

**COMMISSION ON  
THE NATIONAL GUARD AND RESERVES**

**HEARING ON  
HOMELAND DEFENSE/HOMELAND SECURITY**

**WEDNESDAY, MAY 3, 2006**

**MORNING SESSION  
9:00 A.M. – 12:00 P.M.**

**NTSB CONFERENCE CENTER  
WASHINGTON, D.C.**

**WITNESSES:**

**SECRETARY GEORGE W. FORESMAN,  
UNDER SECRETARY FOR PREPAREDNESS,  
DEPARTMENT OF HOMELAND SECURITY**

**SECRETARY PAUL MCHALE,  
ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE**

**ADMIRAL TIMOTHY J. KEATING, USN,  
COMMANDER, NORTH AMERICAN AEROSPACE DEFENSE COMMAND  
AND COMMANDER, U.S. NORTHERN COMMAND**

*Transcript by:  
Federal News Service  
Washington, D.C.*

(Sounds gavel.)

ARNOLD L. PUNARO: The commission will come to order. Welcome to our witnesses and welcome to the second set of public hearings of the independent Commission on the National Guard and Reserves.

Our initial hearings in March dealt with a primary focus of our statutory tasking, the current and future roles and missions of the National Guard and Reserve in meeting our national security requirements.

A major finding from those hearings was the view, expounded in congressional, DOD, and outside expert testimony, that the Reserve components are now an operational reserve. And this is no revelation to our major witnesses here this morning; they know that very well. But in terms of the focus of our commission, this is a very important point because it represents a profound shift from the historic role of the Reserves as a strategic force geared primarily for large-scales mobilizations.

And another key finding, and one that we worked very closely with the Department of Defense, and in particular, Major General Tommy Dikes (ph) who I see in the audience here today representing the chairman of the Joint Chiefs, is that the statutes, policies, regulations, directives, practices, and budgets that govern and support the Reserve components have not been changed to reflect that shift. It doesn't mean they should have been changed by now; it takes time for all of these adjustments to be made.

So the two key findings were we have an operational Reserve and we have some major adjustments that we need to make in the general operating procedures and all of the associated statutes, rules, regulations, and budgets to back that up.

But in addition to their role in the long war dealing with multiple threats to the nation, the National Guard and Reserves also have a major responsibility in defending and securing the homeland. In addition, the National Guard has been what some call the go-to force for both state and federal officials, whether fighting fires, preventing looting, providing airport security, or responding to natural or manmade disasters.

The massive destruction that resulted when Hurricane Katrina roared ashore last August and the many questions raised about the handling of that disaster by local, state, and federal officials have refocused attention on the appropriate role of the reserve components generally and the National Guard more specifically in both natural and manmade disasters.

What this role should be, what the role of the Guard and Reserve should be in this area, the statute that created the commission posed that to us as one of our major statutory responsibilities to answer the question: What is the appropriate role of the Guard and

Reserve in the future in the homeland defense and homeland security area? So that is one of the reasons for this hearing here this morning.

Katrina postmortems in the executive branch and Congress and government at all levels, and in the private sector have identified a multitude of lessons learned and potential solutions, some with far-reaching implications for the National Guard and Reserve. And our witnesses here this morning have been an integral part and key participants in all of these initiatives and efforts.

Of particular note, the White House's report entitled "Federal Response to Hurricane Katrina: Lessons Learned Report," released last February, recommended that the National Guard and Reserve should, and I quote from that report, "modify their organization and training to include a priority mission to prepare and deploy in support of Homeland Security," end quote.

The White House report further recommends that, quote, "DOD should consider assigning additional personnel" – parenthesis – "(to include general officers)" – end parenthesis – "from the National Guard and the Reserves of the military services to" the United States Northern Command. Our commander Admiral Keating is here as one of our witnesses this morning assigning members of the National Guard and Reserve to his command additional members "to achieve enhanced integration of active and reserve component forces for Homeland Security issues," end quote.

Similarly, there is a plethora of legislation that has been introduced in the Congress that addresses the issue of the future role of the Guard and Reserve in homeland defense and homeland security. One, for example, would provide a specific National Guard presence at the Joint Chiefs level as well as at the U.S. Northern Command. Other congressional reports have recommended major changes in the Department of Homeland Security, in particular, FEMA.

These recommendations go to the heart of the issues before the commission in today's hearing series. The important relationship between the Department of Homeland Security, the Department of Defense and the state governors, and within the context of that complex relationship, the role of the National Guard and Reserves in fulfilling their mission as an operational reserve – I should note, also a strategic reserve, and as a defender of the homeland in both natural and manmade disasters.

We will be keenly interested this morning in the witnesses testimony in all of these areas. Over the course of the next couple of days, we are going to hear from four panels – well, actually we're going to hear from three panels of witnesses and then our last panel in this area, the governors, will be in June.

First, this morning, our witnesses are representatives from the Department of Defense, the Department of Homeland Security, and the U.S. Northern Command. This afternoon we will receive testimony from the National Guard Bureau, the Coast Guard, and the Adjutants General Association.

Tomorrow morning we have a panel of subject matter experts with broad experience in homeland security and homeland defense issues including former secretary of the army, Jack Marsh, also a guardsman and a reservist, former head of the RFPB, that actually has spent the last couple of years focusing specifically on these issues, and the statutes, the laws, the rules and regulations, as well as several other outside experts in this area.

And as I mentioned, our final panel, composed of governors with particular expertise in the issues before the commission, is scheduled for June following the completion of state legislative sessions. We look forward to their testimony at our hearing on June 15<sup>th</sup>. I would say for the benefit our witnesses here this morning, we have actually had a very constructive dialogue with the governors. We have heard a lot from the governors already, and we look forward to their formal testimony.

This morning we welcome the Department of Defense Undersecretary for Preparedness George W. Foresman, who will be here shortly – we are going to kind of proceed and he can pick up when he gets here – Assistant Secretary for Defense for Homeland Defense Paul McHale, and the Commander, U.S. Northern Command – U.S. Northern Command Admiral Timothy Keating.

I would say that our witnesses this morning bring tremendous experience and expertise in this area both from an operational standpoint from their previous jobs. They have also – at least two of the three went through the baptism of fire of the hurricane last year, and all three –

Secretary Foresman came on board a couple of months after the hurricane. He is the first undersecretary of preparedness at DHS, but he is an emergency preparedness expert, was a member of the Gilmore Commission that looked at this area, in my judgment a commission that was very reaching in its recommendations and farsighted.

Admiral Keating has been an operator his entire career and now he is in charge of one of the most important if not, in my judgment, the most important combatant command we have in our Department of Defense today with all due deference to some of our other – I'm in trouble now with General Jones at the EUCOM Command, but I will tell you that in the area we are focused on, there is no more important command not only now, but it will be increasingly important in the future as the Northern Command.

Secretary McHale is a warrior as well. He knows firsthand not only from the combatant side as a Marine reservist but also the domestic preparedness as the regimental commander of the 24<sup>th</sup> Marines and the assistant division commander of the 20 – of the fourth Marine division. His forces have had to respond, you know, to domestic situations so he knows that as well. It is the first senior defense official to exclusively have this portfolio and is also – I guess you would call it an incident commander or the secretary of Defense's representative in all of these complex issues, and has been very heavily involved in all of the lessons learned and going forward.

So we have with us today three witnesses with tremendous experience and expertise in these areas. And I know we will benefit greatly from their testimony as well as their Qs and As.

And with that, Admiral Keating, if it is okay with you, why don't we start with you here this morning and then when Secretary Foresman gets here, if he is here before Admiral Keating finishes, we will go to him and then go to you last, Secretary McHale. Admiral Keating?

TIMOTHY J. KEATING: Thank you, Mr. Chairman. It is a pleasure to appear before you this morning, and I'm grateful for the opportunity.

I'm proud to represent the men and women of the United States Northern Command and NORAD, 1,500-some strong, each of whom are dedicated to defending the United States and Canada against all threats. I'm privileged to be part of this total-force team that includes members from all five services, including the Coast Guard, the National Guard, Reserves, Department of Defense, civilians, and numerous federal, state, and local agencies.

Nearly 150 members of the National Guard and Reserves are assigned to U.S. Northern Command fulltime to include five general officers. Day to day we are focused on deterring, preventing, and defeating attacks against our homeland. We also stand ready to assist primary lead agencies in responding quickly to manmade and natural disasters when we are directed to do so by the president of the secretary of Defense.

We maintain in our headquarters – good morning, sir – situational awareness through NORAD NORTHCOM command center every minute of every day, 24-7, 365. We are networked with our subordinate commands and other government agencies, and are prepared to bring all necessary capabilities to bear as quickly as we can in a crisis. To ensure connectivity of the National Guard Bureau's Joint Operations Center, we have a fulltime National Guard watch position in our command center in Colorado Springs.

In addition, the National Guard Bureau participates in our commander's situational awareness meetings biweekly, twice weekly – I'm sorry – to provide deployment and mission updates for the National Guard perspective. On the land, the United States Northern Command postures and positions forces to deter and prevent attacks. We maintain quick response, rapid response, and consequence management forces at appropriate alert levels throughout the country to meet all potential threats.

Now, when the president so directs, U.S. Northern Command will exercise operational control of the ground-based midcourse defense system and the attendant forces. Both the Colorado Army National Guard, and Alaska Army National Guard are integral parts of our nation's defense against intercontinental ballistic missile threats.

The 100<sup>th</sup> missile defense brigade at Schriever Air Force in Colorado and the 48<sup>th</sup> missile defense battalion at Fort Greely in Alaska will be under operational control of the United States Northern Command when the president gives us limited defensive operational capability, and from our headquarters we will protect the homeland and long-range ballistic threat missiles using the interceptors at Fort Greely and in Vandenberg Air Force Base in California.

Our homeland is protected from air threats primarily by North American Aerospace Defense Command, a U.S.-Canadian bi-national command. Across the United States and Canada, armed fighters are on alert 24 hours a day, seven days a week, and frequently fly to identify and intercept suspect aircraft. Many of our alerts sites are air national guard bases. For air defense mission, air national guard fighter units employ instantaneous Title 10 orders, allowing individuals to volunteer with consent of their governor, their commander in chief, to be federalized for specific missions prior to execution. Since the start of operation Noble Eagle, air national guardsmen and reservists have flown 70 percent of our nation's air defense sorties.

The seat of our national government is protected by the National Capital Region Integrated Air Defense System, which integrates radar, irregular, air patrols, surface launch missiles, and control centers. The system is operated by National Guard forces in Title 10 status made available to NORAD for employment.

Now, if the intelligence indicates a credible threat in the maritime domain, we positioned the United States Navy and the United States Coast Guard assets, based on a sophisticated tiered response system to support a comprehensive and active layer of defense that uses all elements of national power to defend our homeland. This can include air and surface assets assigned to the United States Northern Command from any service to include the Navy Reserves and United States Coast Guard Capabilities as well.

To best serve Americans in their time of need, we actively coordinate with other federal agencies developing stronger working relationships with state, regional, and local partners. We support civil authorities by providing specialized skills and assets to save lives, reduce suffering, and restore infrastructure in the wake of catastrophic events. All Department of Defense support is provided at the direction of the president or the secretary of Defense, and is in accordance with the national response plan and all applicable laws.

In 2005, we supported the Department of Homeland Security in responding to four hurricanes including our response to Hurricane Katrina as the chairman mentioned. In the past few months we have taken significant steps to enhance our ability to respond even better to catastrophic events.

Several examples: In February at our headquarters in Colorado Springs, we hosted a hurricane preparation conference which afforded 10 adjutants general from the Gulf Coast region and the United States Northern Command senior leadership the opportunity to prepare for the 2006 hurricane season. The United States Northern

Command initiated collaborative planning and preparation events from the adjutants general from the hurricane states.

We are currently integrating active duty colonels as defense coordinating officers into each of the 10 FEMA regions. In addition, this past February, we participated in the meetings of the National Governor's Association and the Adjutants General Association of the United States. These face-to-face meetings provide a forum for us and state leaders to discuss challenges and responsibilities and certainly enhanced our domestic coalition.

We have also worked with the National Guard Bureau on ways to improve communications and situational awareness. Initiatives we have undertaken include formalizing events, or efforts, pardon me, to achieve interoperability, collaboration, and information sharing with the National Guard via a "Concept for Joint Command, Control, Communications and Computers," a formal document outlining this policy which we signed in November of last year.

By establishing a strategic advisory board with the National Guard to expedite policies, procedures, and solutions to achieve fully capable communications and information sharing; by deploying the United States Northern Command mobile training teams, over 87 such visits to demonstrate the use of collaborative tools in information sharing process to the staff of the National Guard Bureaus' Joint Operation Center and a large number of joint headquarters states, over 25; working with the Federal Emergency Management Agency and the National Guard Bureau to develop common datasets to allow everyone to speak the same language in referring to events or requesting assistance; and finally by coordinating with the United States Coast Guard and the National Guard Bureau on a joint search and rescue center for a large scale coordinated operations in the event of a disaster.

The National Guard Bureau and Reserve forces are key players in the development of our homeland defense and civil support plans. These plans are the foundation of our ability to deter, prevent, and defeat threats to our nation and to assist civil authorities when we are called upon by the president or the secretary of Defense. We are unaware of any gaps in our plans where our ability to accomplish our mission is at risk due to shortfalls in reserve component capability.

Planning is not the only area where National Guard and Reserve forces are fully integrated in the Northern Command Structure. Those forces are also a critical component of all of our exercises including all phases of planning execution, data collection, and lessons learned.

Each year, the United States Northern Command and NORAD sponsor five large-scale exercises and over 30 smaller exercises. These exercise scenarios have simulated a wide range of homeland defense and civil support challenges to include threats from all domains, missile defense, consequence management operations, nuclear counter-proliferation, protection of critical infrastructure, maritime interception operations, bio-

terrorist attacks, other weapons of mass destruction attacks, and of course natural disasters.

We also integrate into our training and exercises potential disaster scenarios such as pandemic influenza, where the Reserve components would certainly contribute in a large way to Northern Command's mission execution. To date, over 150 federal, state, local, and multinational agencies, and non-governmental organizations have participated in our exercises. In everything we do, planning, exercising, conducting real-world operations, we continuously hone our ability to support civil authorities in responding to natural disasters while never losing focus of our primary mission, defending our homeland.

Our experience has demonstrated we have the capabilities and authorities required to meet emerging homeland defense challenges and civil support crises. We continue to look for ways to improve our planning, exercises and operations with the reserve components to best protect the American people and our way of life.

I am grateful for the opportunity to speak, to appear before you this morning, and we thank you for the important work you are doing to help shape the Department of Defense's future total force. I look forward to your questions, Mr. Chairman.

MR. PUNARO: Thank you, Admiral Keating. That is a very important and informative initial piece of testimony, and we look forward to continuing to work with you, and we appreciate the tremendous cooperation that we have been getting from the Northern Command and all of your colleagues there as the commission is doing its initial work.

