with certification of readiness for repeal if the education and training program has not been completed and the effectiveness of the program assessed?

Answer: Each of the Services, on the best military advice, will inform the Secretary of Defense and Chairman of the Joint Chiefs when their force is prepared to implement repeal. While certification by the Secretary and the Chairman does not require a hundred percent of each Service to be trained, each Service is committed to confirming training for as high a percentage as possible as quickly as possible in order to inform the Secretary and Chairman when their force is prepared to implement repeal. The President, Secretary of Defense, and Chairman of the Joint Chiefs will utilize their own judgment in making the certification provided for in the Don't Ask, Don't Tell Repeal Act of 2010, which includes certifying that that implementation of the new policies and regulations written by the Department is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces. Training the force is an essential component to ensuring implementation is consistent with these standards. Each of the Services will inform the Secretary and Chairman when its force is prepared to implement repeal.

Education and Training

The Comprehensive Review recommends a mandatory "three-tiered" education program, starting with judge advocates, recruiters, and chaplains, then commanders and leaders, and, finally, the remainder of the force.

Question: What type of training and education will be required for family members and children in DoD family support programs, schools, and child care centers?

Answer: Mandatory training is not required for family members and children. All federally employed Service family support staff will receive Tier 1 (Expert level) training to assist Service members and their families in discussing topics related to repeal. These family support staffs will be the foundation for addressing family member concerns. Family members will be informed of the changed policy and advised to seek any specific information about repeal through Service family support staff and by Service members who received mandatory training. Links to helpful resources for talking to children and youth about repeal can be placed on military family websites upon request. In addition, the Services can post DADT Repeal Awareness Training links on Military Services Family Support websites, Military OneSource.com and MilitaryHOMEFRONT.DoD.mil. The DoD and the Services will regularly engage with Service Family members, schools, and child care centers to reassess their readiness and where needed, improve family engagement initiatives as DoD transitions from an environment in which gay and lesbian family matters, have not been contemplated to an environment in which they are.

Impact on Combat Unit Readiness

Question: Given survey results that showed service members in ground combat units possessed greater concern about the fragility of unit cohesion and the impact of openly serving gays/lesbians, what additional research has been done to understand the unique circumstances associated with these units and the special precautions that are needed?

Answer: No additional research has been done, and the Department does not believe that additional research is necessary in order to implement repeal. The Services and combatant commands will work together to ensure Service members are trained, regardless of location. The Services are training most members before deployment. They will provide training to those deployed as the opportunity presents itself, based on the type of unit and mission they have. If members do not receive training while deployed, they will be trained upon return.

Impact on Combat Unit Readiness

Question: Will there be any special effort to change attitudes concerning acceptance of gays/lesbians in ground combat units, on submarines, and within other units where cohesion is critical to combat capability?

Answer: No. Service members are not expected to change their personal or religious beliefs about homosexuality but they are expected to treat all others with dignity and respect, consistent with the core values that already exist in each Service.

Impact on Combat Unit Readiness

Question: Was any consideration given to allowing units deployed to combat zones to forgo conducting the education and training associated with repeal and avoid the disruption to unit cohesion even though it would delay training completion within the services?

Answer: Yes, consideration was given to implement the training with minimal impact to the force. The majority of the force will be trained in pre- and post-deployment training.

Burden Placed on Commanders and Service Members

Question: What assurances can be given that commanders who report problems during implementation of repeal will receive assistance and not be subject to career penalties?

Answer: Current policies and procedures allow for free and open discussion within the chain of command without any threat of reprisal.

Burden Placed on Commanders and Service Members

Question: What procedures/regulations will be established to provide individuals an avenue to call for investigation of problems in their unit associated with openly serving gays/lesbians and will the process allow service members the opportunity to make such reports should their commanders be reluctant to take action?

Answer: Service members are encouraged to use the chain-of-command as the primary and preferred channel for resolving problems in their unit, including but not limited to those involving gay and lesbian personnel. The Service member also may take the problem to the Inspector General or work through other channels determined by the Services.

Burden Placed on Commanders and Service Members

Question: What procedures/regulations will be established to ensure that service members have an avenue to report problems associated with openly serving gays/lesbians without fear of retaliation by peers or by superiors?

Answer: No new procedures/regulations are needed. Current policies and procedures allow for free and open discussion within the chain of command, and through other specified avenues, such as Inspectors General, without any threat of reprisal.

