

Statement by  
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## **INTRODUCTION**

Chairman Davis, Congressman Waxman, distinguished members of this Committee, it is an honor to appear before you today to address the Department of Defense's role in providing for the security of our nation.

Today's threat environment, as demonstrated by the September 11, 2001 terrorist attacks, marks our nation and its people as targets on a global battlefield very different from those of World War II or the Cold War. President Bush gave us a new direction when he said, "We must take the battle to the enemy, disrupt his plans and confront the worst threats before they emerge. In the world we have entered, the only path to safety is the path of action. And this nation will act." Our nation cannot afford to wait for terrorist adversaries to act -- this is the impetus behind the Global War on Terror.

As directed in the 2001 Quadrennial Defense Review's defense strategy, "[t]he highest priority of the U.S. military is to defend the Nation from all enemies." At home, U.S. actions have spared the nation from a repeat of the tragedy of the September 11, 2001 terrorist attacks. Still, the threat remains and, therefore, so too our need to remain vigilant. With a continuing sense of urgency and focus, the Department of Defense (DoD) has implemented substantial improvements in homeland defense capabilities over the past year, increasing the safety of the nation. At the same time, there is no reason nor place for complacency. We fully recognize that significant challenges lie ahead.

Based on the Committee's request, my testimony today will address DoD's vision for the operational use of the National Guard in homeland defense and defense support to civil authorities operations. To meet today's challenges, DoD will continue to use the Total Force concept, drawing on the talents of Active Duty, Reserve, and National Guard forces. The seven Reserve Components now comprise almost 46% of the Total Force.

Clearly, they are a significant portion of the nation's defense assets and an essential partner in the full range of military operations at home and around the world.

Additionally, as requested by the Committee, I will discuss DoD's robust engagement with the Department of Homeland Security in working to achieve our common goals of securing our nation, its territory, and its people.

## **DEPARTMENT OF DEFENSE AND THE SECURITY OF OUR NATION**

Through prosecution of the Global War on Terror, the Defense Department focuses on combating terrorism as far from our borders as possible. Thus, our first line of defense is abroad -- to confront the enemy where they live, train, plan, and recruit, as we are doing today in Afghanistan and Iraq. The second line of defense also lies beyond the borders of the nation -- the air and maritime avenues of approach -- where we will engage terrorists before they reach our borders. Inside our borders, the domestic law enforcement community is responsible for countering terrorist threats; DoD stands ready to provide capabilities in support of civil authorities, consistent with U.S. law.

As you know, following the tragic events of September 11, 2001, at the direction of the President and with Congressional support, DoD moved quickly to establish new organizations focused on homeland defense and civil support: U.S. Northern Command (USNORTHCOM) and the Office of the Assistant Secretary of Defense for Homeland Defense (ASD(HD)).

At the request of the Secretary of Defense, the Office of the Assistant Secretary of Defense for Homeland Defense was established by Congress in the Bob Stump National Defense Authorization Act for Fiscal Year 2003. I am honored to have been nominated by the President and confirmed by the Senate to serve as the first Assistant Secretary of Defense for Homeland Defense. My office was established in recognition of the need to have a focal point to assist the Secretary improve policy and provide guidance to

combatant commanders regarding air, ground, and maritime defense of U.S. territory and the conduct of support to civilian authorities. As provided in the establishing statutory language, I provide overall supervision of the homeland defense activities of DoD.

On October 1, 2002, DoD activated USNORTHCOM, headquartered in Colorado Springs, Colorado. This is the first combatant command with a primary mission to defend the land, sea, and air approaches to the United States. USNORTHCOM conducts operations within its assigned area of responsibility to deter, prevent, and defeat threats and aggression aimed at the United States, its territories, and interests. Accordingly, as directed by the President or Secretary of Defense, USNORTHCOM would direct military operations within its area of responsibility, including combat operations. In addition, when directed by the President or Secretary of Defense, USNORTHCOM would also provide military assistance to civil authorities to mitigate the results of disasters and catastrophes, including those resulting from a weapon of mass destruction (WMD) attack.