Our next witness is the undersecretary for preparedness at the Department of Homeland Security. And I should note, a plank owner, a plank holder in this, the nautical term for me and to Secretary McHale, and Admiral Keating, because he is the first one to serve in that job. And he comes to this job, as I mentioned when he was en route here, as a true operator and professional and emergency preparedness most of his adult life. He has worked in that field at the state and many other levels.

And I also mentioned, Secretary Foresman, that I remember the Gilmore Commission Report, which was a far-reaching report that was very forward looking and has helped our government at all levels prepare, and he was intimately associated with that. So I think they got a perfect person in this very important new job. And don't take any implication from the fact that you're surrounded on your left flank and your right flank by the Department of Defense witnesses; that just happened to be the way it came out. So we look forward to your testimony this morning.

SECRETARY GEORGE W. FORESMAN: Well, Mr. Chairman, thank you.

And first let me express my utmost apologies. As the nation's first undersecretary of preparedness, obviously our operational plan went out the window when we hit the



traffic on the Dulles toll road this morning. But I would offer to you that I am extremely pleased to be able to be between Admiral Keating and Secretary McHale. Interestingly enough, I have spent more time with them over the last several months than I have with my own family. So clearly we have got a very strong and robust partnership.

I very much appreciate the opportunity to appear before you today to provide my perspective on national preparedness and the role of the National Guard and the Reserves in keeping America safe and secure. They are absolutely critical partners to the Department of Homeland Security as we are moving through this national experiment in the post-9/11 era.

I would like to begin by acknowledging the good work of this commission in facilitating a very important and frankly a very long overdue discussion about how to best use our military Reserve and Guard units in security our homeland. Whether it's securing our borders in critical infrastructure or assisting civilian agencies to respond to emergencies and disasters, the men and women of our National Guard and Reserves are integral components in managing the 21<sup>st</sup> century risks that threaten America's homeland security.

The National Guard clearly has a long history of assisting with response and recovery operations, and as a nation we have been fortunate to benefit from the experience and the expertise. Since the Department of Homeland Security was created a little more than three years ago, we have collaborated closely with the Department of Defense on many issues relating to both the homeland defense mission of the DOD, and equally important the homeland security mission of DHS.

Under the leadership of Secretary Rumsfeld, Secretary Chertoff, Secretary McHale, and Admiral Keating, our partnership is stronger than ever before. In just the past several years, DHS and DOD have partnered for countless exercises, training activities and real-life missions. Domestically these have included operations at the Democratic and Republican National Conventions, the G-8 summit, and the presidential inauguration.

The National Guard's response to our nation's most recent significant emergencies and disasters has truly been exceptional. Within hours of the attacks on the World Trade Center, 1,500 New York National Guard troops reported for duty. Less than 24 hours after the attacks, over 8,000 New York National Guard soldiers and airmen and women were on active duty supporting New York State security needs.

These troops, like others across the country, provide a needed calming presence on the streets during unsettled times for this country. They provided New York's first responders who were engaged in a very critical response and recovery operation with critical perimeter security support, refueling for civilian emergency vehicles, emergency lighting, power generation, communications, emergency transportation, engineering, assets, and a variety of other logistical support missions.

Most recently, in the wake of Hurricane Katrina, the National Guard provided an extraordinary response in one of the most severe and difficult situations in recent American history. Covering an area of roughly the size of 90,000 square miles, roughly equivalent to the size of Great Britain, Katrina left a vital thriving region in desolation and ruin. Under dangerous and threatening conditions, many put – many National Guardsmen put their lives at risk to save those who were stranded on rooftops, clinging to trees, or lost among the debris. All told, more than 49,000 people were rescued and 100,000 more were safely evacuated.

Much of this was made possible by the support of the National Guard not only in Louisiana but from adjacent states. Within 96 hours, the Guard amassed 30,000 troops to respond to Katrina. More than 48,000 Guard troops supported response and recovery efforts in the Gulf before it was all over providing search and rescue, water, food, medicine, as well as removing tons of debris and aiding in the restoration of critical infrastructure.

I applaud the tremendous effort and the enormous personal sacrifice of the men and women of the National Guard and the Reserves and the active who responded to Hurricane Katrina. Their efforts truly did bring calm and stability to a region that was badly needed in the aftermath of that storm. The adversity in the face of disaster was admirable, and I will tell you personally from my discussion with many, many officials at the state and local level, the sight of soldiers and airmen, whether they be National Guard, Reserve, or active, were a very welcome sight on the heels of Hurricane Katrina.

While the Guard, Reserve, and the active were incredibly successful in meeting its mission, it is clear that other aspects of the Katrina response were not as successful as they should have been. Our country was not nearly as prepared as it should have been. President Bush, Secretary Chertoff, and the rest of the federal interagency are absolutely committed to enhancing our national preparedness efforts as we approach the next hurricane season. Admiral Keating outlined a number of the initiatives that are currently underway.

From my experience as a state homeland security official, and now as the DHS undersecretary for preparedness, and responsible for the integration synchronization of national preparedness, I would like to pose five key questions that we must explore as we look at how we are going to use the military domestically in accomplishing both our homeland defense and our homeland security missions in the future.

First, is there a clear authoritative distinction between homeland defense mission of DOD, and the homeland security mission of DHS? Simply put, they are similar terms with different meanings, and frankly they have different meanings to different folks. We do not have a clear shared understanding of what we mean when we say homeland security, and we do not have a clear shared understanding of what we say, of what we mean when we say homeland defense.

And we must also ask ourselves do both missions have defined doctrines that delineate their individual goals. One side comment that I will offer in nearly three months on the job here at the Department of Homeland Security: I will acknowledge it is a very young department, and we are in the midst of a very unique experiment in the context of America's history.

The creation of the Department of Homeland Security, the amalgamation of 180,000 federal employees from 22 separate federal agencies remains a work in progress. But as we underscore our efforts to enhance the nation's preparedness, the one thing that we truly understand is that we have got to have shared doctrine, shared values, and a common shared set of terminology. This is a critical issue that we are wrestling with, that Secretary McHale, Admiral Keating, and others work with this daily on, but simply put, we have got a wide variance of understanding about what the mission ahead represents.

The question that I would pose is, is the National Guard adequately resourced and structured for three key missions? These include the traditional mission of disaster response, military support to aid civil authorities during times of crisis, something the National Guard and the Reserves, and the active, frankly, have done exceptionally well over the history of this country.

But secondly, are they are adequately resourced to protect the homeland, to guard critical infrastructure, whether we are talking about ports, pipelines, or airports, do we have the right equipment, the right training, the right skill sets for the Guard and the Reserves to be able to perform that mission in the context of a domestic environment?

And, thirdly, the traditional role of augmenting the active service in times of war – clearly we all understand that the National Guard and the Reserves have multiple missions and multiple responsibilities, but in the post-9/11 environment, as we are going through this unique introspection within the Department of Homeland Security and this national preparedness effort, clearly we have to make sure that we have a shared doctrine of where we need to go and what we need to do.

The third question that we would pose is, are the current structures and legal authorities right? Do they allow the National Guard to operate in a dual role with active troops for disaster response while preserving inherent state identities? I am especially attuned to this having worked for governors for the vast majority of my professional life.

Conversely, should there be greater flexibility to perform federal types of mission while under state control such as border security? This is a major issue that the Department of Homeland Security is confronted with today. Border security is inherently a federal responsibility, but clearly we need the resources of state government and local government to be able to accomplish a viable process for securing the homeland and securing our borders.

What flexibility do we have and what flexibility should we have for governors in accomplishing that support mission with the federal government to be able to utilize the National Guard as appropriate?

Fourthly, are we consulting with state leaders in our processes of strengthening the National Guard? In many instances, dialogue occurs through intermediaries whose position may or may not be clouded by one or more opinion. This was an issue, as the chairman mentioned, as we went through the Gilmore Commission. We have got to more actively, directly, and forthrightly engage the nation's governors in determining what the future of the Guard is.

Clearly the nation's governors may sometimes have opinions that differ from the nation's adjutants general. That is the nature of a democracy. But at the end of the day, the nation's governors ultimately have responsibility and accountability to the people in their states. This is a very painful lesson that the Department of Homeland Security continues to learn on a daily basis. We reach out to a wide range of stakeholders at the state and local level, but ultimately the last word, the last opinion that we have to consider from states as we construct the national approach to preparedness is that of the governors.

And finally, fifth, are we creating an environment that encourages the men and women to join the National Guard given the combined war fighting, homeland defense, homeland security, and disaster response missions? At the end of the day, as we look at our planning processes for increasing the nation's preparedness, we have to understand that it is a divided effort, and when I say divided, I mean it in the context of federal, state, and local; I mean it in the context of civilian and military, and in the context of the military I mean it in the context of the Guard, the Reserves, and the active.

And what we intuitively understand is we are only as strong as our weakest link. We understand the unique responsibilities and unique impact that has been placed on the Guard and the Reserve in supporting the active-duty military with all of our domestic missions and our overseas missions. And at the end of the day as we look at America's preparedness, we have to be assured that we are going to have a full compliment of National Guardsmen in our states to support our communities during times of crisis. And we understand the wide range of impacts that they are confronted with today with these multiple dual missions. And many of these things are very much interdependent and interrelated.

Mr. Chairman and members of the commission, let me close by acknowledging that there is no doubt that the National Guard is a critical element in the nation's total homeland security force, and this is especially true for state homeland security posture. As we have seen in the past, the National Guard can provide needed equipment and personnel for domestic emergency response in a very timely, effective, and efficient manner. However, there must be a strong agreement between state and federal leadership as to the operational objectives during emergency operations.

We must recognize that in today's homeland security environment characterized by asymmetrical threats such as hurricanes, earthquakes, and other natural disasters, as well as the continuing and ever present threat of terrorism, the National Guard must be capable of responding to and supporting states when called upon by their governors or by federal authorities. We must operate in an integrated and synchronized approach, and one that will enhance, truly enhance our national preparedness.

We look forward to continuing dialogue with you, Mr. Chairman, with the members of the commission, as you all go through this important process. As I said, you're on the precipice of a very immature experiment in the history of this nation. I think this commission has been created at a very essential time in this effort. What we are trying to do inside the Department of Homeland Security, what DOD is doing, what we are doing with the entire federal interagency, our state, local, and private sector partners all hinges upon making sure that we link together the currently independent into an interdependent approach.

I think you all can contribute measurably to the nation's preparedness by helping to articulate a set of recommendations that will ensure Guard, the Reserves, and the actives are an integral part, but not the only part of how we prepare for and respond to emergencies and disasters. Thank you.

MR. PUNARO: Thank you, Secretary Foresman, and appreciate, again, the department's great cooperation with our commission, and look forward to working closely with you. I appreciate particularly the way you framed those five questions. Although we were focused on them, I think you have given us a little clearer way of parsing them. And I know, for example, your question number three on the legal authorities – I am going to ask your colleague from the Gilmore Commission, Secretary Jack Marsh tomorrow morning. Les and I will – Secretary Brownlee and I will probably pepper him a little bit because he spent the last two years really studying and thinking about those issues.

And I would also want to underscore a point because all three of these gentlemen are plank holders in organizations that are infant organizations. When you look at government institutions, a lot of people don't realize, as Secretary Foresman said, it takes a long time for government bureaucracies to basically implement changes in statutes that are pretty fundamental. But when Congress created and passed the Goldwater-Nichols law in 1986, it took 10 years for the Department of Defense to fully make the changes that has gotten our military, particularly our combatant commanders where they are today.

Secretary McHale also heads up a brand-new office, and certainly the Department of Homeland Security is brand new. So people have to recognize – they expect instant results, but that is just not the way it works, and it's never going to work, and it hasn't worked that way even in an institution like the Department of Defense that hits them out of the ballpark each and every day. So we on the commission fully appreciate that. I know people are impatient and have a reason to be impatient, and that isn't going to help

you come 1 June what I just said or what you just said, so we'll ask you about that in a minute.

But next, thank you, and we'll turn Secretary McHale.

PAUL MCHALE: Mr. Chairman, I have already submitted my formal statement for the record, so if I may, sir, with your consent and in the interest of moving quickly to questions from the commissioners, I'll simply present a summary of my opening statement at this point

MR. PUNARO: Without objection.

MR. MCHALE: Chairman Punaro and distinguished members of the commission, thank you for the opportunity to address you today on the important role of the National Guard and Reserves in the security of our nation and the response to domestic contingencies.

As you know, the National Guard and the Reserves are fully integrated into our war-fighting capability and are essential to fighting major contingencies. They have proven critical in the war on terror both abroad and here at home and will remain so in the future.

To fulfill its mission, the Department of Defense employs a total-force approach to ensure the right forces with the right capabilities are assigned to the right operations. The National Guard and the Reserves comprise almost half of the total force and are vital to America's total-force defense at home and abroad

"The Strategy for Homeland Defense and Civil Support," which was published last June reflects this total-force approach to homeland defense and domestic civil support missions by incorporating the capabilities, the training, and the equipment of active duty, National Guard, and Reserve forces.

As set forth in "The Strategy for the Homeland Defense and Civil Support," our Department's strategic goal for homeland defense is straightforward and preeminent, and that is to secure the United States from direct attack. And we will accomplish this goal with a focused reliance on the reserve components. Specifically, the strategy states, and I'm quoting, "Homeland defense and civil support are total-force responsibilities. However the nation needs to focus particular attention on better using the competencies of National Guard and Reserve component organizations," end of quote.

The National Guard, which is forward deployed in 3,200 communities throughout the nation, provides an operational force for military missions both at home and abroad. National Guard forces can answer short-notice calls by the president, the secretary of Defense, or state governors, and are a key force for both homeland defense and civil support.

Let me first focus on the air domain. To defend the nation's airspace, the North American Aerospace Defense Command, NORAD, commanded by my friend and colleague, Admiral Keating, has aircraft on alert throughout the United States based on a tiered response system.

As noted by Admiral Keating in his earlier testimony, since the start of Operational Noble Eagle, Air National Guardsmen and Reservists have flown 71 percent of the nation's air defense sorties. In the maritime domain, the Navy Reserve augments the active-duty navy in its execution of DOD's maritime homeland defense mission. In the future, as noted in "The Strategy for Homeland Defense and Civil Support," the Navy Reserve could augment the active-duty Navy and the Coast Guard for intelligence and surveillance, critical infrastructure protection, port security, and maritime intercept operations.

In the land domain, reserve forces, including the National Guard, Army Reserve, and Marine Corps Reserve, are also capable of serving in homeland defense reaction force roles. In fact, in the 2005 National Defense Authorization Act, in what I personally believe was a historic change in the law, Congress authorized the secretary of Defense to provide funds to the governor of a state for the use of the National Guard in a Title 32 status for approved homeland defense activities.

Prior to that change in the law, Title 32 for the National Guard was essentially a training status in anticipation of active-duty Title 10 missions. With that change in the law, under command control of the governor, but at DOD expense, the National Guard in Title 32 status may be employed operationally for homeland Defense missions to include critical infrastructure protection. This new authority recognizes both the global nature of the current war and the special contributions and capabilities of the National Guard.