Burden Placed on Commanders and Service Members

Question: Will there be procedures and regulations to provide commanders the option to remove personnel from units who disrupt unit cohesion, good order, and discipline, either because they are gay/lesbian or are opposed to openly serving gays/lesbians?

Answer: Commanders retain the authority to counsel, discipline, or recommend for separation those Service members who fail to obey established standards; leaders are expected to take corrective or disciplinary action to preserve morale, good order and discipline and unit cohesion.

Family Education

The Comprehensive Review recommends that Internet links be provided to assist families in how to talk to children about repeal.

Question: What links would the Department of Defense consider for this purpose and will they reflect perspectives that both support and oppose service of gays/lesbians?

Answer: Information for families is included in each Service's training plan. DADT Repeal Awareness Training Materials will be posted on the Military Services' Family Support websites, Military OneSource.com and MilitaryHOMEFRONT.DoD.mil.

Assignments

Question: Will gay/lesbian troops be deployed to countries where homosexuality is punished as a crime and where they might be subjected to local judicial action?

Answer: There will be no change to assignment policies. All Service members will continue to be eligible for world-wide assignment without consideration of sexual orientation. Service members assigned to duty, or otherwise serving in countries in which homosexual conduct is prohibited or restricted, will abide by the guidance provided to them by their local commanders. Because gay and lesbian Service members assigned to serve in countries that criminalize homosexual conduct or homosexuality generally, the guidance provided by commanders will include information on host-nation laws and related military policies regarding homosexuality and homosexual conduct.

Assignments

Question: What precautions are being considered to minimize mission disruption with regard to gay/lesbian service members serving with foreign nationals from countries where homosexuality is illegal?

Answer: Every Service member will continue to be trained in local cultures and customs, as we currently do through the education and training programs for overseas deployments. Today we serve alongside those countries that already have openly serving gay and lesbian Service members with no disruption. All Service members will continue to be eligible for world-wide

assignment without consideration of sexual orientation. Service members assigned to duty, or otherwise serving, in countries or with foreign nationals for whom homosexual conduct is prohibited or restricted will be informed by their local commanders regarding host-nation laws and related military policies on homosexuality and homosexual conduct.

Assignments

Question: Has the Department of Defense assessed the additional risks associated with openly serving gay/lesbian service members being captured by potential adversarial nations where law or cultural mores ban homosexual behavior?

Answer: Not specifically. With our All Volunteer Force, all Service members will continue to be eligible for world-wide assignment without consideration of sexual orientation.

Religious Issues

Question: What types of disciplinary measures and penalties will apply to personnel, including chaplains, who object to training that promotes acceptance of the gay/lesbian law/policy?

Answer: We will continue to be a respectful and disciplined force. Disciplinary measures may be necessary only if personnel take actions that adversely affect good order and discipline. While the training is mandatory, it is not about changing beliefs. Chaplains are not required to take actions that are inconsistent with their religious beliefs. Existing policy regarding chaplains' free exercise of religion and duty to care for all continues to apply.

Religious Issues

Question: Will there be clear guidelines published to clarify the types of religious and moral statements in opposition to homosexuality that would be acceptable and the types of statements that would be considered unacceptable because they are detrimental to morale, good order, discipline, and cohesion and how would the latter statements be punished?

Answer: Service standards of conduct and equal opportunity policies are being reviewed as a part of the pre-repeal process. In order to meet the intent of this review, I have asked each Service to review its standards to ensure they provide adequate guidance in relevant areas, apply uniformly to all personnel, and promote an environment free from personal, social or institutional barriers that prevent Service members from rising to their highest potential. Emphasis will be placed on the following areas: public displays of affection, dress and appearance, nepotism, unprofessional relationships, conflicts of interest, and zero tolerance for harassment or hazing. Clear responsibility of leaders, supervisors, and subordinate personnel at all levels is essential to foster unit cohesion, good order and discipline, respect for authority, and mission accomplishment. The policies will ensure sexual orientation neutrality and will address that protections for Service members' individual expression and free exercise of religion already exist and are adequate. In today's military, people of different moral and religious values work, live and fight together. This is possible because they treat one another with dignity and respect. This will not change. Statements that are detrimental and are unacceptable will be dealt with on a case-by-case basis and are well within the chain of command's ability to correct.

Religious Issues

Question: If a member desires a religious accommodation that reflects an inability to live with or even work directly with gay and lesbians service members, what would the process be to evaluate and adjudicate such a religious accommodation under DoDI 1300.17 and would it include a process for appeal of decisions to elevated levels of command?

