

Statement by

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Introduction

Mr. Chairman and Members of the Committee: I appreciate the opportunity to meet with you on the critical subject of our nation's security.

As the President said, on the eve of the standup of the new Department of Homeland Security, "The world changed on September the 11th, 2001. We learned that a threat that gathers on the other side of the earth can strike our own cities and kill our own citizens. It's an important lesson; one we must never forget. Oceans no longer protect America from the dangers of this world. We're protected by daily vigilance at home. And we will be protected by resolute and decisive action against threats abroad."

"We're tracking down terrorists who hate America, one by one. We're on the hunt. We [have] them on the run. And it's a matter of time before they learn the meaning of American justice. We're opposing terror regimes that are arming with weapons of mass destruction to threaten the peace and freedom of this world. And we're taking unprecedented measures to defend the homeland with the largest reorganization of our government in more than a half a century."

At home and abroad, the Department of Defense is a significant contributor in this national effort to secure our nation and its people.

The Department is prosecuting the war on terrorism abroad. The President understands that a terrorist can attack at any time, at any place, using any conceivable technique. He also understands that it is physically impossible to defend against every conceivable threat in every place, at every time.

To successfully defend against terrorism, and other 21st century threats, requires that we take the war to the enemy. And the task of the Department is to put pressure on

terrorists wherever they are, in Afghanistan, across the globe, to ensure that they have no safe haven, no sanctuary.

With respect to the war abroad, U.S. military forces, when directed by the President, are charged with engaging terrorist forces and the governments or other entities that harbor them. In this effort, the Department works closely with other government agencies, including the departments of State, Treasury, and Justice, and the intelligence community.

At home, all elements of society have a crucial stake in reducing our vulnerability to terrorism; and all have highly valuable roles to play. Protecting our nation requires an unprecedented level of cooperation throughout all levels of government – with private industry and institutions, and with the American people. The federal government has the crucial task of fostering a collaborative environment, and enabling all of these entities to work together to provide the security our nation requires. The new Department of Homeland Security is tasked with the responsibility of leading this national effort to protect our nation against terrorist attacks.

At home, the Department of Defense plays a valuable role in securing our nation as well and the Secretary of Defense has made a public commitment to work closely with the new Department of Homeland Security in order to coordinate our respective responsibilities.

However, before discussing further the Department's role in helping secure our nation and its people at home, it is important to distinguish the differences between homeland security and homeland defense.

Homeland Defense and Homeland Security

As described by the President in the National Strategy for Homeland Security, **homeland security** is defined 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.

On the other hand, the Defense Department defines **homeland defense** as the military 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.

With respect to homeland security, the Defense Department will operate in support of a lead federal agency. While in homeland defense activities, the Defense Department will take the lead and be supported by other federal agencies. In fact, Section 876 of Public Law 107-296, the Homeland Security Act of 2002, recognizes the Department of Defense's lead role in the conduct of traditional military missions by providing that “[n]othing in this Act shall confer upon the Secretary [of Homeland Security] any authority to engage in warfighting, the military defense of the United States, or other military activities, nor shall anything in this Act limit the existing authority of the Department of Defense or the Armed Forces to engage in warfighting, the military defense of the United States, or other military activities.” This section clearly delineates the difference between homeland defense activities and homeland security activities – a precision that will be important to keep in our minds and to articulate clearly to the American public.

The Department of Defense's Role in the Security of the Nation

In his testimony before Congress in May of last year, the Secretary of Defense described three distinct circumstances in which the Department of Defense would be involved in activities within the United States:

The first case was **extraordinary circumstances**, which require the Department to execute its traditional military missions. For example, combat air patrols and maritime defense operations. In these cases the Department plays the lead role and is supported by other Federal agencies. As in the case of combat air patrols where the Federal Aviation Administration provides data to assist the efforts of Air Force fighter pilots in identifying and, if necessary, intercepting suspicious or hostile aircraft.

Also included in the category of extraordinary circumstances are cases in which the President, exercising his Constitutional authority as Commander in Chief, authorizes military action. This inherent Constitutional authority may be used in cases, such as a terrorist attack, where normal measures are insufficient to carry out Federal functions.