USNORTHCOM's area of responsibility includes the continental United States, Alaska, Canada, Mexico, and the surrounding water out to approximately 500 nautical miles. The defense of Hawaii and U.S. territories and possessions in the Pacific remains the responsibility of U.S. Pacific Command (USPACOM). The commander of USNORTHCOM is also the commander of the bi-national U.S.-Canada North American Aerospace Defense Command (NORAD). I am pleased to report that USNORTHCOM achieved full operational capability on September 11, 2003 and is fully able to conduct missions assigned to the command in the Unified Command Plan.

**Air domain.** NORAD guards, patrols, and monitors the skies over Canada and the United States. Each and every day the men and women of the United States Air Force, United States Air Force Reserve, and the Air National Guard secure the skies over major metropolitan areas, and our nation's critical infrastructure, and historic monuments. Since September 11, 2001, these dedicated professionals have executed

over 34,000 air defense sorties and responded to over 1,700 requests from the Federal Aviation Administration to intercept potential air threats.

**Maritime domain.** Similarly, the U.S. Navy vigilantly monitors the sea approaches to the United States and works with the U.S. Coast Guard to patrol international waters and our territorial seas. On a daily basis, the U.S. Navy operates under new and expanded authority to interdict vessels potentially bearing terrorists or their weapons before they reach our shores. Further, under Operation NOBLE EAGLE, naval maritime surveillance and engagement forces are designated for transfer to USNORTHCOM command and control when directed by the Secretary of Defense.

**Land domain.** The Homeland Security Act of 2002 assigns the Secretary of Homeland Security the responsibility for the security of the nation's borders. That responsibility includes preventing terrorists and instruments of terrorism from penetrating our borders, protecting our ports of entry, immigration enforcement, and ensuring the speedy, orderly, and efficient flow of lawful traffic and commerce. DoD's role in that border security mission is to provide support to civil authorities, principally the Department of Homeland Security, when appropriate. To that end, DoD is prepared to respond swiftly when required. DoD has established and maintains Quick Reaction Forces and Rapid Reaction Forces, which, when deployed, will operate under USNORTHCOM command and control. These highly trained U.S. Army and Marine Corps personnel are postured to respond to the full range of potential threats to the United States. Additionally, when authorized by the Secretary of Defense, in the case of a WMD attack, Joint Task Force Civil Support headquartered in Norfolk, Virginia; Joint Task Force Consequence Management East headquartered at Fort Gillem, Georgia; or Joint Task Force Consequence Management West headquartered at Fort Sam Houston, Texas, under the command and control of USNORTHCOM, would provide consequence management support to civil authorities.

**Civil Support.** The Defense Department has a long tradition of support to civil authorities as necessary and appropriate while maintaining its primary mission of fighting and winning the nation's wars. Since my testimony before the Subcommittee for National Security, Emerging Threats and International Relations one year ago, DoD has continued to lend necessary assistance to civil authorities when they were overwhelmed or faced with challenges necessitating the Department's unique capabilities. Last year we acted on 75 requests for assistance from more than 20 civilian agencies, including the Department of Homeland Security (DHS), the Department of Justice, the Department of Health and Human Services, the Department of Transportation, the Department of State, the National Aeronautics and Space Administration, the U.S. Marshals Service, and the National Interagency Fire Center.

To provide several brief examples of civil support activities last year, DoD provided emergency support in natural disasters such as Hurricane Isabel in September 2003 and the October 2003 California wildfires. DoD also provided support in responding to incidents such as the Columbia space shuttle accident in February 2003 and the January 2004 ricin incident on Capitol Hill. For the latter, USNORTHCOM's Joint Force Headquarters-National Capitol Region, in its first operational use, provided command and control of U.S. Marine Corps Chemical-Biological Incident Response Force assistance to the U.S. Capitol Police.