Answer: It is DoD policy that requests for accommodation of religious practices should be approved by commanders when accommodation will not have an adverse impact on mission accomplishment, military readiness, unit cohesion, standards, or discipline (DoDI 1300.17). If the accommodation will have an adverse impact on mission, commanders will continue to use their existing administrative options, including reassignment and administrative separation. Depending on the exact administrative action, the appeal process that currently exists can be exercised.

Religious Issues

Question: While it is well recognized that chaplains must be prepared to minister to all service members, has there been any consideration of providing chaplains greater flexibility to provide counseling and interact with gays/lesbians in a manner that is consistent with the chaplain's religious beliefs, but inconsistent with repeal implementation guidelines with regard to being respectful and nondiscriminatory?

Answer: No, there will be no changes to policies concerning the Chaplain Corps of the Military Departments and their duties. Chaplains' First Amendment freedoms and their duty to care for all will not change.

Religious Issues

Question: If a chaplain is removed from service by his or her sponsoring organization, either by the chaplain's action or the actions of the sponsoring organization, will the chaplain be required to fulfill active duty service commitments in a capacity other than as a chaplain?

Answer: If a chaplain loses his/her Ecclesiastical Endorsing Agent (religious organization representative) endorsement, then the chaplain will need to acquire another endorser or begin the process of being separated from the military.

Religious Issues

Question: What is the estimated number of chaplains and others who are likely to decline re-enlistment due to religious and moral beliefs about the open service of gays and lesbians?

Answer: I do not have this data. None of the ecclesiastical endorsing agencies that responded to the CRWG stated that it would withdraw its endorsements for military chaplains if the law were repealed. In the Working Group's discussion groups with chaplains, while many expressed

opposition to a change in policy, nearly all indicated that they were willing to continue their ministry in the military.

Recruiting and Retention

Question: Assuming that recruits understand that gays/lesbians would be serving openly, what is the current estimate regarding the impact of repeal on recruiting?

Answer: It was the assessment of the CRWG and is the assessment of the Department of Defense that repeal would not cause the Services to fail to meet their recruiting goals. This assessment is based, in part, on CRWG survey results showing a solid majority of respondents believe that repeal would have a positive, mixed, or no effect on recruiting. The Department will continue to carefully monitor the Services' achievement of their recruiting goals, as we currently do.

Recruiting and Retention

Question: What is the Department of Defense assessment of the impact of openly serving gays/lesbians on the attitudes of people who influence recruit candidates?

Answer: It was the assessment of the CRWG and is the assessment of the Department of Defense that repeal would not cause the Services to fail to meet their recruiting goals. The ability to recruit qualified individuals into military service depends on a large number of factors, including referrals. Nearly one-half (47 percent) of Service members surveyed by the CRWG said that repeal would have no effect on their willingness to recommend military service to a family member or close friend; 6 percent said it would have a positive effect; 10 percent said it would have a mixed effect; and 27 percent said it would have a negative effect. The Department will continue to carefully monitor the Services' achievement of their recruiting goals, as we currently do.

Recruiting and Retention

Question: What is the estimated number of service members who are likely to consider ending their careers because gays/lesbians serve openly and how will this data be tracked?

Answer: It was the assessment of the CRWG and the assessment of the Department of Defense that repeal would not cause a drop to occur and the Services to fail to meet their retention goals. The experience of our foreign allies indicates that far fewer military members actually left military service after a change in their policy than had indicated they would. Additionally, the survey indicated that other factors are more important than Don't Ask, Don't Tell to Service members as they contemplate their future military service. The Department will continue to carefully monitor the Services' achievement of their retention goals, as we currently do.

Recruiting and Retention

Question: When during the implementation process will recruiting briefings be adjusted to advise recruits that they will be serving with openly serving gay/lesbian service members and remove references to inappropriate homosexual conduct?

Answer: Upon repeal, the required briefings given to applicants for enlistment and appointment regarding standards of personal conduct in the Armed Forces and separations policy will be amended appropriately to reflect the new policy. Specifically, applicants will no longer be briefed that homosexual conduct is not allowed in the Military Service.

Adoption by Gays and Lesbians

Question: What will be the DoD position regarding adoption of children by same-sex couples?

Answer: DoD will continue to use its existing rules and regulations regarding adoption. DoD will continue to recognize legal documentation, such as a court order, of adoption or custody in determining a child's status as a dependent, and consequently a Service member's eligibility for benefits on behalf of the child.