The reserve components also play a significant role in all-hazards consequence management. For instance, in the mid-1970s, DOD established the Emergency Preparedness Liaison Officer Program, which provides for liaisons to federal military, for the federal military in each state and in each of the 10 FEMA regions. Of the 450 EPLOs, that total consists of officers from the Army, Navy, and Air Force Reserves. The National Guard maintains a dominant role in all-hazards consequence management.

A Joint Force Headquarters State has been established in each state, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands to provide command and control links for all National Guard forces. In addition, when appropriate, a JTF state, again, formed from the Guard, can be created to augment and reinforce the commanding control capabilities of the Joint Force Headquarters State.

WMD-CSTs, civil support teams, again, drawn from the National Guard, provide support to civil authorities with regard to chemical, biological, radiological, nuclear, and explosive incidents by identifying CBRNE (sp) agents, assessing current and projected consequences, advising on response measures, and assisting with appropriate requests for additional support.

If our nation were to experience a terrorist attack involving a weapon of mass destruction, a chemical, biological, radiological, nuclear, or high explosive capability, it is very likely that the first military forces to respond to that incident would be National Guardsmen, drawn from the currently certified civil support teams that exist within 36 jurisdictions, two in the State of California. By 2007 there will be a CST, a total of 55 throughout the entire United States so that every state, territory and district will have at least one civil support team for this important, I would argue preeminent, immediate response capability.

In addition, initially established with one in each of the 10 FEMA regions, there are currently 12 validated CERFPs modeled – I’m tempted to say General Punaro instead of Chairman Punaro – modeled on the Marine Corps Chemical Biological Incident Response Force. General Blum, who will be appearing before you later, realized that while on CERFP is good, the nation demands better. And so he has now created within the National Guard, CERFP capabilities, a total of 17 now authorized by the Congress that will replicate within the reserve component the training, equipment, and operational standards originally established to guide the Marines Corps’ active duty Chemical Biological Incident Response Force.

CERFPs provide a capability for searching an incident site, including damaged buildings, rescuing casualties trapped in the rubble, decontaminating them, and performing medical triage and initial treatment to stabilize them for transport to a medical facility. Let me speak very briefly about the contributions to Hurricane Katrina. Let me take just a moment to talk about the DOD response to Hurricane Katrina.

The DOD response to Hurricane Katrina was the largest, fastest, civil support mission in the history of the United States. Between August 29<sup>th</sup> and September 10<sup>th</sup>, we deployed approximately 72,000 men and women in military uniform. Notably, of that total of 72,000, 50,000 military men and women in that response were drawn from the reserve component with the overwhelming majority of that force coming from the National Guard.

The Department of Defense planned for and employed a balanced active, Reserve, and National Guard capability in responding to Hurricane Katrina. In contrast to Hurricane Andrew in 1992, in which Guard forces constituted 24 percent of the military response, National Guard forces represented more than 70 percent of the military force that was deployed in response to Hurricane Katrina.

Further, National Guard WMD-CSTs, the type I described a moment ago, from 14 states deployed to provide state-of-the-art communications capabilities in support of local authorities. The president subsequently ordered a comprehensive review of the federal response to Hurricane Katrina. This review resulted in the publication of the “Federal Response to Hurricane Katrina: Lessons Learned.”



Regarding DOD, that review stated, and I quote, “The federal response to Hurricane Katrina demonstrates that the Department of Defense has the capability to play a critical role in the nation’s response to catastrophic events. During the Katrina response, DOD, both National Guard and active-duty forces, demonstrated that along with the Coast Guard it was one of the only federal departments that possessed real operational capabilities to translate presidential decisions into prompt, effective action on the ground.” The White House recommendations correlate well with our internal lessons-learned effort. We have already begun to implement improvements.

If, I may, let me now introduce a topic that frankly I believe is the central element of the testimony that I present to you this morning. In the future, integrated planning can be enhanced by anticipating incidents and their operational requirements, as well as by training and exercising for the 15 national planning scenarios developed by Secretary Foresman Department of Homeland Security.

DOD is considering potential measures to improve the integration both between federal and state military forces and between military forces and federal, state, and local civilian responders. This integration of planning before a crisis is essential to an effective operational response when a crisis actually occurs.

One preliminary concept to improve federal, state, local, and military integration of planning is I believe the consideration we create in every state, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands, a Military/Civilian Task Force for Emergency Response, a MCTFER. The MCTFER is intended to be an integrated state-level emergency planning and coordination element led by a state adjutant general.

Civilian elements of the MCTFER would be integrated into the planning effort under the direction and at the invitation of the governor. Within the MCTFER structure, a Defense Coordinating Officer under the command of Admiral Keating would represent DOD through the combatant commander at NORTHCOM, and, assisted by EPLOs, would work with the appointed Federal Coordinating Officer from the Department of Homeland Security, from FEMA to coordinate DOD relief efforts in a disaster area.

Again, this would be a function performed and in fact completed as a planning effort before a crisis so that a response to a crisis would not be ad hoc. We don’t want to engage in crisis action planning when we can anticipate those requirements through deliberate staff planning in a pre-crisis environment.

A MCTFER in every state would provide a formal mechanism for insuring maximum pre-incident planning and coordination. To this end, I have directed my staff to develop a concept of operations for the establishment of a MCTFER within each of the 50 states, the Commonwealth of Puerto Rico, the District of Columbia, Guam and the Virgin Islands, which we will in the future submit for coordination within our own department, throughout the interagency most especially in coordination with DHS to seek

DHS concurrence, if that can be obtained, and for ultimate consideration by the secretary of Defense.

The total force is an operational imperative to meet the mission needs of the post-9/11 world. Our military, active National Guard and Reserve, must be ready to simultaneously fight our wars, defend our nation, and respond to disasters domestically, such as Hurricane Katrina. The reserve components must be ready when our nation calls. Failure is not an option.

MR. PUNARO: Thank you, Secretary McHale, for your encouraging testimony here this morning and also for your leadership in this area. And I'm particularly taken by this concept you just introduced on the Onslow County MCTFER because it gets to the heart of what the commission has been learning about and focusing on, which is – and both of the other two witness indicated in their testimony – the need to pre-plan, pre-coordinate, work in an integrated fashion – get all elements together at one time and think through these things, and you're kind of giving us an example of something that happens to be working at the state level.

And it sounds like it has also has the potential to balance some of these difficult equities that Secretary Foresman knows first-hand from his state of Virginia experience, as he indicated when we heard directly from the governors. They understand the word commander in chief. When they use it, they mean themselves, and they're the boss of their state, and don't you in the federal government come to my state. So it sounds like there's some real potential here and we look forward to exploring that with you and with Admiral Keating because the Northern Command would have to be an essential element or glue of that, and of course, obviously it has got to be closely tied into and working as part of the overall Federal Response Plan. So it sounds to me like you've got something there that has got a tremendous potential, so we appreciate hearing about that. And with that, I thank all three witnesses again for their testimony and leadership.

Let me start with the first question, which gets kind of to the heart of the future role of the Guard and Reserve in all these areas, and that role will be potentially tested here in the upcoming weather season that officially starts on 1 June. And Secretary McHale and Admiral Keating, I mean, you were in place as part of the planning for last year's hurricane season, and you were in place going through the hurricane season, particularly Katrina and Rita. Secretary Foresman, you came on board a couple of months in the aftermath but you've been an integral part of all the kind of reviews, lessons learned. I know the three of you have probably had to testify more times than you'd like to have before Congress and other bodies looking at this because frankly everybody – I know the three of you come to work every day figuring out how do we do the right thing for the country and get things in apple pie order. And you've been through hurricanes in Virginia so you know it from that standpoint.

So I guess my question to all three of you is basically then, what's going to be different? In other words, what's going to be different on 1 June than it was last 1 June? Particularly, what's going to be different if we have natural disasters of the magnitude we

saw last year, particularly as it relates to the Guard and Reserve, but also in terms of – all three of you have addressed this very difficult issue of state control versus federal control – and what’s going to be different in terms of the process or the mechanism or the way the federal government sorts out who’s really in charge. And at what point, you know, does the federal commander in chief overrule the state commander in chief and sort all that out.

So, it’s not an easy question to answer. But I mean, the heart of the questions is, okay, what’s different this year as opposed to last year? And Secretary Foresman, why don’t we start with you?

MR. FORESMAN: Thank you, Mr. Chairman. Two points that I want to make to preface the comments. One, we should recognize that there were some tremendous successes in the response to Hurricane Katrina as well as Hurricane Rita, and that when we talk about the necessity of integrated planning and forward-looking planning, we should not take into any assumption that there are a plethora of local communities and state governments that don’t have good viable plans in place. And I just want to underscore that it wasn’t the absence of good plans, it wasn’t the absence of good training; it was probably not the level of planning and training that was needed for the particular scope of the event.

I think critical to the upcoming hurricane season is something that Secretary McHale touched on. I’ve been in this business nearly a quarter of a century, and the one thing that I clearly understand is, when I started in local government and then state government back in the 1980s, we were all planning to a different standard. Local government didn’t have any real guidance that we were using to do the development of local emergency operations plans. State government had limited federal guidance. The federal government was calling for all-hazards planning; yet they were doing individual hazard-specific planning. But for the first time, we have consolidated, coordinated and universally adopted planning guidance and doctrine that we’re trying to achieve. And the national preparedness goal, the scenarios, the universal task lists – all of these things are guiding the planning that is going on across the federal interagency with our state and local partners.

And so what I would offer to you is what is dramatically different this hurricane season. And one can argue that it was different last hurricane season, but it was so new that it had not been embraced, socialized, and universally known by all of those that were involved -- is that we all have a clear understanding of what our common destination in terms of our level of readiness is. That is absolutely essential to our success over the longer term.

The second thing that I think is going to be different this year is there is a great appreciation and understanding of the National Response Plan. The National Response Plan was a relatively new plan that had been published in advance of Hurricane Katrina and frankly, I don’t know – and I talk about this on a regular basis – whether the plan was at fault or whether our lack of understanding of the plan was at fault. And we had local

governments, state governments, federal officials who were operating under the auspices of the National Response Plan without truly understanding what it said and how it was intended to create the synchronization of effort.

I left this morning – the reason I was late is we have all the assistant secretaries in across the federal interagency. We’re going through the National Response Plan with them. We’re doing five regional exercises involving our federal, state and local partners – civilian and military – leading into this hurricane season. For the first time, we have a clear communications SOP for the hurricane states that represents one of the resources that we will bring from the civilian side of the federal government, from the military, to partner with state and local governments to make sure that we’ve got that communications both operability and interoperability. And I would just offer to you that whereas as we entered last hurricane season with a great degree of ambiguity, we intend to enter this hurricane season with phenomenal levels of clarity in terms of roles, responsibility, lanes between the various levels of government.

The final point that I will address is at what point does it become predominately a federal mission versus a state and local mission. This is the source of ongoing discussion and debate but I ultimately think that the one thing that we inherently recognize -- the beauty of the military approach to planning and operations is you have a command relationship where a general officer can issue an order and have it carried out at the lowest echelons of the organization.

In the context of civilian government, we live with the normal tensions between local government and state government, between state government and the federal government, between the branches of government, and unfortunately, in the nature of the democracy – well, actually, fortunately in the nature of the democracy that we have here today, it’s not a command or dictatorial relationship. It is in very much a collective relationship where people are in charge of specific responsibilities that are under their functional piece of it. We will have to ensure that at the end of the day, the American public expects and they deserve, that in time of crisis if a level of government is incapable of responding -- for whatever reason – that we have the right processes, procedures and decision matrixes on the shelf that will allow us to provide the needed level of federal support.

But you know, the great debate that we went through in the Gilmore Commission in the post- 9/11 environment – we don’t want to throw out the very same democracy that we’re trying so hard to protect. So it’s a delicate balance and one that we continue to engage in thoughtful discussion with. But I will offer, before we put out any new initiatives -- whether it’s about how the federal government will assume a greater role, whether it’s about another planning initiative and task force activity – we will firmly engage the state and local stakeholders in this discussion because these processes are absolutely essential to success, but having buy-in on the front end will be critical.

MR. PUNARO: Before we go to Secretary McHale, let me zero in on that a little bit more because everything you say makes a lot of sense. But okay, Admiral Keating’s

sitting here with this – like you said – this tremendous force that Secretary McHale and Secretary Rumsford has said, okay, here are your METLs. You call them universal task lists, the military calls them mission essential task lists, and we're ready to execute and we're in this kind of no man's land with all the balancing and equity – but what's the process you're going to use this year when the scale starts tipping? You know, when does the commander in chief put his thumb on the scale here at the federal level and say, okay, it's federal?

So I mean, you've talked in theory, and I mean, everything you say makes a lot of sense – but for Admiral Keating, who's sitting there waiting to basically do the nation's bidding and protect the welfare and citizens and the security and property -- lives and property and things like that, in concert with the local first responders who are going to be there before Admiral Keating's force gets there, and they're tremendous as you know – but at some point, what's the process you're going to use to sort that out? Because it's not going to be time for debate and discussion when you're in the middle of a category five hurricane.

MR. FORESMAN: Mr. Chairman, I understand that and we're looking internally at what the parameters need to be for us to support our decision making process. And, you know, certainly I'm not going to discuss what is –

MR. PUNARO: Understandable, yeah.

MR. FORESMAN: – a concept at this point but let me offer that – let's not diminish the fact that they are 50 governors out there who understand the political realities of the lessons out of Hurricane Katrina. It was not one single point that created the situation with Hurricane Katrina. It was, in many ways, the perfect storm at the federal, state and local level. Some of it was practical and operational, and legal authorities other of it – there were a variety of factors.

But our responsibility is to support state and local governments, and if there is a very clear and definitive indication that they are unable to perform their mission – the ultimate federal responsibility, in partnership with the state and locals and in support of the state and locals, is to ensure the health, safety and welfare of the citizens. And I would offer to you that, as you can appreciate, there will be a very deliberate decision process that leads to that.

But I would also acknowledge one thing that we did not do well last year that I think will be a lot better. There's a lot riding on this. And they're a lot of governors who, through interstate mutual aid, through the Emergency Management Assistance Compact, are going to be teed-up to provide the state-to-state, local assets to a potentially impacted area, impacted state a whole lot quicker because -- putting on my old hat for just a moment -- we don't like our big brother, federal government, as a state official. And I, as a federal official, want to recognize that we want to ensure the states they're able to deliver so we don't end up holding the bag at the federal level. So it's ongoing discourse and discussion. That was not a direct answer to your question –

MR. PUNARO: I understand.

MR. FORESMAN: – but recognize that this has got very significant implications that we are absolutely committed to working with.

MR. PUNARO: That's very helpful. Secretary McHale, your answer to the question from your perspective?

MR. MCHALE: Mr. Chairman, if I may, let me just briefly put things in context. In my judgment, the response to Hurricane Katrina was the National Guard's finest domestic service to our nation in the entire history of the National Guard. And I don't say that lightly, and I don't say it melodramatically. It was really extraordinary that in the space of a little over 10 days, 50,000 National Guardsmen from every state, every territory, every district, every jurisdiction of the United States responded under Lieutenant General Blum's leadership to the dire circumstances, the lifesaving requirements that were manifest throughout the Gulf Coast area, most especially in Mississippi and Louisiana. NORTHCOM's performance in response to Katrina, under Admiral Keating's command and control was, by any measure of military proficiency, superior.