## **THE ROLE OF THE NATIONAL GUARD**

The National Guard is a critical component of DoD's contribution to the security of our nation. Since the terrorist attacks of 9/11, the National Guard has been key to many of our accomplishments at home and abroad. Much of the success we have had would not have been possible without the participation of National Guard forces.

The Reserve Component and Active Component are both fundamental to accomplishing homeland defense and defense support to civil authorities operations. The National Guard brings to bear significant capabilities for contingencies at home or abroad. Additionally, National Guard forces are also uniquely positioned to engage within the United States and its territories by virtue of their geographic dispersal and relationships to state and local governments. The National Guard plays a critical role in planning for and any response to future terrorist attacks in the United States, including response to mass casualty attacks. It is no accident that General Eberhart, the commander of Northern Command, selected a National Guard general officer as his chief of staff.

**National Guard Contributions Immediately After 9/11.** National Guard forces were instrumental in providing trained and ready personnel for missions within the United States shortly after the 9/11 terrorist attacks. At the request of the President, state Governors supplemented the security of the nation's airports with National Guard personnel. This mission initially encompassed 421 airports in 52 states and territories and involved over 7,000 National Guard personnel in Title 32 status (state control, federal funding). Additional airports and personnel were added subsequently. In February 2002, the newly established Transportation Security Administration assumed legal responsibility for baggage screening and checkpoint security, enabling most National Guard personnel to conclude their support by the end of May 2002.

Additionally, between March and August 2002, DoD mobilized some 1,600 National Guard troops along the northern and southern borders to support the U.S. Customs Service, the Immigration and Naturalization Service, and the Border Patrol, in their heightened post-9/11 security posture. The tasks of military forces included providing a security presence, vehicle inspection, traffic management, tactical operations advice, air operations, cargo inspection, and administrative support until the requesting agencies could hire and train new employees.

**Legal Framework for National Guard Employment.** Developing clear and coherent sets of agreements and relationships between Northern and Pacific Commands and the state and territorial National Guards was a top DoD priority following the establishment of Northern Command in 2002. In order to accomplish their homeland defense and civil support missions, Northern Command and Pacific Command coordinate closely with the 54 state and territorial National Guards through the National Guard Bureau.

It is important to understand that relationships between combatant commands with homeland defense and defense support to civil authorities missions and the National Guard are not static. They are based on specific scenarios and the particular legal authorities invoked in managing a contingency.

- **Title 10 (United States Code) Status.** When National Guard forces are ordered or called to active duty in a Federal or Title 10 status (Federal control, Federal funding), the President or the Secretary of Defense may authorize employment of activated National Guard forces along with other active duty forces. The Commander of Northern Command would have direct command and control authority over those forces assigned to Northern Command for employment, as would the Commander of Pacific Command in his area of responsibility.
- **State Active Duty Status and Title 32 (United States Code) Status.** USNORTHCOM and USPACOM have no command and control relationship with the National Guard when these forces are in State Active Duty (state control, state funding) or in Title 32 status (state control, Federal funding) under the command of a state governor. In either status, National Guard members are not subject to the provisions of the Posse Comitatus Act and may engage in activities related to law enforcement if authorized to do so under applicable state law.



In the event of a domestic attack, forces under state command and control and federal forces under Northern Command or Pacific Command's command and control could find themselves operating within a common operating area. Unity of effort requires coordination and cooperation among all forces toward a commonly recognized objective, although they are not part of the same command structure. The Commanders of Northern and Pacific Command, the National Guard Bureau, Army, Air Force, and other relevant DoD components are currently working to refine such unity of effort in the domestic context. Establishing this type of coordinating relationship is also an inherent element of the Northern Command exercise program.