Process for Returning Former Gay/Lesbian Service Members to Active Duty

Question: Will there be standardized procedures to address technical personnel matters such as back pay, promotions, time-in-grade, time-in-service, retirement credit, skill qualification, etc?

Answer: Upon repeal, former members solely discharged under DADT may apply for re-entry; they will be evaluated according to the same criteria and Service requirements applicable to all others seeking re-entry into the military. There will be no preferential treatment for Service members separated solely under DADT, and they will be processed as any other re-accession applicant under Service policies. Services will continue to consider a Service member's previous performance and disciplinary record when determining suitability for re-entry. The Department is not authorized to provide compensation of any type, including retroactive full separation pay, for those previously separated under DADT. In addition, each Service will continue to use current policy/procedure that is used to determine the appropriate grade and Time in Grade credit that the returning member will be awarded, and time in service credit will always be awarded. Finally, former and current Service members may petition their Service boards for the correction of military records or Service discharge review boards, as appropriate, to correct their records.

Process for Returning Former Gay/Lesbian Service Members to Active Duty

Question: Will there be any standardized procedures—additional training, allowance of time to reacquire skills, assistance in filing a correction of records request, assistance in investigating benefit claims from DOD or the VA, etc—given to former service members to help them reintegrate into military service or be compensated for their service?

Answer: Upon repeal, former members solely discharged under DADT may apply for re-entry; they will be evaluated according to the same criteria and Service requirements applicable to all others seeking re-entry into the military. There will be no preferential treatment for Service members separated solely under DADT, and will be processed as any other re-accession applicant under Service policies. Services will continue to consider a Service member's previous performance and disciplinary record when determining suitability for re-entry. The Department is not authorized to provide compensation of any type, including retroactive full separation pay,

for those previously separated under DADT. In addition, each Service will continue to use current policy/procedure that is used to determine the appropriate grade and Time in Grade credit that the returning member will be awarded, and time in service credit will always be awarded. Any claims for redress by Service members previously separated under DADT will be processed according to policies and procedures applicable to all prior Service members, i.e., through Service Boards for Correction of Military Records and Discharge Review Boards.

Process for Returning Former Gay/Lesbian Service Members to Active Duty

Question: Will applicants for return to service be given a medical exam and, if they fail that exam, will they be eligible for retroactive compensation or retirement benefits?

Answer: Upon repeal, former members solely discharged under DADT may apply for re-entry; they will be evaluated according to the same criteria and Service requirements applicable to all others seeking re-entry into the military, which would include a medical exam. There will be no preferential treatment for Service members separated solely under DADT, and will be processed as any other re-accession applicant under Service policies. The Department is not authorized to provide compensation of any type, including retroactive full separation pay, for those previously separated under DADT. Any claims for redress by Service members previously separated under DADT will be processed according to policies and procedures applicable to all prior Service members, i.e., through Service Boards for Correction of Military Records and Discharge Review Boards.

Process for Returning Former Gay/Lesbian Service Members to Active Duty

Question: Would a former member of the Armed Forces who committed crimes while protesting DADT in a separated status be permitted to return to active or reserve component duty?

Answer: Upon repeal, former members solely discharged under DADT may apply for re-entry; they will be evaluated according to the same criteria and Service requirements applicable to all others seeking re-entry into the military. There will be no preferential treatment for Service members separated solely under DADT, and will be processed as any other re-accession applicant under Service policies. Services will continue to consider a Service member's previous performance and disciplinary record when determining suitability for re-entry.

Status of Ongoing Legal Actions

Question: What is the status of pending appeals on cases in the Ninth Circuit and other jurisdictions and what is the government's position on each case?

Answer: As in many cases involving 10 U.S.C. §654 over the years, the Department of Justice continues to defend the United States, the Department, and its Components in litigation before U.S. District Courts and U.S. Court of Appeals, including both "facial" and "as-applied" constitutional challenges to the statute. Active cases as of March 24, 2011, include the following:

- Witt v. Department of the Air Force, No. 3:06-CV-5195-RBL (W.D. Wash.), on appeal, No. 10-36079 (9th Cir.). The Government appealed the District Court's final decision, dated September 24, 2010, which entered judgment for plaintiff on her as-applied substantive due process claim and for the Government on plaintiff's procedural due process claim. Witt v. Department of the Air Force, 739 F. Supp. 2d 1308 (W.D. Wash. 2010). The Government's opening brief is due March 31.
- Log Cabin Republicans v. United States, No. CV 04-08425-VAP (C.D. Cal.), on appeal, Nos. 10-56634, 10-56813 (9th Cir.). The Government has appealed the District Court's decisions and judgment, dated October 12, 2010, invalidating 10 U.S.C. §654 and its implementing regulations on their face and fashioning a world-wide, permanent injunction enjoining the federal government from applying the statute. On the Government's motion, the Ninth Circuit stayed application of the injunctive remedy pending appeal. The Government filed its opening brief on February 25, plaintiff's response is due March 28, and the Government's reply is due April 11.
- Fehrenbach v. Department of the Air Force, No. 1:10-cv-00402-EJL (D. Idaho). On August 11, 2010, plaintiff, an Air Force officer, filed suit challenging the application of 10 U.S.C. §654 and seeking to enjoin his discharge. Thereafter, the case was stayed by the agreement of the parties to allow completion of the administrative process by which the Air Force would decide whether to discharge plaintiff. There has been no subsequent activity in the litigation.
- Almy v. Department of Defense, No. 3:10-cv-5627 (D.D.C.). On December 13, 2010, three former Service members filed a complaint challenging their discharges and the constitutionality of 10 U.S.C. §654 under various constitutional provisions and the Administrative Procedure Act. On February 11, the Department of Justice filed a motion to dismiss or to transfer the case to the Court of Federal Claims.
- Collins v. United States, No. 10-788 (D.D.C.). On November, 10, 2010, plaintiff, a former Service member discharged under 10 U.S.C. §654, filed a complaint challenging the policy reflected in DoD and Air Force regulations providing that those involuntarily separated due to homosexual conduct receive half separation pay. Plaintiff asserts that this policy violates his equal protection and substantive due process rights. The Government's responsive pleading is due May 10.

Status of Ongoing Legal Actions

Question: Will the government's legal position be different during the different phases of implementation—before certification, during the 60 day waiting period after certification and after implementation of repeal is effective?

Answer: The Department of Justice determines the Federal Government's position in on-going litigation based upon the facts, pleadings and the law governing each case.

Sustainment Phase of Implementation

During the sustainment phase of implementation, the implementation plan cited issues that would require reassessment and adjustment, to include equal opportunity, UCMJ, privacy and cohabitation, benefits, family readiness, and fiscal impact.

Question: What kinds of actions do you envision being specifically required on these subjects since the implementation plan made such a definitive statement that no further action was required on several of them to include equal opportunity and privacy matters?

Answer: The Department will conduct a follow-on review to monitor and assess effectiveness of implementation of repeal and to determine the adequacy of the recommended actions that are adopted.

WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING

April 1, 2011

RESPONSES TO QUESTIONS SUBMITTED BY MR. SCOTT

Secretary STANLEY. The "Don't Ask, Don't Tell" Repeal Act of 2010 (Public Law 111–321–Dec. 22, 2010) is, in fact, a stand-alone piece of legislation, and was not tied to the Military Appropriations Act. [See page 18.]

Admiral GORTNEY. Since the "Don't Ask, Don't Tell" law was enacted in 1993, the Department of Defense has separated more than 13,000 Service members under the law. [See page 28.]

RESPONSE TO QUESTION SUBMITTED BY MRS. DAVIS

Secretary STANLEY. There have been two GAO reports that have addressed the costs to the Department of Defense of separating and replacing Service members separated under "Don't Ask Don't Tell." The first report, released in 2005, estimated the cost to be at least $190 million during the period of 1994 through 2003. In 2011, the GAO released its second report and calculated the cost to the DoD to be approximately $193 million during the period of 2004 through 2009. In total, the GAO has calculated the cost to the Department to be $383 million for the period from 1994 through 2009. As the report states, these costs would generally include recruiting and training replacements, as well as the administrative costs associated with separating these Service members. [See page 21.]

RESPONSE TO QUESTION SUBMITTED BY MRS. HARTZLER

Secretary STANLEY. After review of the Department of Defense Education Activity (DoDEA) curriculum standards, in particular Health Education Standards, DoDEA does not have a curriculum regarding LGBT that is taught in classrooms. One particular unit taught in high school health classes is titled "Family Life & Human Sexuality". This unit consists of ten standards and one standard addresses recognizing that there are individual differences in growth and development, body image, gender roles and sexual orientation. The text book used for this unit is published by Harcourt Education Company and is titled "Lifetime Health". Parents do have the right to opt out of any unit by contacting the school administration, the school counselor or the classroom teacher. An alternative curriculum will be provided for the material not taught. [See page 27.]