Now that said, while we believe that DOD's performance in response to Katrina was solid, it was not without deficiency. We began our after-action review – I look out there, I know many of you and have known you for quite a long time – you are familiar from your individual military backgrounds with the recurring requirement within the military to conduct a hotwash – to conduct an after-action review of any major event, whether it's an exercise or a real world operation. We began our after-action review of Katrina during our response to Katrina. We deployed very seasoned, experienced officers from Joint Forces Command with our operating forces through the Gulf Coast and indeed throughout the nation at certain logistics bases in order to begin our internal critique of our own performance during the operation, and we were very blunt – very straightforward. That's in the tradition of the United States military.

We looked at what we did and we recognized in some areas we could do better, and we formalized those lessons learned coming out of the experience. In addition, we've had the benefit provided at some length, and with some degree of appropriate urgency, of oversight from other places beyond our building. There was a very blunt House report, a direct and extremely helpful White House critique, and a Senate report released in draft form, about to be released formally – that provided to us, within the Department of Defense and to the interagency – the observations of those who, looking from a third party perspective, determined that we and others could do better. And we paid attention to those after-action reviews. These are issues where we can't afford to be sensitive. These are matters of too great importance to be anything other than professional in looking with an unflinching eye at what didn't go well. And so we've benefited from those.

And in that context, let me just emphasize a couple of things. Our planning integration this year, throughout the civilian interagency and with the Department of Defense, and our internal planning integration between the National Guard and active duty forces – will be much better than it was in late August of last year. National Guard Title 10 coordination is a goal upon which we have been focusing, and I'm sure Admiral Keating will want to make some comments about that, as will Lieutenant General Blum, but last year we had two parallel paths. The National Guard pursued its operational activities under the EMAC – the Emergency Management Compacts. Title 10 forces under Admiral Keating's command and control, performed their mission superbly. But in truth, those missions were not mutually supporting, were not as well integrated as they needed to be. And with a conscious recognition of that failure last year, we're working hard this year to bring that comprehensive planning effort – to bring that total force concept in terms of task organization, into a total force concept of integrated planning.

Two final points. We responded to Secretary Foresman's department last year on 93 separate requests for assistance. We were in a supporting role to assist FEMA and DHS. Now on 93 occasions they came to us and said, we need your assistance, and we processed and approved those requests for assistance. Unfortunately, we wrote those requests for assistance in the midst of a crisis environment, and that's not when you want to try to get the Pulitzer Prize. You want to have these requests for assistance pre-scripted, fill in the blanks, ready to go, locked and cocked, so that when a crisis occurs in a format that everyone has agreed in advance is appropriate, you fill-in the necessary data and quickly respond to the request. So this year, we have pre-scripted requests for assistance that covers all of the foreseeable missions that we might have to perform in support of DHS.

And lastly, Mr. Chairman, to come back to your question – when does the role of Department of Defense become crucial and perhaps preeminent? And my observation based on last year's experience is that DOD's organic capabilities become vitally important when you need to own it, not buy it. In other words, DHS and FEMA are enabled by contractual relationships where private vendors are brought into the response to a major disaster, and that's a good approach so long as private contractors have access to the devastated areas. But when you have a catastrophic event, as opposed to a major disaster, when the roadways no longer exist or are under seven or eight feet of water, when the infrastructure has been badly damaged so that you can't travel on the roadways and you need helicopters or high-wheeled vehicles to get into a devastated area, when you cannot hire contractors because they too have been devastated and rendered ineffective for many hundreds of miles by the nature of the catastrophic event – then only the Department of Defense has the organic transportation, communication, medical surge capabilities, CBRNE response capabilities that can be rapidly deployed because we don't buy it; we own it and we have it ready for deployment in response to a catastrophic event. And it is that factor between organic capabilities versus contracted capabilities that distinguishes DOD from all other elements of the national government.

MR. PUNARO: Thank you, Secretary McHale. Admiral Keating?

ADM. KEATING: Mr. Chairman, Secretary McHale, I'd like to follow on in my response by starting where – one of the issues he mentioned and that's a significant effort we made interdepartmental, interagency – the popular term is lessons learned. We dedicated ourselves to differentiating between lessons observed and lessons learned -- big difference as Secretary McHale mentioned.

We had folks from several different commands who were in the Katrina disaster area as the water was still subsiding, if you will. We dedicated ourselves, committed ourselves to taking those lessons observed and doing something about them -- not trying to eat the whole elephant at one time but working our way methodically through, and several initiatives in which we think we made – not just demonstrated activity but made progress.

Communications. In this area more than any other perhaps is where the capabilities in the Department of Defense, coupled with those capabilities -- some of them relatively new in Department of Homeland Security – will provide the situational awareness for higher headquarters and allow folks affected by the disaster – all of us to get a better handle on just how bad is it. The department of Homeland Security and the Department of Defense have obtained a good number – over a dozen and a half of mobile communications facilities, if you will, that are organic, self-powered. As we set up these cell towers, we distribute between 2 to 500 cell phones and 50 to 100 satellite phones to whomever happens to be around, and we'll go out and actively move these around.

And again, as Secretary Foresman would tell you, they have a dozen or so of these and we have a half dozen and getting more -- so getting the ability to communicate to the people who need the communication, assessing the damage that has – whatever it is to which we're going to have to respond.

Pre-scripting these mission assignments. Difficult to underestimate – I'm sorry – it's impossible for us to overestimate how important this is. Paul mentioned it -- we're trying to make this as simple as we possibly can. How many helos are required, where do you want them, and when do you want them there? What sort of meals do you want? How much water do you need and where do you need it? Let us figure out how to get it there. And that's in coordination with and communication with the National Guard, the TAG and the governor. We're not going to worry about who gets the credit; we're just going to get it there as quickly as we can, and that is dependent again, of course, on situation awareness, which goes back to the first point – communication capabilities.

Third, we have designated Lieutenant General Bob Clark, who retains his authority as Fifth Army commander. He is now the Army commander for Northern Command, and his headquarters is now set up and is very nearly through a rigorous training and equipping process to where he will be the designated the Russ Honor of this summer, if you will. But his staff is trained and equipped to provide, if necessary, multiple command posts to assist TAGs in responding to whatever direction the governor gives the TAG, or whichever direction I get from the secretary of Defense and the president.



So we've taken lessons learned, turned them into – taken lessons observed, turned them into lessons learned. We've taken investment of people and time to improved communications, and we've remodeled our headquarters and subordinate commands so as to be able to respond very quickly with folks who are trained and equipped in disaster preparedness. And we're working extensively with the National Guard and with the governors to make sure that those local forces and local authorities understand our capabilities and are crystal clear that we understand our role as a supporting command. We will be there, no earlier than required, but no later than necessary, and we'll get out of there as quickly as we possibility can.

MR. PUNARO: Great, thank you. Thank all three of you and appreciate the patience of the commissioners and giving our witnesses ample time to kind of explore this very important issue. Our next questioner will be the co-chair of our Homeland Defense and Homeland Security Subcommittee. For our witnesses' purposes, we're broken down as a congressional commission committee into subcommittees. And that's – and one of them is focused specifically on Homeland Defense and Homeland Security – and the co-chair of that is Commissioner Wade Rowley.

WADE ROWLEY: Yeah, thank you, Mr. Chairman. Good morning, Secretary Foresman – this question's specifically directed towards you or for you.

In 1998, legislation was passed to allow military support to law enforcement, and since that point we've had formally Joint Task Force Six, now Joint Task Force North. We've had the state counter-drug programs. We've had state immigration support teams. We've had, for a few years and currently ongoing, two National Guard Bureau Innovative Readiness Training Program – the RT Program – providing rotation is a sizable operation.

How can we improve the border effort and the coordination between these agencies to include the state and the federal government on the civilian side to enhance and provide better border security? Well, I guess what I'm looking for is your opinion. Is there something we need to do to restructure that, and how do you think we should go about that?

MR. FORESMAN: Commissioner, I appreciate the question. Let me address it in two ways. One, I think states along the border are very much wrestling with what their roles should or should not be. Immigration issues are also local public safety issues. Many of the illegal immigrants that are coming across the border on a day-to-day basis not only do that in an illegal fashion but they commit crimes in local jurisdictions that local enforcement and state law enforcement have to deal with. And so, you know, it's the proverbial chicken and the egg. Is it a federal crime or is it a local public safety, local law enforcement issue?

We pushed a number of efforts through the Department of Homeland Security -- Operation Stone Garden and a variety of others – designed to create an integrated

approach to planning for and responding to the border security issues and identifying lanes and responsibilities. I think the model of the Counter-Drug Program is probably the best model. It provides an environment where the Guard can provide the requisite level of support to state local law enforcement authorities in very specific lanes of responsibility – very specific, tangible steps and actions that they can take. And it requires a higher level of approval, not just simply an in-state approval if you will and there's close monitoring to it.

I think probably what we're going to have to do is, as we work on the Secure Border Initiative, and we've got a major initiative or major piece of that initiative underway right now – we're going to be in a position in probably six months to engage in a very robust discussion with particularly the nation's governors in the border states and their guard and law enforcement personnel about how to fit all of this together because it's not just simply about people. Much of it is about technology, analytical capabilities, surveillance capabilities – not the traditional law enforcement role as you and I would think about it – guns, badge, arrest powers.

So I would just push off and say we need to see how SBI is going to rollout over a period of time, see where we can get in terms of a better delegation of roles and responsibilities. But the one big thing is – I've got to say, I'm a big fan of the Counter-Drug Program in the Guard because it is well structured, well organized, it's well managed inside the Department of Defense and probably provides the right level of checks and balances to make sure everybody's doing what they should be doing.

MR. ROWLEY: I appreciate that answer. Of course, you well know I spent a lot of time on the ground floor as a lot of – especially the engineering operations on the border. So this issue is near and dear to my heart. And as being a resident who lives along the border now as a civilian, I have them running through my yard. And there's plenty of crime, especially within the last year, year and a half. The whole situation is changed so I appreciate that. That's all I have, Mr. Chairman. Thank you.

MR. PUNARO: Our next questioner is our other co-chair, the Homeland Defense, Homeland Security Subcommittee, Commissioner Stan Thompson.

J. STANTON THOMPSON: Gentlemen, glad to have you with us today. I'm going to address a question to you, Secretary McHale, first, and if we have a few moments, then a second question to all three of you.

We have been studying the White House's Katrina Lessons Learned or after-action report quite a bit, and there are some specific references to the National Guard and Reserve component within that report. One in particular that the chairman noted was a statement that the National Guard and Reserve component ought to organize themselves or reorganize themselves – train and equip – and as a priority mission, support Homeland Security/Homeland Defense.

And we have kind of gotten focused on those two words -- priority mission -- because it has big implications to investment strategies long term, organization long term, and that kind of thing. We haven't received from anyone really a clear definition of what those two words really meant. Now the author we have talked to had a position and we've talked to you, sir, Mr. McHale, and I'd like to know how your definition of those words -- as you state, focus reliance on the reserve component -- if you feel that that answers that particular recommendation. Help us define what was meant by that report.

MR. MCHALE: Well, I was first asked that question when we were preparing the strategy for homeland defense and civil support last year. And the phrasing that I used at that time was that we would anticipate and would advocate that the National Guard and Reserve component capabilities remain a balanced force. And by that I meant -- we meant -- it is anticipated that the National Guard and Title 10 Reserve Forces will remain an inherent, and these days, operational element of our overseas war fighting capability.

We have not advocated that reserve component capabilities be pulled from traditional war fighting missions and contingency plans overseas. We do anticipate that the National Guard and Title 10 Forces will continue side-by-side with other Title 10 Forces to defend our nation on distant battlefields.

That said, we use the phrase "focus reliance" to indicate the obvious benefit, we felt, of using domestically-based reserve component capabilities, capabilities that are spread in reserve centers and National Guard armories throughout the United States -- forward deployed if you will -- to rapidly respond in an effective way to domestic missions, be they missions related to war fighting -- and that is the defense of critical infrastructure -- or consequence management after a natural or man-made disaster. It simply made sense to us to recognize the fact that we had a lot of trained personnel in military uniforms spread throughout the United States able to defend our nation and well-trained to do so.

Now when the White House report came out, we saw that phrase and we didn't think -- we still don't think -- that it's inconsistent with what we put in our own strategy. I would have a concern if the recommendation were the priority mission. But a priority mission, I think, is right. And that is whether you're talking about the National Guard or our Title 10 capabilities, we should recognize the benefit of using those forces domestically; in part so we can preserve our active duty Title 10 forces for immediate war fighting requirements overseas while also recognizing that in the context of the current war -- a war that I personally believe is going to go on for a long period of time -- there will be an overseas requirement for those forces as well.

And so we come back to the original term -- a balanced force -- where within a balanced force, a reserve component capability intended to fight overseas and respond at home, a priority mission -- but not the priority mission -- would be homeland defense and civil support consistent with the continuing requirement to integrate those reserve component capabilities into our power projection forces deployed overseas.

MR. THOMPSON: So, if I may follow up, sir. If I'm hearing you, then, you see both areas almost on equal plane -- the expeditionary versus homeland investment strategy in terms of how the organization is put together, trained and resourced.

MR. MCHALE: Let me move out a little bit onto thin ice. I'm not sure that I'd go that far, Stan, to say on an even plane because consistently in our national security documents we have recognized that the defense of the United States homeland is the preeminent national security requirement facing our country. Nothing is more important than defending the United States of America against a direct attack. And so it may be that I'm the assistant secretary of Defense for Homeland Defense and if you're a hammer, everything looks like a nail.

From my perspective, when we prioritize national security missions, homeland defense is the preeminent mission and I believe that while our reserve component capabilities must be prepared for both roles that they might play -- domestic employment and power projection overseas -- it is vitally important, essentially important, that we have those forces trained and equipped to rapidly respond to domestic missions.

MR. THOMPSON: Okay. And then --

MR. PUNARO: Let me interrupt really quickly -- Secretary Foresman is being called away and so I'll give him a chance to gracefully exit. But thank you very much for your testimony here this morning. And we're going to take you up on your kind offer to our working group to come back and spend a lot more quality time with you and we really appreciate that.

Also, for all three witnesses, as we get a little bit further down, we would like to get with each of you and share with you and some of our initial thinking as we develop our answers in some of these areas and kind of get your reaction to it. So keep an open dialogue going but we -- and since we got a little short-changed on both ends, we're going to reserve the right to see if you might come back at a later date and put a little testimony on the record.

But again, thanks so much for being here this morning and for your great leadership and your common sense approach to these issues because that's what this is; it's all about common sense and getting the job done.

MR. FORESMAN: Mr. Chairman, I very much thank you for that and I will commit as much time as it takes to be able to provide both my personal perspective from years of service as well as that of the departments. But I just want to acknowledge one thing quickly -- and again, I apologize for having to depart early here but -- there is a fundamental difference in this town today than even there was a year ago. And part of that is given the fact that Secretary McHale, Admiral Keating, Secretary Rumsfeld, Secretary Chertoff, and a wide variety of other folks are absolutely committed to making this system of national preparedness work.