The second case was **emergency circumstances** of a catastrophic nature—for example: responding to an attack or assisting in response to forest fires, floods, hurricanes, tornados and so forth, during which the Department may be asked to act quickly to provide or to supply capabilities that other agencies do not have.

Finally, the Secretary noted **temporary circumstances**, where the Department is given missions or assignments that are limited in duration or scope and other agencies have the lead from the outset. An example of this would be security at a special event like the Olympics. Another example is assisting other Federal agencies in developing capabilities to detect chemical/biological threats.

Subsequent to the Secretary's testimony, three significant changes to the Department of Defense have fostered an evolving perspective of our role at home in the security of our nation.

First, the Secretary of Defense, with the approval of the President, changed the Unified Command Plan and stood up, on October 1, 2002, the **U.S. Northern Command**. U.S. Northern Command's mission is to:

- Conduct operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories, and interests within the assigned area of responsibility; and
- As directed by the President or Secretary of Defense, provide military assistance to civil authorities including incidence management operations.

U.S. Northern Command's area of responsibility includes air, land and sea approaches and encompasses the continental United States, Alaska, Canada, Mexico, and the surrounding water out to approximately 500 nautical miles. It also includes the Gulf of Mexico, Puerto Rico and the U.S. Virgin Islands. The defense of Hawaii and our territories and possessions in the Pacific remain the responsibility of U.S. Pacific Command. U.S. Northern Command will additionally be responsible for security cooperation and coordination with Canada and Mexico.

In addition to defending the nation, U.S. Northern Command will provide military assistance to civil authorities in accordance with U.S. laws and as directed by the President or Secretary of Defense. Military assistance is always in support of a lead federal agency, such as the Department of Homeland Security.

Military civil support includes domestic disaster relief operations that occur during fires, hurricanes, floods, and earthquakes. Support also includes counter-drug operations and consequence management assistance, such as would occur after a terrorist event employing a weapon of mass destruction.

Second, the Fiscal Year 2003 National Defense Authorization Act directed the establishment of an “**Assistant Secretary of Defense for Homeland Defense.**” I am honored and thankful to have been nominated by the President and confirmed by the Senate to serve as the first Assistant Secretary of Defense for Homeland Defense.

In accordance with Section 902 of Public Law 107-314, the Bob Stump National Defense Authorization Act of 2003, my principal duty is “the overall supervision of the homeland defense activities of the Department of Defense.” My charge, as given to me by law, by the Secretary of Defense, and by the President is to lead and focus the Department’s activities in homeland defense and homeland security, ensure internal coordination of DoD policy direction, provide guidance to Northern Command for its homeland defense mission and its military activities in support of homeland security, to include support to civil authorities, and to coordinate with the Homeland Security Council (HSC), the National Security Council (NSC), the Department of Homeland Security (DHS), and other government agencies. In layman’s terms, I am responsible for recommending to the Secretary the roadmap and the “rules of the road” for the Defense Department’s future role in securing our nation at home.

Third, the Fiscal Year 2003 National Defense Authorization Act also directed the establishment of an “**Under Secretary of Defense for Intelligence.**”

The Under Secretary of Defense for Intelligence will have the primary responsibilities to assure that the senior leadership of the Department and Combatant

Commanders receive the warning, actionable intelligence and counter-intelligence support needed to pursue the objectives of our new defense strategy.

The Under Secretary will also enhance Defense Department intelligence-related activities, provide a single point of contact for coordination of national and military intelligence activities with the Community Management Staff and strengthen the relationship between the Secretary of Defense and the Director of Central Intelligence. So, in terms of this forum, the new Under Secretary will define and provide oversight for the Defense Department's participation in national Indications and Warning.

The National Guard's Role in the Security of the Nation

One of the critical elements in DoD's contribution to the security of our nation is the National Guard. Since the terrorist attacks of September the 11th, the Defense Department has depended so much on the National Guard that many of our accomplishments at home and abroad would not be possible without them.