**Counterdrug.** Counterdrug is an area in which DoD, and in particular the National Guard, has longstanding relationships with civil authorities, including U.S. border and law enforcement officials. By statute, DoD is the lead Federal agency for the detection and monitoring of aerial and maritime movement of illegal drugs toward the United States. DoD works with civil authorities to transmit information to enable law enforcement authorities to interdict such trafficking. As stated in the 2003 National Strategy for Combating Terrorism, "breaking the nexus between drugs and terror is a key objective in the war on terrorism." Since 9/11, policy and operational changes in the Department have improved the alignment of resources and efforts where there is a link between terrorism and narcotics trafficking. Additionally, USNORTHCOM is now charged with counterdrug activities in its area of responsibility, including counterdrug support to domestic law enforcement authorities and command of Joint Task Force-6 (JTF-6), headquartered in El Paso, Texas.

Within the Office of the Secretary of Defense, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SO/LIC)) has the overall lead for the Department's counterdrug activities, with assistance from my office on issues with domestic implications. In most of the 55 states and territories, the National Guard supports intelligence analysis efforts of the Drug Enforcement Administration, Federal

Bureau of Investigation (FBI), the DHS Bureau of Customs and Border Protection, and various Federal, state, and local task forces. Since 1989, DoD Active and Reserve Component forces, particularly the National Guard, have provided a wide variety of counterdrug support to drug law enforcement agencies along the southwest border of the United States. Today DoD supports requests from the Department of Justice, the Department of Homeland Security, and the High Intensity Drug Trafficking Areas (HIDTA) Task Force Headquarters for unique military assistance, such as reconnaissance (ground-based, aviation-based, and maritime), logistics, transportation, engineer support along the southwest U.S. border, as well as intelligence programs and training.

**Weapons of Mass Destruction – Civil Support Teams (WMD-CST).** WMD-CSTs represent a specialized homeland security capability based entirely in the National Guard. WMD-CSTs consist of small, highly trained National Guard units that support local, state, and Federal agencies responding to an attack involving WMD. The impetus in establishing WMD-CSTs was to develop a rapidly deployable capability to assist a local incident commander in determining the nature and extent of an attack or incident. If terrorists release biological, chemical or radiological agents, we must have the ability to identify the agents and the ready knowledge of mitigation actions and response units that can assist civil authorities in managing the consequences of an attack.

There are currently 32 WMD-CSTs assigned in 31 states (California has two teams). Ten teams were fielded in 1999. In January 2000, Congress authorized the fielding of seventeen additional teams. Five more teams were added in 2001. Section 1403 of Public Law 107-314 (the National Defense Authorization Act for Fiscal Year 2003) authorized the Secretary of Defense to establish 23 additional WMD-CSTs, for a total of 55 teams, ensuring at least one team is established in each state and territory. Congress appropriated funds for the establishment of 12 of these 23 teams in Fiscal Year 2004.

**Vision for the Future.** At the direction of the President and Secretary Rumsfeld, DoD continues to transform to a more responsive, lethal, and agile force that focuses on capabilities needed rather than threats anticipated. The Global War on Terrorism has accelerated the need for change. As DoD transformation has progressed, it is increasingly evident that capabilities in the Active and Reserve Components must be rebalanced to improve the responsiveness of military forces and to help ease stress on units and individuals with skills in high demand.

As DoD works to rebalance the Active and Reserve Components, we are focusing on having the right force mix and the right kinds of units with the right capabilities in every state and territory. For example, we are looking at taking skills that are now found almost exclusively in Reserve Components and moving them into the Active force, so that we are not completely reliant on the National Guard and Reserves for those needed skills. And in both the Active and Reserve Components, we are moving forces out of low demand specialties, such as heavy artillery, and into high demand capabilities such as military police, civil affairs, and special operations forces. At the same time, the National Guard Bureau has played a significant leadership role in transforming 162 disparate state headquarters organizations into 54 standing joint force headquarters. In addition to streamlining benefits, this initiative also serves to promote needed jointness at the state level.