And I was making a note here – we very much are trying to use old models to do new stuff. And we've got to figure out what the new models are, and so I enjoy the opportunity to engage with these two fine patriots on a day-to-day basis in doing that and look forward to engaging with you all and the rest of the members of the commission.

MR. PUNARO: Thank you very much. Okay, Stanton, back to you.

MR. THOMPSON: I'd just had, for the three of you or -- sir, I'm sorry – go ahead – the two of you. As the chairman said, we are advising Congress on potential changes in law and policy. And if you could, each one of you, think of two hurdles that make it difficult for you all to optimize the use of the National Guard and Reserve component, that are related to policy or law – what would they be?

ADM. KEATING: I will, of course, go back to Colorado, Admiral, and chew on that one. But at first blush I think the answer is I can't think of anything that as a commission you could take to the legislative branch as a recommendation that would dramatically or even partially improve or facilitate our use of forces, regardless of the genus, phylum, and species of that force.

Secretary Foresman mentioned that we've been at it pretty hard since last summer. Our meetings with the TAGs, our meetings with the governors, the continued presence of both Reserve and Guard forces in our headquarters – all of these indicate to me that folks have a pretty good idea of what we're going to do, dependent of course on the magnitude of the trigger – the forcing function.

But I'm assured – I'm confident going in and assured based on the foundation of these discussions that the capabilities – not so much the patch on the individual soldier, sailor, airman, marine, Coast Guardsmen's jacket, but the capabilities that we will need to execute either state or federal response missions. Those capabilities are understood, they are adequately resourced, and the access that I might need as a Title 10 guy is sufficient.

So long answer to it -- I can't think of anything off the top of my head. But we'll be happy to take it for the record and give you a response one way or the other, particularly if there are some things that headquarters folks would characterize as legislative relief that would allow us to do our job even better. Nothing I can think of. I'll get back to you if there are.

MR. THOMPSON: Thanks, sir. Secretary McHale?

MR. MCHALE: As Admiral Keating was responding to your question, he was kind enough to simultaneously give me a couple of moments to organize my thoughts. There are three topics that I would mention to you. The first has – and these are topics that need to be explored as a matter of policy, with possible implications in terms of follow-on requirements for change in law.

Last year, the Department of Defense published a classified execution order that covers the topic of WMD consequence management. The details of that order remain classified but what I can share with you in an open setting is, it is now the policy of the Department of Defense that we must be prepared to respond to multiple, near simultaneous, WMD attacks within the United States using military forces in support of civilian authorities. It is becoming increasingly clear that in terms of the man-power required for an effective CBRNE consequence management capability, there will be a necessary reliance upon reserve component capabilities.

And so the issue is, in what manner and to what degree, should we integrate reserve component capabilities into our military and ultimately into our nation's ability to respond effectively to multiple WMD attacks conducted by our adversaries within the United States. And it may be that there will be some changes in law required to support the integration of those reserve component capabilities. What we're looking at is basically building upon the civil support teams, the larger SRPs (?) and then ultimately up to Joint Task Forces running to many thousands of personnel where, for multiple event capacity to respond, many of those forces -- in fact, most of those forces have to be drawn from the reserve component.

Secondly, we ought to find a way to leverage military planning competencies in order to better assist our civilian partners. Now, we move lots of people and equipment in a crisis environment because we in the Department of Defense have been trained to do so. And as a result, over many years, we have learned to manage complex operational efforts with fairly sophisticated plans. That kind of planning competency is what you need in the civilian sector as well when responding to a catastrophic event. But that planning competency does not yet exist within the civilian sector.

We've been working closely with Secretary Foresman, Secretary Chertoff, Deputy Secretary Jackson to provide that kind of military planning assistance to the Department of Homeland Security. But I think we need to become more systematic about that. And I guess what I'm suggesting is that there may be a way, perhaps through the MCTFER concept that I described earlier, to take, for instance, National Guard planners who drill as reservists on the weekend and bring them as full-time civilian employees into the employment of our interagency partners so that what we teach them in terms of planning can be better integrated into civilian preparation.

And then lastly, to come back to the question that was presented by Commissioner Rowley, we -- referencing JTF 6, which is now under Admiral Keating, JTF North -- our activity duty military forces have a newly defined statutory mission to provide counterterrorism support to civilian law enforcement authorities typically along an international border -- not exclusively, but more often than not along an international border. In Operation Winter Freeze last year we used National Guard capabilities in Title 32 for similar missions side-by-side with Title 10 -- JTF North specifically.

We need to think through what is the counterterrorism mission in support of civilian law enforcement that might be executed along an international border by the

National Guard. And if that mission is executed in Title 32, how do we arrange, by statutory provision, to ensure that when we provide that support at DOD expense to assist civilian law enforcement – perhaps customs and border protection -- that as is the case for JTF North and under the Stafford Act, that we ultimately obtain reimbursement from the civilian law enforcement agency that we're supporting. So we need to think through the whole concept of using the National Guard, probably in Title 32 along the border – what are the roles and responsibilities and what are the appropriate reimbursement provisions that might attach to that?

MR. PUNARO: Great. Okay. Thanks, Stanton. Our next questioner, another member of the Homeland Security/Homeland Defense subcommittee, is Commissioner Gordon Stump. Good morning.

E. GORDON STUMP: Good morning, sir. Anytime we have a natural disaster or a terrorist attack, et cetera, obviously the first responders are those people who are on the ground – the local fire department, the local police department. When those resources are overwhelmed, the governor then calls on the National Guard in its particular state through the EMAC. When those are overcome and then, of course, they go to the Department of Defense and ask for their assistance. In hurricanes, sometimes the governors lean forward and put their Air National Guard or their National Guard on alert or put them on state active duty to be prepared to meet that requirement.

Now, in the report that -- the Federal Response to Hurricane Katrina White House report, it says that they recommend the National Guard and Reserves modify their organization train to include priority mission to prepare and deploy to support Homeland Security. Now the reason the National Guard is called upon first is that they're in the community. When we had the 9/11 attack, we had airplanes airborne the afternoon after they hit the towers at 9:00 in the morning. We had National Guard MPs at the Pentagon within hours. New York City – we had National Guard people there. They're there, they are in the community, and they can respond very quickly.

Now I would also say that the same holds true for other reserve components who are present in the states – the Army reserve, the Air Force reserve, the Navy reserve, the Marine reserves. Right now the governor does not have the ability to call these forces up or to put them on duty for this immediate response. Now these reserve forces could respond in the same time frame that the National Guard does, but since they're Title 10, they're tied to probably the four-day response for reacting to those. Now all of the information says that we should have not only the National Guard but the reserve components out there with the ability to help in these particular circumstances.

Now the change to the law in the National Defense Authorization Act, allowing Title 32 to pay for these National Guard people, was a tremendous step. Not all states are running a budget surplus and they can't afford to pay for all these National Guard people. So if you put them on Title 32 and so forth so they can pay for them, that's a good thing. What about some legislation to allow the governor to utilize these reserve components overnight in response to some of these disasters? Now that would take some legislation to

do that, and I'm not exactly sure how you would do that. But something similar to what we've done to the Title 32 might be a way to get at these reserve component – these other reserve component forces in these natural disasters.

Admiral Keating, do you want to –

ADM. KEATING: I'll take a stab, General. You mentioned a term that I don't understand in your question that the reserves wouldn't be available for four days.

MR. STUMP: I think that there's a – isn't there a response that the federal government said that they would have federal forces available within four days?

ADM. KEATING: I'm not aware of that chronological pre-lineation (ph).

MR. STUMP: Okay, well maybe not but I think –

ADM. KEATING: Well, what I would say to you, sir, is from where I sit it is a tiered response as you described. First responders – if the sheriff can handle it, sheriffs got it. If he needs help from the Guard, then the Guard comes in under state active duty. If there's a fiscal challenge there, then the Title 32 is appropriate, and if it's bigger than all that, then Title 10 forces come.

In that graduation of response in our headquarters, I am absolutely unaware of any distinction between reserve or active. It doesn't, you know, in the vernacular – it makes no never you mind to me. So it's up to the local commander of the Title 10 forces you describe. In New Orleans, there are Marine reserves who are stationed there, live at Belle Chasse. They were out there quote, "fightin' fires" instantly, without even being told in the first response category – immediate response category, I'm sorry. So the distinction between reserve and active is transparent. There is no distinction at our headquarters.

And I again I fall back to answer Admiral Thompson's question, I don't think we would come to you seeking legislative relief. I just don't think we need it, sir. And when we go out with a call – request for forces, request for capabilities – we do not differentiate between reserve and active. We just want the forces there as quickly as possible.

MR. MCHALE: General, let me build upon the answer that Admiral Keating just provided to you. Admiral Keating correctly noted that there is no distinction drawn between reserve component capabilities and active duty capabilities when we were speaking about Title 10 forces. So if you're talking about a Marine Reserve Unit that is Title 10 and that unit is brought to active duty, and is seamlessly integrated into our active duty Title 10 force and we keep marching. The distinction simply does not exist between active and reserve forces in a Title 10 capacity.

However, it is important to recognize -- and I think your question goes to the nature of the distinction that is drawn – that I believe both under the Constitution and



under relevant statutory law distinguishing the National Guard from Title 10 forces, Title 10 forces are responsive under the United States Constitution Article II to the president of the United States, who is the commander in chief. Under the United States Constitution, that command authority is delegated to the secretary of Defense, who then exercises that authority – (audio break, tape change) – constitutional Title 10 chain of command from the president down to our Title 10 operating forces. The governor has independent authorities under the state constitution and under state law to command his National Guard forces. Those National Guard forces can be brought into federal status, but until they are brought into federal status, they remain exclusively under the command and control of the governor, so that I'm not even sure – and I'm venturing again onto thin ice – I'm not even sure constitutionally you could place Title 10 forces under command and control of the governor. In any event, I think that would be unwise.

What we need to do is not achieve unity of command by shifting these very important and historic chains of command under the U.S. Constitution, under the state constitutions, under Goldwater-Nichols, under applicable state law. What you don't want to achieve is unity of command by bringing Title 10 forces in under the governor, depriving the president of command and control. What you do what to achieve is unity of effort. Instead of a single chain of command, as Admiral Keating has said, coordination and communication, prior integration of planning, working together toward a common goal to achieve unity of effort is nearly as good as unity of command. Our system is one of federal checks and balances where authorities have been divided between the national government and the state government, and that is a fortunate reality with which we have to deal. In that context of checks and balances, federal authority versus state authority, unity of command ought not to be the goal; unity of effort must be the goal.

MR. STUMP: Just one follow-up question. We know that the air defense and NORAD – we have aircraft that are in the Air National Guard, which are on patrols constantly and they get scrambled for alerts for aircraft and so forth. Could you – Admiral Keating, could you explain to us a little bit NORAD's command and control structure for these type assets? You know, how does this work when you're on Title 32? They get scrambled; I guess they go to Title 10 then, and then who gives the authority to shoot down an airliner about to go into the Pentagon, et cetera, et cetera?

ADM. KEATING: I'll do my best, General. The North American Aerospace Defense Command, a bi-national command, so it is both Canadian and United States – I am the commander of NORAD, and so I'm dual-hatted as commander of Northern Command and commander of NORAD. Under the NORAD umbrella, we do ensure aerospace warning and aerospace control over Canada and the United States, and we fly patrols irregular and aperiodically. They are scheduled but we don't announce the schedule. So, frankly, at this moment there may be two F-16s overhead – Baltimore, Maryland or Washington, D.C. – I don't know. They are, as Paul said earlier, and I think I mentioned too, 71 percent – or 71 percent of those sorties already flown have been flown by Air Guard and Air Reserve forces. They are in a Title 32 status. As the Klaxon sounds and as they roll down the runway – not to get too technical, but the second they

go weight-off-wheels they chop to Title 10 and are in my chain of command as the commander of NORAD. This is agreement that is signed – agreed to and signed by the governors of the states and the National Guard Bureau.

The authority to launch a missile, the actual folks who can do that, it is a classified list. It includes folks that you would obviously consider – the president and the secretary and yours truly. Beyond that, the number is very small and it is in a national perspective and not a state perspective that those orders are given and executed.

MR. STUMP: Thank you.

MR. PUNARO: Thank you. Our next questioner is our chair of our Personnel and Compensation Subcommittee, Commissioner Patty Lewis.

PATRICIA LEWIS: Thank you, Mr. Chairman, and I want to welcome our witnesses.

MR. MCHALE: Good morning.

MS. LEWIS: And I appreciate your testimony this morning and your service.

ADM. KEATING: Thank you.

MS. LEWIS: Thank you for being here.

Secretary McHale, I want to go back to talking a bit about the unity of effort that you were referring to just a few moments ago, and I was wondering if there were any legislative obstacles to achieving that unity of effort by federal, state, and local authorities in responding to domestic issues.

MR. MCHALE: If there are legislative obstacles, those obstacles are not readily apparent to me, and in any event, those obstacles would be minor by comparison to the more daunting challenges associated with real-world integration of planning. And so, the law, for the most part, does not provide an impediment. The challenge is to engage in detailed staff planning that allows us to move, in unity of effort, vast amounts of material and people to respond to a catastrophic event. So the challenge is not one of law or pending legislation; the challenge is simply one of the daunting task of anticipating catastrophic missions and preparing necessary response capabilities that inevitably involved tens of thousands of people, hundreds of airplanes, hundreds of helicopters, thousands of medical surge personnel, active, and reserve component capabilities, in coordination with civilian authorities to provide an effective response.

To put it simply, the challenges are not legal; the challenges are not even strategic. The challenges that we now face are at the operational and tactical level to ensure that the legal framework can be translated into an effective operational and tactical response.

MS. LEWIS: I think we've received some very positive testimony this morning on the consolidated efforts and planning to try to overcome some of those obstacles.

MR. MCHALE: Yes, that's the key.

MS. LEWIS: I commend those efforts.

Admiral Keating, you mentioned earlier – and I was very pleased – that you're taking on the challenges and communications, and I understand that's one of the biggest challenges that we have, both from a policy perspective with interagency challenges in communications for both planning and tactical response. You mentioned in your testimony also a strategic advisory board with the National Guard in expediting policies, procedures, and solutions for fully capable communications and information sharing. Are you also working with Secretary Foresman at the policy level to overcome some of those obstacles? And are there any legislative, policy, or funding challenges that we could pursue or address to help you overcome the significant issue of communications deficiencies?

ADM. KEATING: Yes, ma'am. We're working very closely -- hand-in-glove, hip-to-hip, whatever the metaphor -- with our friends in the Department of Homeland Security and FEMA. As examples, we have a weekly video teleconference with FEMA, and it is at a relatively higher level. It's not some – and God bless the action officers; we wouldn't get anything done without them, but there is relatively senior participation to make sure that we don't just have activity but we're making good progress, and it is from those weekly video teleconferences that we have developed not just plans but actual hardware that will move in the wake of a natural disaster or, with luck, in advance of a natural disaster, but out of the path of the hurricane, so as to be close by. These are these communication sets that I described.