In fact, on September 11, 2001, members of the 102nd Fighter Wing, Massachusetts Air National Guard at Otis ANGB, led the first military response to the terrible attack on America. Two F-15 Eagle jets from Otis arrived at the World Trade Center, just minutes after United Airlines Flight 175 sliced into the second tower. While they were unable to alter the course of history on that morning, they stood guard with renewed vigilance. They were the first, but they were not the last.

Clearly, because of where they are located in their relationship to state governments, the National Guard is one of the absolutely critical elements in developing the military's role in responding to attacks on the United States, and that includes response to mass casualty attacks. That is why, of course, that it is no accident that General Eberhart, who is the commander of the new Northern Command has as his chief

of staff a National Guard general. His links into the National Guard are absolutely critical.

The National Guard is quite capable of conducting selected homeland defense missions, such as the Air National Guard's important role in continental air defense. However, the National Guard is also combat ready to conduct overseas military operations and is relied upon by combatant commanders as part of a strategic reserve.

In the past, the National Guard was dual-tasked. In wartime, the nation has expected the Guard to go fulfill its mission overseas; in peacetime, the nation has expected the Guard to be available for domestic emergencies. The terrorist attacks of September the 11th, have now taught us that the National Guard may be called upon to do both at the same time, not by accident but because our nation's enemies may attack us in both places at once.

Consequently, as DoD reviews how best to deal with the challenge of the new security environment, it is mindful of the need to properly balance the application of the total force to: defend the homeland, contribute to the global war on terrorism, meet military commitments abroad, and, if necessary, participate in a major theater war.

In general, the National Guard can support homeland security in several ways. First, the Guard can operate in state service under the direction of the governors. For example, on September 11, the National Guard of New York, New Jersey and Connecticut responded to the attacks on the World Trade Center.

Second, in state service but performing duties of federal interest, in Title 32 status.

Third, in federal service, in Title 10 status, for example when the National Guard is mobilized to serve under the direction of the President or the Secretary of Defense.

The Commander of Northern Command will have authority over the Guard only when it is serving in a Title 10 status. Otherwise, although he can set training and readiness standards for Guard units when they operate in Title 10 status, command authority over the Guard's activities would remain with State governors.

These arrangements have worked well in the past. The challenge today is to translate them into our new security environment. There are many proposals for doing so, and we'll work with the NSC, HSC, DHS, Congress, and the governors to make certain that we have an approach that meets the nation's needs.

The Department of Defense-Department of Homeland Security Relationship

March the 1st marked an historic day for the federal government. Over 170,000 employees from more than 20 different agencies officially became part of the Department of Homeland Security, creating a more effective, organized and united defense of our homeland. The Department of Homeland Security is a vital and important step in reorganizing our government to meet the threats of a new era as we continue the work of securing our nation.

The Secretary of Defense has made a public commitment to work closely with the new Department of Homeland Security in order to coordinate the respective responsibilities. DoD and DHS have complementary missions and capabilities. In general, the Department of Defense is responsible for **homeland defense** missions – to defend the land, maritime, and aerospace approaches from external threats – while the Department of Homeland Security will be responsible for major elements of domestic security and civil preparedness. DoD will also provide military assistance to U.S. civil authorities in accordance with U.S. law, as directed by the President and the Secretary of Defense. For example, such assistance could include support for incidence management operations led by the Department of Homeland Security when authorized by the President

or the Secretary of Defense. There will be an ongoing requirement for U.S. Northern Command to coordinate plans, exercises and training with the operating components of DHS.

As the Assistant Secretary of Defense for Homeland Defense, I will supervise all DoD homeland defense activities, including combatant command capabilities, and will coordinate all requests for assistance and cooperative ventures between the Department of Defense and the Department of Homeland Security.

Conclusion

In conclusion, the departments and agencies charged with U.S. national security share a common goal: to assure the security of American citizens, territory, and sovereignty. DoD and DHS have complementary missions and we welcome DHS as a partner. As always, America's men and women in uniform stand ready to defend the nation at home and abroad.

Thank you, Mr. Chairman.