As rebalancing activities continue, I envision that the National Guard will remain fully “dual use” -- capable of engaging in contingencies at home or abroad. Additionally, National Guard forces must be fully integrated as part of DoD’s developing Homeland Defense Strategy.

**DEPARTMENT OF DEFENSE PARTNERSHIP WITH THE DEPARTMENT OF  
HOMELAND SECURITY**

**Overview.** DoD focuses on and is responsible for homeland defense, which is the protection of United States territory, domestic population, and critical defense infrastructure *against external threats and aggression*. It also includes routine, steady-state activities designed to deter aggressors and to prepare U.S. military forces for action if deterrence fails. DHS, on the other hand, focuses on homeland security, which is defined in the 2002 National Strategy for Homeland Security as “a concerted national effort to prevent *terrorist attacks within* the United States, reduce the vulnerability of the United States to terrorism, and minimize the damage and assist in the recovery from terrorist attacks.”

In simpler terms, the Defense Department provides the military defense of our nation from all attacks that originate from abroad, while DHS protects the nation against, and prepares for, acts of terrorism. DoD is organized and prepared, however, at the direction of the President and the Secretary of Defense, to play a vital role in support of the DHS mission.

As the Secretary of Defense’s principal representative to the DHS, I have worked hard to build upon our excellent working relationships throughout the Department of Homeland Security. We have nearly completed a memorandum of agreement with DHS, under which DoD will continue to provide some 64 detailed personnel to DHS to fill critical specialties, principally in the areas of communications and intelligence. We have also established a 24/7 DoD presence in the DHS Homeland Security Operations Center with direct connectivity back to DoD for rapid response. Additionally, we established planning teams to assist the DHS Interagency Incident Management Group – a group of senior interagency officials focused on incident response. This year, we are further enhancing our partnership with DHS by establishing a DoD advisory and liaison office – called the Homeland Defense Coordination Office – within DHS headquarters.

**Critical Infrastructure and Key Asset Protection.** The Homeland Security Act of 2002 (Public Law 107-296) assigned DHS the responsibility to develop a comprehensive national plan to protect our nation's critical infrastructure and key assets. The National Strategy to Secure Cyberspace (February 2003) and the National Strategy for the Physical Protection of Critical Infrastructure and Key Assets (February 2003), as well as HSPD-7 on Critical Infrastructure Identification, Prioritization, and Protection (December 2003), designate DoD as the sector-specific agency for the Defense Industrial Base sector. This designation recognizes DoD's important role in the protection of critical defense installations and facilities. In this capacity, DoD must work closely with private sector owners of critical defense infrastructure encourage risk management strategies to deter, mitigate, or neutralize terrorist attacks in order to sustain military operations.

In September 2003, the Secretary of Defense assigned me the responsibility for Defense Critical Infrastructure Protection. Since then, we have consolidated Critical Infrastructure Protection (CIP) funding within the Office of the Secretary of Defense into a single program, managed by the newly established Defense Program Office for Mission Assurance. Under my oversight, this office conducts focused research and development using a systems approach for CIP activities supporting DoD missions. We have also taken steps to increase the preparedness of critical defense installations and facilities against chemical, biological, radiological, and nuclear threats. Pentagon efforts are helping to develop DoD-wide installation preparedness standards and requirements, which we will apply at 200 other key installations over the next few years.

**National Incident Management.** Public Law 107-396 (Homeland Security Act of 2002) Section 502 directed DHS to consolidate the existing Federal Government emergency response plans – the Federal Response Plan, U.S. Government Interagency Domestic Terrorism CONOPS Plan, the National Contingency Plan, and the Federal Radiological Emergency Response Plan – into a single, coordinated national response

plan. Homeland Security Presidential Directive 5 designates “the Secretary of Homeland Security is the principal Federal official for domestic incident management.” DoD is fully engaged in the interagency development of the National Response Plan and the National Incident Management System. DoD has also provided planning teams for DHS’ Interagency Incident Management Group.