Could we use more of them? Yes, ma'am. There are about a billion – I'm sorry, big difference – a million-and-a-half per copy in – I had the pleasure of speaking with Chairman Warner about this. We're working with Paul McHale for departmental policy. So, in the one end they're relatively inexpensive, but a million-and-a-half, that's real money. We have a number of them on order; we're getting more and more. So your continued interest here would be of benefit to us, but the short answer I give you is I don't need any immediate relief in terms of congressional support for these programs. I've already spoken with Chairman Warner and Senator Levin, and we're assured that departmental requests will be received favorably.

MS. LEWIS: Thank you very much.

MR. PUNARO: Anything else? Okay, our next questioner is the head of our subcommittee that deals with funding. As we know in Washington, sooner or later, everything comes down to money, so Rhett Dawson.

RHETT DAWSON: Thank you, Mr. Chairman. Patty Lewis kind of just stole the question I was going to ask both of you, but it was set up by your panelist, who shortly thereafter disappeared, by asking – he asked five questions, one of which was about whether the National Guard is adequately resourced and structured, and so that's the question I want to ask both of you. You partially answered the question, Admiral, I guess, by talking about these new communications sets and how you're going to procure more of those. How many of those do you need totally, by the way, while we're on that subject?

ADM. KEATING: Commissioner, I don't – we've got, as of this morning, three or four. DHS has around six – and these are specific. Our grand scheme calls for us to have seven, so we have about half of what we need. We're assured there are more coming. Will we get them by 1 June? It depends on how fast the manufacturer can crank them out, but I'm confident that the capabilities that we have this year are dramatically better and our method of employing them is much better than they were last year. So that's in addressing communications.

As far as National Guard equipment, we just went through a session in the Pentagon where we, Northern Command, lent our support to some National Guard requests to enhance their joint headquarters capabilities to enhance their chem/bio reaction team capabilities. So we are on record at Northern Command as endorsing those requests be internal to the Department of Defense for more money from Army in particular to improve those capabilities.

MR. DAWSON: Okay. Secretary McHale?

MR. MCHALE: Sir, the Homeland Defense budget of the Department of Defense is \$17 billion. And when I was up for confirmation before the Senate, I was asked a question that referenced the term, are you comfortable or are you satisfied with regard to a given capability, and if I remember my answer at that time, I said something like, if I'm fortunate enough to be confirmed for this position I will never be satisfied or comfortable with any level of capability because we've got to get better. Long after I'm gone the challenge is going to be to steadily and resolutely improve our capabilities so that each day, every day, those capabilities get a little bit better.

And so if I give you a simple answer to your question, it is, no, I'm not satisfied with our current level of proficiency. I don't think the secretary of Defense is satisfied; nor is the president. They want, and I want, us to get better, particularly in the area of CBRNE consequence management. We have a recognition that while we have competent defensive capabilities for CBRNE response, we can and must get better. Now, fortunately, that's recognized as departmental policy within the Department of Defense. We see the National Guard in particular as a critical enabler for an effective response to a domestic attack involving a weapon of mass destruction. There are undeniable publicly recognized shortfalls affecting the National Guard in some areas of homeland defense and civil support capabilities. General Blum, who is appearing before you later, has acknowledged those shortfalls during congressional testimony.

The good news is recognizing those shortfalls, we have an acquisition plan in place that over time, I'm assured by General Blum, will meet the requirements necessary for mission execution, and improve our competency when compared to today. And so, we're never going to be good enough that I could look you in the eye and say, we are good enough. Whenever you ask me that question, I'm always going to say, we must get better, and we do have a plan in place in critical areas of mission requirement to get better.

MR. DAWSON: The other part of the question that your colleague on this panel posed was, are you structured for the right – for the three key missions? What's your response to that?

MR. MCHALE: It's similar to the response in terms of adequacy of funding. Our force structure cannot be seen as a static goal. Our force structure has to be flexible enough that we adapt foreseeably to emerging enemy threats and then continuously stay one step ahead of our enemy in terms of our operational capability. So, to come back to force structure, no, we don't have the force structure that we need to achieve, and therefore we're working toward it. We have 36 certified civil support teams right now within the National Guard. The Congress has required us by statute to create 55 and to certify 55 by the year 2007. So we currently have 36; we're moving toward 55. What we have is good; 55 will be better. We have 12 certified SRPs (?) within the National Guard. The Congress, by statute, authorized 17. We've moving from 12 toward 17.

In the area of CBRNE consequence management, we have had recent discussions in which Admiral Keating and his staff have played a central role, to identify capabilities within the reserve component that will better enable us to respond more quickly and effectively to domestic attacks involving weapons of mass destruction. You cannot use general utility forces to effectively respond to a CBRNE attack. You have to have forces that are prepared to operate in a contaminated environment. You have to have forces that have the right of personal protective equipment. You have to have forces that have the right kind of personal protective equipment. You have to have forces that have the right kinds of inoculations in terms of force protection to allow those personnel to operate with a higher degree of safety in a contaminated area. They have to have the right kind of extraction equipment to move heavy debris in a contaminated environment. They have to be able to decontaminate and provide medical care in a previously contaminated environment. And while we have those capabilities, they're not good enough. We're not satisfied, we're not comfortable; we are committed to getting better.

So there is no simple answer that can truthfully be given, black or white, to your question because I believe, for the rest of the century, our homeland defense and civil support capabilities will evolve, and if we bring the right sense of urgency to it, we'll stay a step or two ahead of our adversaries, but change is in the nature of what we must achieve, not satisfaction that we have achieved an end state that in and of itself is satisfactory.

MR. DAWSON: Admiral, I'll finish up by asking you one last question about the communication sets and trying to figure out how many you need. Could you give me some understanding about how you sized what the need was, and then presumably – this goes without saying, I guess – that you have sized how many you need based upon a collaboration that you have with the Department of Homeland Security.

ADM. KEATING: Yes, sir.

MR. DAWSON: And then presumably also you have worked with them to make sure these things talk to one another.

ADM. KEATING: Right. The short answer is, yes, sir, we have done just what you mentioned in both cases. We worked in a collaborative way with the Department of Homeland Security to make sure we didn't buy system X and they were buying system Y.

MR. DAWSON: You're both buying the system Z.

ADM. KEATING: Same-same.

MR. DAWSON: Okay.

ADM. KEATING: These systems are interoperable, they're agile, they're mobile, they're self-sufficient.

MR. DAWSON: Air-droppable.

ADM. KEATING: Air-droppable, boatable, drivable. You can get them in the back of a couple of Ford pickup trucks, and that's how we'll probably move them, but we can drop them out of a helicopter or the back of a C-130, whatever.

We also conducted an exercise in March – February of this past year where we asked – and you asked, I mean, how did we go about – what system was best, because there were any number of them available. We got folks together from fire departments, sheriff's departments, police departments, National Guard, Army, Air Force, Marine Corps, Navy, Coast Guard and put them all in a parking lot at Fort Monroe in Suffolk, Virginia, said bring your gear, bring your trailer, bring your tent, bring your antenna, set it up, turn it on, and let's don't talk to each other the way you and I are talking to each other. Get on the microphone, get on the horn and call that facility next to you. They could be 50 miles away, they could be 5,000 miles away – if it was a satellite – but show us that you can talk to each other. And it took a little bit of doing but we demonstrated interoperability and flexibility. Now, there are accommodations that have to be made because a number of local law enforcement agencies carry around their bricks, if you will, and those aren't automatically connected to a 82<sup>nd</sup> Airborne command post or General Bob Clark's command post, but we are purchasing – we have and are getting more converters where you plug your system into this magic box – it's an A-1000 – I

don't know what that means, but that's what it's called – and you can dramatically improve your connectivity at very little cost.

MR. DAWSON: And it's cell-phone based, as I recall you testifying.

ADM. KEATING: The mobile systems that we have have between 200 to 500 cell phones per system, and we will distribute those, along with DHS, to – not automatically the first 500 that show up, but determine the need, distribute the capability, and let those folks use that organic network until such time that the local providers are able to restore their own services. Additionally, there are satellite phones – as you understand, a completely separate network – that we will distribute. I think the number is between 50 to 100 of these per mobile unit that don't require the cell phone, so you can go outside of that cell phone tower's – mobile cell phone tower's umbrella and still use this to communicate. So how did we determine the requirement? Well, we went to the commercial industry and said, what can you give us relatively inexpensive, very quickly that will give us between 50 and 150 miles, terrain permitting, of coverage.

And so we'll distribute these assets depending on the magnitude of the affected area so that is a tiny bit of overlap, almost no seam, and we'll move them around if the sound of the guns moves itself.

MR. MCHALE: If I may –

MR. DAWSON: I guess I was looking for an answer that would have said two-and-a-half hurricanes as opposed to two-and-a-half wars. Was there that kind of a rigor in the analysis?

ADM. KEATING: We didn't do it that way. I mean, it strikes me that that would be a metric, but the likelihood of that happening versus a magnitude four or five hurricane – off the top of my head, it strikes me as more likely a broader area concentrated rather than two areas dispersed because of the state and local capability to maintain – if they're smaller hurricanes, the state will be able to handle the situation. And again, we've got a number of these systems, so if there are two-and-a-half hurricanes, we'll move them as quickly as we can to the place where they're needed most.

MR. MCHALE: If I could loop this back to the Guard on the issue of interoperability of communications, this is an area where the National Guard plays a vital role. As you noted in your question, we have very different kinds of communications equipment likely to be collocated within an area of responsibility during the execution of a given mission. You're going to have police officers with handheld Motorolas. You're going to have firefighters perhaps with different radios and different frequencies more sophisticated than the handheld. You're likely to have state emergency management personnel, hazmat personnel at the county and perhaps state level. Then you've got the National Guard, probably under the governor's command and control, deploying into the AOR, and ultimately you may have the 82<sup>nd</sup> Airborne showing up with their Title 10

communications equipment. An acquisition strategy, at least in the short term, isn't going to work because what you're going to have in a catastrophic environment, particularly at the state and local level, will be remnants of a communications network from that which was brought down by the event itself.

MR. DAWSON: I just assumed from the admiral's answer that when you gathered these people at Fort Monroe, the Guard was there. Was that a bad assumption on my part?

ADM. KEATING: No, sir, it's a correct assumption. They were there.

MR. MCHALE: What they bring to this situation is this: We mentioned earlier those CSTs, the civil support teams, in every state. The Department of Defense has provided to each civil support team a communications van with the kind of ACU-1000 capability – I don't know if it's actually an ACU-1000 in the van – but what is is it's a bridge. You can take a police officer's handheld Motorola, which may then be connected on the police net to thousands of other radios, but you just take one of those radios and you plug it into the CST van. You take a Title 10 radio or a National Guard radio, you plug it into that CST van, and although the hardware is completely different and the frequencies are completely different, that patch in the CST van will allow a police officer with a handheld radio to speak directly to a Title 10 officer with a much more sophisticated communications system.

And that is what we have to use because, at least in the short term, we're going to face catastrophic events sooner than state and local governments could ever buy compatible equipment. And so we need to be able to deploy into an AOR with a system that allows us to build upon the pre-existing system, no matter how degraded it might be, rather than relying upon a silver bullet that within the next year or two financially strapped state and local governments are going to be able to buy radios that are technologically compatible with ours. That's not going to work. So the patch system, particularly within the CST bands, is a vital element of reestablishing a communications system where a catastrophic event has occurred.

MR. DAWSON: Mr. Chairman, I've gone way past my time. Just one point, though, for the good of the order. Somebody smarter than me on communications ought to go out and look at these things –

ADM. KEATING: Good point because they tell a good story.

MR. DAWSON: – so thank you.

MR. PUNARO: Sounds like it leads right into our chairman of our Readiness Training and Equipping Subcommittee, and that might be the right folks. Grab Wade there because he's got a lot of experience, Dan, and I think Rhett makes a good point; take a look at that, but -- Commissioner Dan McKinnon.



DAN MCKINNON: To start with, I just have one little observation. As a sales person, you never want to make a pitch to anybody that says no but can't say yes, and with that in mind I certainly want to encourage you all to be sure you get the people that can say yes on the coordination. Secretary Foresman talked about having intermediaries, and they can't always make decisions, and it's important to be able to make decisions.

A couple of simple – I just had a couple of simple questions for each of you. Admiral, I was just wondering, does it make any difference to you whether you have assigned forces to the Northern Command or you take them when they're assigned to you?

ADM. KEATING: It makes no never you mind, Mr. Commissioner. We do have very few assigned forces. We have agreements with the services and standing execute order and concept plans with the secretary of Defense. That one phone call I can have forces chopped to me very quickly, sir, so I don't need standing forces.

MR. MCKINNON: I'm curious on your personal opinion about the legislation pending before the Congress to have a member – a general in the Guard be your deputy commander. Are you sort of for or against that idea?

ADM. KEATING: I just want the best-qualified officer.

MR. MCKINNON: Okay, so it makes no difference to you either way?

ADM. KEATING: It doesn't make significant difference to me one way or the other, sir, although I might point out, legislation requiring a National Guard Officer or Air Guard officer is, in my view, unnecessarily restrictive. That is to say, it would – in the event that there aren't as many – you know, every National Guard officer at the two-star level gets hit by a beer truck coming to work in the morning and there aren't any available, legislation would -- in my view, that mandates a National Guard officer is unnecessarily restrictive. I would simply like to make my recommendation to the secretary of Defense for Lieutenant General Joe Inges' (sp) relief – have the secretary of course send it to the president. The best officer qualified is then sent to the Congress for approval. I don't think we should restrict it to just a Guard officer.

MR. MCKINNON: So in other words, you'd be opposed to that particular legislation.

ADM. KEATING: That's correct, sir.

MR. MCKINNON: Secretary McHale, your big responsibility in your job is to be sure the homeland is taken care of, and to do that, the Guard is an important – plays an important role, and from that stand point I would think funding and equipping of the Guard is absolutely critical. We had a briefing yesterday that the Guard is down to about 37 percent of the equipment they think is necessary to operate, with about 10 percent of that being 30-year-old kind of equipment. A lot of the stuff was left in the war zone over

in the Middle East, Southwest Asia. And who makes the decision of what the Guard is going to get in the way of equipment when you have the overall budget that goes before the Congress? I mean, Harry Truman had an old expression, "The buck stops here," and somebody makes that decision of what's being allocated at the Guard out of your budget and what's going to the active forces?

ADM. KEATING: Upon advice provided to him by subordinate commanders and appropriate civilian authorities, the secretary of Defense makes that decision. It is a process that is very deliberate, very detailed, takes a little bit of time for those more junior policymakers and commanders to review the current state of readiness, identify shortfalls, and then propose, through the internal procedures of the Department of Defense budget allocations that will correct noted deficiencies. The principle advisor ultimately – I'll be careful – the current relationship involves the chief of the National Guard Bureau, Lieutenant General Blum, who will appear before you later, advising working with and through the secretary of the Army and the secretary of the Air Force to identify deficiencies within the Army Guard and the Air Guard, and then the secretary of the Army and the secretary of the Air Force carry forward their recommendations to the secretary of Defense, who confers with the chairman of the Joint Chiefs of Staff to determine the significance of any shortfall and a plan to correct any deficiency.

And to combine a couple of things here, General Blum and I have talked about that 37 percent figure, and it is a figure that is sobering in terms of noted deficiencies. That said, I would encourage you to question General Blum when he's here with regard to his confidence in the budgetary plan now in place to correct those deficiencies over a period of time so that he does, he tells me, have absolute confidence that by implementing that plan, the 37 percent figure will be brought to a level of resourcing that is what it ought to be in order to ensure mission readiness. So we do have shortfalls. They've been publicly acknowledged. In major part, though, shortfalls reflect the fact that the Guard has been of superb service to the nation overseas and at home. That's had an effect on resourcing for the Guard. We've identified that and we're doing something about it.

Now, I think General Blum will be able to give you more detail with regard to changes in force structure and acquisition of equipment to modify that figure of 37 percent, to move it in the right direction.

MR. MCKINNON: Would it make sense to, from your viewpoint, to be sure your Guard that's working for you has the equipment they need to have a separate line item in the budget for Guard equipment so they are assured that they're going to get the equipment that they feel they need or think they need, so as it goes through the budget process –

MR. MCHALE: I don't think that a separate line item is the key, and in fact there are some separate line items already. When I was in the Congress I was co-chair of the Guard and Reserve Caucus. Along with Congressman Buyer, who is still in the Congress, Steve and I each year would write the Guard and Reserve equipment list, a task

that we inherited from Sonny Montgomery. So there are some elements of the budget that uniquely address reserve component requirements, but the key is to treat in the budget the decisions that we make in terms of total force in a manner that is consistent. I don't want to see the National Guard operationally or budgetarily considered separate from the rest of the United States military capability in terms of the Guard's ability to contribute to national mission requirements. We've got to see the National Guard as part of the total force where, across the board, the Guard's requirements are given absolutely fair consideration when compared to all the other legitimate competing missions that military forces have to perform.

So I would not – an approach that in terms of strategic assessment sets the Guard apart from all other mission capabilities I think moves in the wrong direction. If anything, consistent with the answers given by Admiral Keating, we've got to look toward even better integration, operationally and budgetarily, to achieve the intent of Goldwater-Nichols to, no kidding, have a total force operationally and budgetarily.

MR. MCKINNON: Wouldn't you make the comment, though, that the Air Force has a separate budget, the Army has a separate budget, the Navy has one, everybody – the Marines. Why would the Guard – so you can ensure that they've got the equipment – it's alarming where they're at equipment-wise.

MR. MCHALE: I'm not much of an expert –

MR. MCKINNON: You sent them all to the hurricane –

MR. MCHALE: Yes, sir.

MR. MCKINNON: – or whatever, weapons-of-mass-destruction kind of event, but if they don't have the equipment to do the job, it's a waste of time just to send guys to march around.

MR. MCHALE: I guess what I'm trying to avoid is the world in which we lived before 1986 where the services had separate budgets because they had separate missions. We now live in a world of joint capabilities where although ultimately it may end up in a separate line item from a legislative perspective, those separate line items reflect previously made decisions in terms of operational capabilities; they don't drive the operational capabilities. We figure out what the Marine Corps is going to need to do to work in a joint warfighting environment with all of the other services, and then when we figure that out jointly, it ends up being a line item within the budget. I would worry that we might lose focus were we to place an emphasis upon the budget line instead of the integrated joint capabilities that should flow from it. I'm an advocate of jointness. I'm an advocate of jointness not only within our department – frankly, I think the challenge is to raise that jointness to the interagency so that, just as in 1986, we forced, by statute, the Army, the Navy, the Marine Corps and the Air Force to work together in order to fuse those capabilities for better warfighting overseas. In my judgment we now need to take

that jointness up to the interagency level so that DHS, DOD, the FBI, the Department of Justice, Health and Human Services come together jointly.

There is a certain political appeal and a certain simplicity in looking at a separate budget line, but I think what we really need to emphasize is that all those budget lines come together into a joint capability that serves our nation well.

MR. MCKINNON: I appreciate your comments. It just seems to me with the threats that we have today, they're entirely different than we've faced ever before, that there is an urgency also to equipping the Guard so that they have the tools to do the job – the whole military for that matter of fact, but everybody is worrying about budget and I think sometimes we've got to advocate more than what everybody is budgeting.

MR. MCHALE: Well, let me open a door on that if I may, and forgive me for going on at such length. The advocate for that resourcing really should be, and is, the chief of the National Guard Bureau. It is, I think, appropriate to reexamine the position of the chief of the National Guard Bureau in a new age of terrorism and domestic consequence management to determine to reassess whether the current chain of report in which the chief of the National Guard Bureau is placed is one that well serves the requirements of the 21<sup>st</sup> century. As I said, going back to, frankly, a pre-Goldwater-Nichols era, the chief of the National Guard Bureau reports on Army Guard issues to the secretary of the Army. The chief of the National Guard Bureau reports on Air Guard issues to the secretary of the Air Force. Without pre-judging the assessment that I believe should take place, the time has come to reconsider whether or not that reporting paradigm is appropriate or whether in the 21<sup>st</sup> century in an age of terrorism and catastrophic consequence management, a more direct link might need to be established between the chief of the National Guard Bureau and the secretary of Defense, and a reconsideration of that reporting paradigm could also have an effect upon the chief of the National Guard Bureau's ability to be an advocate to the secretary of Defense on behalf of those budget priorities.

Again, I want to emphasize, I'm not prejudging the outcome of that reassessment, but I am advocating that we be open to a reassessment in order to perhaps better empower the chief of the Guard Bureau as a resource advocate.

MR. MCKINNON: Would you go as far as to say he ought to be on the Joint Chiefs?

MR. MCHALE: No, sir, I wouldn't, for two reasons. One, I haven't discussed that privately with the secretary of Defense, and whatever view I have on the subject, it ought to go to him first. And, two, there are others who need to weigh in on that issue before my opinion is stated in public. I did take a position on that issue when I was in Congress, but my duty now is to advise the secretary on that question.

MR. MCKINNON: What was that opinion, just out of curiosity?

MR. MCHALE: When I was a member of Congress, I opposed placing the chief of the National Guard Bureau on the Joint Chiefs of Staff because at that time I saw it as inconsistent with Goldwater-Nichols, a step away from jointness. There are other issues related to how the chief of the National Guard Bureau reports to and how directly he reports to the secretary of Defense, whether that report, if it's to be changed, might be through the chairman of the Joint Chiefs, like a functional combatant commander. And then it's a separate question as to what the rank of that officer should be in reporting to the secretary of Defense. But as a matter of historic fact, when I was in the Congress, I did not support placing the chief of the National Guard Bureau on the Joint Chiefs.

MR. MCKINNON: I appreciate both the bluntness of all your answers; it's very helpful.

MR. PUNARO: Thanks, Dan. And I'll say, Secretary McHale, when you were talking about that potential new reporting relationship of the chief of the National Guard Bureau, I noticed that our former secretary of the Army, Les Brownlee, and our former secretary of the Navy, Will Ball, their ears perked up a little bit, but I think you may have redeemed yourself in the eyes of the services when you gave your former congressional position on the four-star National Guard chief being a member of the Joint Chiefs, but these – I mean, the issue that Rhett brought up about – you brought up about the funding line-item. Since Rhett palmed off looking at the communication equipment to you, we're going to palm off back to Rhett this issue of how to carry the funding for the National Guard, an issue he's got intimate knowledge of from his many years on the Hill and other places, but it is an issue that has to be looked at.

And the next questioner, Commissioner Jimmy Sherrard, who co-chairs with General Jack Keane, who sends his regrets to both of you here today – wished he could be here – kind of our organization Roles and Missions Subcommittee. I think one of the issues that Jack and Jimmy and others on that subcommittee are going to be looking at are all these arrangements that you've just addressed of the National Guard Bureau and its relationship, other relationships in the building, OSD Reserve Affairs – again, many organizations that were created years ago in different times.

So, Mr. Sherrard.

JAMES SHERRARD: Thank you very much, Mr. Chairman. It's been interesting as I listen to the testimony this morning. Many of the questions that I wanted to have answered you have certainly provided us good information on – the question of fencing forces, permanently assigning forces – Admiral Keating – to you. The one thing that keeps coming back in my mind – and I guess I need to hear from you if I might – it is the unity of effort, Mr. Secretary, as you mentioned, but how – or what processes do you have today that, as a governor and the state forces that he or she may be in charge of, responding to a catastrophic event in their state, what mechanism do you have that allows you to know the things that they're doing, what their needs are, and then, as other forces are fed into them, as we saw in Katrina, Admiral Keating in particular, did you know or are you – do you have a mechanism by where you know what has been sent in there, or

are we just going to – I hate to say it, using the words that were used a little bit earlier in your testimony – are we just doing crisis response?

ADM. KEATING: The process and the systems that we have, General, are not ironclad. Each one of these situations will be different, and consequently we're consciously endeavoring not to get in the A-plus-B-plus-C-equals-D response. Through these meetings that we've had over the winter through these video teleconferences, through extensive work with the Department of Homeland Security, FEMA, and other inter-agency partners, we're resolving, to mention again, these pre-scripted mission assignments, 15 or 16 of them, which are large applications of force as requested by or as anticipated by and teed up by yours truly at Northern Command. We're not necessarily going to wait for the local or state officials to say, you know what, we do have a bigger problem here in terms of power production, in terms of communication. We're not going to necessarily wait for them to come to that realization before we start preparing to move our forces. I can't move them until I'm told, but I can go through all sorts of get-ready-to-go types of moves on my own dime, and the secretary of Defense supports that.

The process of determining the assistance required is flexible, it is increasingly responsive. We are providing FEMA, as I mentioned, with these 10 specifically trained, fulltime active-duty colonels, who will be embedded with a Federal Emergency Management Association official. We have the emergency preparedness liaison officers that Paul mentioned earlier, hundreds of them throughout the country. They are trained to respond specifically to crises to go to the worse possible spot they can find with their state and local counterparts and feed that information directly back to our headquarters, and it is then instantly distributed to the National Guard Joint Operation Center, to the National Military Command Center, and the Department of Homeland Security Operations Center. So it is a near-instantaneous virtual web that provides a common operational picture that can respond in what we think will be a very timely fashion to each separate situation, dealing with that situation as a unique situation.

MR. MCHALE: I guess the only thing I would add to that is we ought to recognize in our planning what is obvious when we look at the nation, and that is that states differ dramatically in terms of available resources, planning competencies, population, geographic size, quality of leadership. That's inherent in human nature. And so in a pre-crisis environment, we have to find a way that systematically assesses, when not confronting an immediate threat, the resources available for crisis response within a state jurisdiction: How strong is the private sector? What kinds of capabilities exist within state and local government? What is the executive vision, the leadership intent – the commander's intent, if you will – of the governor in that state? What are the military goals of the adjutant general in that state? How do we integrate those preexisting state capabilities, military and civilian, into an augmenting Title 10 military response under command and control of the United States Northern Command?

You don't want to figure that stuff out on the fly. You don't want to begin deploying forces into an AOR, trying to assess those kinds of preexisting capabilities while you are deploying or immediately upon your arrival, which is why whether it's a

MCTFER or some other similar integrating concept, we need within each state a standing assessment and planning capability that will allow us, before a crisis, working hand-in-glove with the governor and his TAG, to integrate civilian and military capabilities -- reserve component and active duty -- into a comprehensive plan for response so that we can then execute that response, not begin the planning when an actual crisis occurs.

MR. SHERRARD: Well, to follow-up on that, you're saying in each state -- and I guess I would come back and ask Admiral Keating if that is the case -- that we do that, would we -- or do you need or see the need for additional forces from the reserve components that could in fact be reporting to you directly related to that so that you're kept aware at all times as to what the needs are as well as what forces may be falling in on them that may not be in the Title 10 status at that point in time, or should they always be Title 10 except for what is within that state's jurisdiction itself?

ADM. KEATING: General, I don't think they should always be Title 10. And you asked me that question; I just forgot to answer it the first time around. We had adequate visibility on the National Guard forces moving into Louisiana and Mississippi last summer, but I would have preferred -- as Steve Blum agrees, we all would have preferred increased visibility -- not on numbers but on capabilities.

For example, we had a real good idea that because of the challenges facing the mayor of New Orleans in law enforcement that the National Guard needed to move some military police, and Steve engineered -- and obviously with a dramatic cooperation from governors in many states -- providing about 4500 National Guard and military policemen to the mayor of New Orleans. We knew that there were about 4500 guys and girls coming. Whether they had their own firearms, whether they had protection vests, whether they had cops and robbers type stuff -- we did not know that immediately in our headquarters. As for the other 45-some-thousand National Guard Forces moving, we knew numbers but we were less clear on capabilities.

We have taken that on as, and I talked about this earlier, not just a lesson observed but a lesson learned. How will the individual TAGs provide to the National Guard Bureau for further transfer to us, to the Department of Defense headquarters, to the secretary of Defense's desk literally, not just quantities but capabilities. It is a big challenge. You run into -- these guys and girls are volunteers and so when the adjutant general calls muster, it may not be an entire unit that reports to get on the C-17 to move to the scene of the crisis. So we are working hard with the National Guard Bureau to get better fidelity and better understanding of the capabilities and not just the numbers. It is a work in progress.

MR. MCHALE: You ought to take a look at the EPLO program and we would invite and welcome any advice that you collectively might provide to us in terms of the future.

The emergency preparedness liaison launched a program. These are 450 Title 10 reserve officers throughout the United States. After Katrina, we recognized that -- and

Admiral Keating took the lead in this regard – that we needed to reform, to modernize the DCO structure. The defense coordinating officers in the past have been dual-hatted. They have been army brigade commanders who step up to the plate and become defense coordinating officers in a crisis. They're dual-hatted. And we recognized after the lessons of Katrina, that we need full-time defense coordinating officers within each of the FEMA regions, and so a decision was made and the Department of the Army – Les – and instead of having dual-hatted brigade commanders, now we have full-time colonels in the army assigned as DCOs within each of the FEMA regions.

The EPLO program has not yet gone through that kind of transformation. These 450 emergency preparedness liaison officers don't become linked to the DCO until there is crisis. Until there is a crisis, the EPLOs remain embedded -- again I think this is pre-Goldwater-Nichols thinking – remain embedded not in a joint capacity, but attached to and dependent upon the funding from their parent services.

So we have the DCOs in a paradigm that now makes sense – full-time DCOs, active duty colonels. But the link between the DCO and the EPLOs in that same area is really only established when the crisis has occurred. I don't think that is right. I think we've got to find a way for the DCOs to effectively communicate with and shape the preparedness of the EPLOs in advance of the crisis so that that DCO-EPLO team is formed, not in the midst of a crisis, but in planning to respond to one.

MR. SHERRARD: Thank you very much. Thank you both. Thank you, Mr. Chairman.