**Technology Development.** In accordance with Section 1401 of Public Law 107-314, I serve as the “senior official of the Department of Defense to coordinate all Department of Defense efforts to identify, evaluate, deploy, and transfer to Federal, state, and local first responders technology items and equipment in support of homeland security.” In that capacity, I work closely with the DHS Under Secretary for Science and Technology.

Recent examples of technology transfer initiatives include: information-sharing systems; biometrics identification technologies; ground sensors and their application in border security; and unmanned aerial vehicle experimentation. Additionally, new Advanced Concept Technology Demonstration (ACTD) efforts are underway that have the potential to deliver capabilities supporting both DoD missions abroad and DHS missions at home. These include the High Altitude Airship, a prototype untethered platform that could provide wide area surveillance and communications capabilities, and the Air Transportable Cargo screening ACTD, designed to detect explosive threats in pallet cargo loads moving through military transportation systems.

Furthermore, DoD invests nearly \$100 million yearly in the Technical Support Working Group (TSWG), a U.S. national forum that brings together over 85 Federal agencies to identify, prioritize, and coordinate interagency and international research and development requirements for combating terrorism. The TSWG rapidly develops technologies and equipment to meet the high-priority needs of the combating terrorism community. Many of these technologies are also applicable to first responders and other

homeland security missions. In recognition of that synergy, DHS has joined as a partner in the TSWG, and TSWG staff are also members of the Homeland Defense Technology Working Group. Recent examples of TSWG results include specific building design guidelines for protection against blasts; countermeasures to defeat improvised explosive and chemical/biological devices; personal protection equipment; and equipment for military and civilian response teams for chemical incidents.

Another important interagency technology forum is the Combating Terrorism Technology Task Force (CTTTF). Established within a week of the 9/11 attacks, the Task Force is comprised of science and technology senior leaders from all DoD Components, flag-level officers from the Joint Staff and selected Combatant Commands, the Central Intelligence Agency, the Department of Energy, and now the Department of Homeland Security. The CTTTF initially focused on accelerating technologies for homeland defense and the war in Afghanistan. Currently, the CTTTF is identifying and accelerating technology for deployed force protection. Recent examples of CTTTF results include technologies that enable the inspection of cargo in closed containers and the detection of small quantities of explosives. DoD also sponsored a rapid study to determine radiation levels needed to kill anthrax spores -- knowledge that supported the detailed response to the anthrax attacks of 2001.

## **CONCLUSION**

Throughout our history, U.S. military forces – Active Duty, National Guard, and Reserves -- have defended our nation against its enemies on land, at sea, and in the air, adapting continuously to engage threats to our nation.

Today we face a challenge that is equal to or greater than any we have ever faced before. We must cope not only with the threats produced by the proliferation of WMD

and missile technology among nation-states, but also with WMD threats posed by individual terrorists and terrorist organizations with global reach.

Throughout DoD we are transforming, increasing our capabilities for combating terrorism and homeland defense on a daily basis, while continuing a long tradition of support to civil authorities. As has been the case throughout our history, the National Guard and the Reserve are central to meeting these commitments.

Homeland defense and homeland security are featured on Secretary Rumsfeld's top priorities list for this year. To support his priorities, we are developing a comprehensive Homeland Defense Strategy for the 21<sup>st</sup> century. This strategy will support the National Security Strategy, the National Strategy for Homeland Security, and the updated Defense Strategy. It will also provide the framework for pursuing operational capabilities to prepare for tomorrow's challenges.

Mr. Chairman, I commend you and the members of this Committee for your continued interest in and efforts in support of the Department's combating terrorism and homeland defense missions. The citizens of this nation, its institutions, and our brave men and women in uniform have repeatedly demonstrated the patriotism, toughness, innovation, determination, and resiliency to defeat our enemies while retaining our freedoms. There is no doubt in my mind that those capabilities will be tested against this newest enemy threat – nor is there any doubt that we will prevail.