MR. PUNARO: Thank you, Jimmy. Our next questioner is chair of our mobilization and demobilization subcommittee, and Commissioner Les Brownlee, in his former capacity as undersecretary of the Army and secretary of the Army, has without question, mobilized more Guards and Reservists in the last 50 years than anybody else because it remains the military department's responsibility to cut the actual mobilization orders. And additionally in that capacity, he was the individual charged with providing – responding, and since the Army provides a large bulk of the forces, the military response to civil authority working very closely, I know, with Secretary McHale and others. So, Les Brownlee – he would tell you he drew the short straw to head up this subcommittee. I would tell you he's the best qualified and, Les, look forward to your questions here.

LES BROWNLEE: Thank you. Mr. Chairman. First of all, let me thank you both for being here and I just like to say, having had the opportunity to work alongside both of you, I know firsthand how well the nation is served by your willingness to take on these very difficult and demanding jobs, where you really break new ground every day. And we're very appreciative of that and thank you for it.

If I could go back to a line of questioning that Gordon Stump and Patty Lewis raised about the use of reserve units when there is a disaster and you're in the early stages of it and the National Guard, clearly, can be called up by the governors. But there are Reserve units and assets there and you mentioned, Mr. Secretary, about the Marine



Reserve unit that was called out -- and Arnold told us about that yesterday -- and I think that is marvelous that they did it and God bless them for doing it. I'm sure they were great asset down there.

But as you said, they did it without being told and so they were out operating, kind of, on their own. It might be very helpful to us, if you all would give some thought to any kind of arrangement that would allow, in these very early stages of a disaster, when there are reserve assets in the area, and the Guard is out doing all they do, and they could be of assistance -- what kind of arrangement could we make so that they could be used until Title 10 forces are brought in? But they're there in the area and they probably know the Guard and work with them every day, and maybe they could train with them and do some of these things.

MR. MCHALE: That is a great question and it's one that we have not yet thought through in a careful and rigorous way. The authority for those Reserve forces to respond exists, I believe, under current law. All of our Title 10 military forces have the authority to engage in emergency response when there is an immediate and significant threat to life and property. We need to bring that emergency response authority into the 21<sup>st</sup> century to deal with potential terrorist attacks and catastrophic events.

And, Secretary Brownlee, my initial thought was would be, what we ought to do is conduct an inventory of Title 10 reserve component capabilities within a given state. What kinds of units are there? What kinds of capabilities could those units provide under the rubric of an emergency response? And then I think, ideally, we ought to have a Title 10 emergency response plan that is integrated into something like a MCTFER.

So if we had this kind of coordinating and planning body for civilian-military capabilities at the state level, to include reserve component and active duty, one of the plans that they ought to develop should be an emergency response plan for Title 10 Forces under the authority of emergency response to begin providing immediate assistance with the expectation that as soon as the immediate crisis passes and at the earliest opportunity, the emergency authority would be succeeded by more routine Title 10 engagement under NORTHCOM Command and Control.

So that if you need an immediate, pre-programmed response, in a given community involving the Marine Reserve Unit in that community, the MCTFER would develop a plan for the use of that capability and how it might be triggered. And then at the earliest opportunity, probably measured in hours -- not more than a day or two I would think at the most -- that capability, if still required, would go through the normal sourcing process of Joint Forces Command so that that Marine Reserve Unit that saved lives in the first 24 hours under emergency response would continue in its mission but thereafter under NORTHCOM Command and Control.

ADM. KEATING: The secretary appropriately, and accurately, described the initial forcing function, Mr. Secretary, that we would use. If there is a fire outside the main gate at Camp Pendleton --

MR. BROWNLEE: Right.

ADM. KEATING: – Marines can go and fight the fire.

MR. BROWNLEE: Sure.

ADM. KEATING: The question then of proximity of the fire is one that all of us would say, we'll fix that, we'll worry about 10 versus 25 clicks later; go fight the fire. And that is what happened in New Orleans and Mississippi, Keesler Air Force Base, Biloxi. Seabees and Air Force personnel were quick to lend a hand to their civilian counterparts and neighbors. Frankly, a lot of us, as you know, live off the base these days.

So there are standing procedures to satisfy the immediate concern, as Paul points out. It's that bridge between, uh-oh, something real bad just happened, to, well, we've got a relatively well contained, but not necessarily controlled, and what is the next step. And we need to explore that.

MR. BROWNLEE: As a minimum in one of these situations, they should know where to report and who to report to for this kind of temporary use.

MR. PUNARO: Right.

MR. BROWNLEE: This year, the Department of Defense sent up with their fiscal year 2007 legislative proposals – they sent it to Congress – it would expand the presidential selected reserve call-up authority to 200,000 and extend the time from 270 days out to a year. And it's being considered now over there by the Congress as to whether or not it should be included in the Defense Authorization Act. How does this change, Mr. Secretary, in mobilization of authorization help meet your homeland defense requirements for federal mobilization of reservists?

MR. MCHALE: Secretary Brownlee, we developed that proposal in coordination with the assistant Secretary for Reserve Affairs, Tom Hall, and sent it over to the hill. And really the purpose is very straightforward and that is if we are going to have focused reliance upon the reserve component for homeland defense and civil support missions, we need maximum flexibility in terms of larger numbers of personnel, perhaps for a longer period of time, to be available to execute those missions in an effective manner.

And so within parameters that we thought were appropriate and reflected in the legislative proposal, that's exactly what we tried to do. We wanted to insure that having identified that focused reliance upon the reserve component, we could rapidly and in sufficient numbers for a long enough period of time have access to the personnel that who would execute those missions.

MR. BROWNLEE: Yeah, the proposal states specifically that these reservists would be mobilized for, quote, “a serious natural or man-made disaster, accident or catastrophe.” So how will having 200,000 reservists mobilized for up to a year, with these kinds of domestic disasters impact the ability of the reserve components to respond to overseas deployments and missions?

MR. MCHALE: We have to de-conflict those missions. The parameters that you cite in the legislation are the outer parameters – the maximum number for the longest period of time.

We did, in fact, deploy 50,000 reserve component men and women, in response to Katrina; Hurricane Katrina, as tragic as it was and with enormous sensitivity for the loss of life that occurred. Nonetheless, in my judgment, Katrina is at the low-end of foreseeable catastrophic events. We can envision, and we do plan in terms of contingency planning for catastrophic events, man-made and natural occurring where the number of deaths and the amount of property destroyed would far exceed the painful experience of Hurricane Katrina. And therefore, when we saw that Katrina took 50,000 National Guardsmen and some other reserve component personnel, and that other foreseeable catastrophic events could be much larger, we felt that we needed to introduce into the law the possibility that larger numbers, for a longer period of time, of reserve component personnel, could be operationally employed.

And, Mr. Brownlee, your question is a good one. If we have a series of catastrophic events in the United States, were we to experience a series of terrorist attacks producing tens of thousands of dead Americans and vast areas of property damage, we would have to go through a serious, deliberative process of resource allocation in order to determine how many reservists could be committed to that domestic response while simultaneously measuring and prioritizing our overseas war fighting missions in which those same reservists might also have to be utilized, and we would have to make some very hard choices.

This legislation gives us the opportunity to make those choices. It doesn't make them for us, but gives us the opportunity, consistent with the facts at hand, to use the reserve component to the maximum degree possible for domestic missions consistent with what might also be a simultaneous overseas war-fighting requirement, and the Joint Staff, working with Joint Forces Command and in close coordination with NORTHCOM, would have to conduct that assessment.

MR. BROWNLEE: How would the federal government determine whether the National Guard would be activated under this new authority under Title 32 status? And specifically, what consultation would take place with the governors under these conditions?

MR. MCHALE: I would have to look specifically at the details of the legislation but I can tell you in general. Title 32 employment of the National Guard involves an essential partnership between the affected governor and the secretary of Defense. And all

of the Title 32 legislation with which we have been involved ultimately reserves for the secretary of defense a determination as to whether or not the proposed Title 32 mission is appropriate and consistent with DOD's other mission requirements, most especially ongoing overseas war fighting.

And so, for instance, when the Gibbons-LoBiondo Amendment passed with our advocacy last year, essentially what that requires is a recommendation from the governor that National Guard forces be employed in Title 32 to conduct homeland defense activities where that recommendation goes to the secretary of Defense and where the secretary of Defense then makes a determination as to whether or not he, and his independent judgment, believes the proposed Title 32 mission is a good one. If he does, he approves it and then the partnership is complete and the mission goes forward.

MR. BROWNLEE: But it appears that this is a change to Title 10, so they would be mobilized under a new Title 10 authority, which would then limit their ability to engage in law enforcement activity.

MR. MCHALE: And what we're talking about is a range of options. Frankly, we would rarely advocate – I could envision circumstances where we would -- but the norm would be that for domestic missions we would normally want to use the National Guard in Title 32 status. For the reasons implied in your question, in Title 32 the governor is in command and control. DOD pays for it. But the governor is in command and control, and in Title 32 the National Guard is exempt from Posse Comitatus and can work in close coordination with civilian law enforcement in ways that Title 10 forces cannot.

And so when we move to Title 10, the advantage is we achieve unity of command. The disadvantage is we prohibit or at least limit some of the mission that could otherwise be performed in Title 32, and so to get that unity of command, under the president as opposed to the governor, there is a price paid in terms of the flexibility of using that Guard force for law enforcement related missions.

And what I can tell you, Mr. Brownlee, is ordinarily it would be a decision of first-tier importance to move the Guard into Title 10. And whenever possible, we would prefer to keep the National Guard under gubernatorial command and control in Title 32.

MR. BROWNLEE: Great. Admiral Keating, in your prepared testimony, you stated that, quote, "We are not aware of any force gaps in our homeland defense and civil support plans where our ability to accomplish the mission is at risk due to shortfalls in reserve component availability." And on the next page you said state, "We have no indication that the reserve component has been able to support U.S. NORTHCOM missions." So with those two statements, why would this legislative request for this year's defense bill seem to have such a high priority for DOD to give this additional call-up authority?

ADM. KEATING: The statements –

MR. BROWNLEE: Because you obviously indicate you don't have any anticipated shortfalls.

ADM. KEATING: The statements that we made our based on two things, Mr. Secretary: the rearview mirror and our best ability to determine what might foreseeably come across our plate based on current intelligence. So in no exercises nor in any real world operations have we been restricted in any way by access to or availability of or the training resident in those Guard, Reserve, or active forces for that matter.

Now, that is not to say that in the event of this scenario that Paul McHale described earlier, where if there are multiple higher-end-on-the-catastrophe-scale-than Katrina-type events, it may be possible that we would need/seek more forces for a longer period of time than we have heretofore or than we think we will. And so it is on that basis – not that we will automatically need them, but the potential could foreseeably exist where we might need them – that this expanded window, as included in the legislation, may be advantageous for us. Up to now I haven't needed it – can't say for sure that we won't ever.

MR. PUNARO: Thanks, Les.

MR. BROWNLEE: Do I have time for one short one?

MR. PUNARO: Well, I know Secretary McHale is getting short on time.

MR. BROWNLEE: Oh, yeah. Okay. But I really wanted to ask just when Secretary Foresman was here – it goes back to this White House After-Action Report on Katrina and the series of recommendations they made. And one place in there, if I could, Paul, just very quickly – it says, “Department of Defense and Department of Homeland Security should develop recommendations for revision of the National Response Plan to delineate the circumstances, objectives, limitations of when DOD might temporarily assume the lead for the federal response to a catastrophic incident.” Has Department of Defense and Department of Homeland Security settled on what those words mean – assume the lead? Does that mean command and control? Does that mean something else?

MR. MCHALE: That issue is still under very active deliberation. It comes back to what I was talking about earlier, Mr. Brownlee, in terms of when DOD's capabilities might be of paramount importance. Under the National Response Plan, the Department of Homeland Security, quite properly, normally has the lead among all federal agencies. And normally under the National Response Plan, we in the Department of Defense provide support to the Department of Homeland Security. We preserve our own chain of command but our missions are executed in support of DHS.

Katrina made it clear that in certain catastrophic events – not major disasters – we have 50 or 60 major disaster every year that are recognized under the Stafford Act – but when a catastrophic event occurs, when an entire region of the nation is affected by the

event, when a CBRNE contaminant is spread over a large area, when the number of dead might equal or even vastly exceed the loss of life associated with Katrina, when contractors are not available for immediate use by FEMA, when DOD alone has the organic capability, it seemed prudent in the aftermath of Katrina to determine when might that be -- that DOD should be determined to be the best-qualified federal agency for a limited period of time to lead the federal effort. This is not federalizing the response. This is not a preemption of the governor's authority or state authorities.

And when those circumstances are defined -- and I think it is likely that those circumstances will ultimately be defined in appropriate documents including a possible revision to the National Response Plan -- the role of DOD would be to, simply and temporarily, step into the shoes of the Department of Homeland Security so that DOD, among federal agencies, would have the lead until such time as circumstances allowed, at the earliest opportunity, the Department of Homeland Security to resume that lead among federal agencies.

And it really comes down to the magnitude of the event, the ability of state and local officials to respond, and the need for DOD's organic transportation, communication, and logistics capabilities to begin the remediation process -- only in the context of a catastrophic event, certainly not in the recurring context of more routine, if you can use that term, major disasters.

MR. BROWNLEE: Thank you, Mr. Secretary.

MR. PUNARO: Okay, I have one quick closeout question. Mr. Secretary, if you could -- you've been very patient. And both of you on this one -- I think the commission in general -- I know myself in particular, views the role of your office and the role of Northern Command not only as critically important now, but we know intuitively and from what we've heard in testimony and from what we've talked about both those offices will grow in importance, in influence, and in responsibility over the years. It's inevitable.

And I have a four-star question -- but it's not the one about the chief of the National Guard Bureau being a member of the Joint Chiefs of Staff -- where we've asked the secretary of defense for the official department position on that. But it would be that -- and this would be to ask you your personal views, and Admiral Keating, your professional military judgment -- do you see a day when a Guard or Reserve flag or general officer, given the fact that we now have the chairmen 10 (?) positions where they now have more opportunity to get joint training that they wouldn't have had 10 years ago -- now most Guard and Reserve flag and general officers serve once they become brigadier generals -- many of them -- as a couple of them here at the table know -- they go on active duty and they stay on active duty for extended periods of time as an operational reserve. I think our senior officers in the military on the Guard and Reserve side are going to spend even more time on active duty. Do you see a day, Admiral Keating, when at the discretion of the president and his ability to nominate to the Senate upon the recommendation of the secretary of Defense, and of course the Senate having the authority to confirm -- then the president to appoint a Guard or Reserve flag or general

officers as the commander of the U.S. Northern Command. Could we see a day when that would come?

ADM. KEATING: Yes, sir, we could.

MR. PUNARO: Secretary McHale?

MR. MCHALE: Yes, sir, we could.

MR. PUNARO: Okay. With that, we thank you again for your tremendous service. We thank you for what you've done in these critically important jobs. You're going to be very busy coming up here. You've been very busy, you're going to be a lot busier – we look forward. Again, we appreciate the tremendous help and corporation that we've had from the Department and from the Northern Command and look forward to staying in close touch with you. The commission will stand in recess until 1:30 p.m.

(End of May 3 morning session.)