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Statement by

The Honorable Paul Stockton

Assistant Secretary of Defense for Homeland Defense
and Americas' Security Affairs

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INTRODUCTION

Chairman Smith, Ranking Member Miller, distinguished members of the Subcommittee: thank you for the opportunity to address you today on the Department of Defense's (DoD's) roles and responsibilities for homeland defense and Defense Support of Civil Authorities (DSCA), and DoD's efforts to enhance its preparedness to respond to chemical, biological, radiological, nuclear, and high-yield explosives (CBRNE) attacks.

Just as our challenges change and our adversaries adapt and develop new tactics, we too must be nimble and creative. As the President recognized, in his commencement speech at the U.S. Naval Academy in May, "For history teaches us that the nations that grow comfortable with the old ways and complacent in the face of new threats, those nations do not long endure. And in the 21st century, we do not have the luxury of deciding which challenges to prepare for and which to ignore. We must overcome the full spectrum of threats -- the conventional and the unconventional; the nation-state and the terrorist network; the spread of deadly technologies and the spread of hateful ideologies; 18th century-style piracy and 21st century cyber threats."¹

There are few greater challenges than those posed by chemical, biological, and particularly nuclear weapons,² and as acknowledged by Secretary Gates in his statement to the Senate Armed Services Committee earlier this year, "one of the greatest dangers we continue to face is the toxic mix of rogue nations, terrorist groups, and nuclear, chemical, or biological weapons."³

In facing these challenges, the responsibility of DoD "first and foremost is to fight and win wars."⁴ The U.S. military must be able to dissuade, deter, and, if necessary, respond to challenges across the spectrum -- including the armed forces of other nations.⁵

¹ President of the United States, Press Release: *Remarks by the President at the United States Naval Academy Commencement*, May 22, 2009.

² Department of Defense, *National Defense Strategy*, June 2008, page 14.

³ Hon. Robert Gates, Secretary of Defense, *Statement for Record to the Committee on the Armed Services, U.S. Senate*, January 27, 2009.

⁴ Hon. Robert Gates, Secretary of Defense, *Statement for Record to the Committee on Armed Services, U.S. House of Representatives*, May 13, 2009.

I am honored to have been nominated by the President and confirmed by the Senate to serve as the second Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs. I am grateful to my predecessor, Paul McHale for all that he achieved in the last six years, and hope to build on his accomplishments during my tenure. In this role, my principal duty is the overall supervision of the homeland defense activities of the Department of Defense.⁶ As a matter of policy, I am also the principal civilian advisor to the Secretary of Defense and the Under Secretary of Defense for Policy on homeland defense activities, DSCA, and Western Hemisphere security matters. As a matter of law, I am also responsible for coordinating DoD assistance to Federal, State, and local officials in responding to threats involving CBRNE weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of CBRNE weapons and related materials and technologies.⁷

As a part of my duties, I provide guidance and oversight to, and coordinate with, the two combatant commands responsible for employing Federal military forces to execute homeland defense and DSCA missions: United States Northern Command (USNORTHCOM), which is responsible for the lower 48 States and Alaska, Puerto Rico, and the U.S. Virgin Islands, and United States Pacific Command (USPACOM), which is responsible for Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and insular territories throughout the Pacific Ocean.

Given the opportunity to testify before the Subcommittee for the first time in my official capacity, I would like to discuss how the Department views homeland Defense, Defense Support of Civil Authorities, CBRNE consequence management, and cooperation with our interagency partners across all of those missions.

HOMELAND DEFENSE

⁵ Hon. Robert Gates, Secretary of Defense, *Statement for Record to the Committee on Armed Services, U.S. Senate*, January 27, 2009.

⁶ 10 U.S.C. §138(b)(3).

⁷ 50 U.S.C. §2313.

“Homeland defense” and “homeland security” are complementary and mutually supporting mission areas.

DoD defines “homeland defense” as the “protection of United States sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President.” The law defines “homeland defense activity” as meaning “an activity undertaken for the military protection of the territory or domestic population of the United States, or of infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States.”⁸ In other words, *homeland defense* is a select activity -- *protection* -- provided by a specific entity -- the *military* -- and focused on a full-spectrum of “external threats and aggression” -- including *the armed forces of other nations* and *terrorists*. Homeland defense is a mission of the Department of Defense. The U.S. Armed Forces protect the physical integrity of the country through an active layered defense. They also deter attacks upon it, directly and indirectly, through deployments at sea, in the air, on land, and in space.

The Congress, in the Homeland Security Act of 2002, assigned to the Department of Homeland Security the responsibility for preventing terrorist attacks within the United States; reducing the vulnerability of the United States to terrorism; and minimizing the damage, and assisting in the recovery, from terrorist attacks that do occur within the United States. As necessary, and consistent with the law, DoD provides support to the Department of Homeland Security and other Federal and State agencies in the execution of homeland security missions.

DoD is postured daily to deter, defend against, and defeat threats to the United States in the air, maritime, and land domains. The air domain, including U.S. airspace and the nation’s air approaches, is guarded, patrolled, and monitored by the bi-national U.S.-Canada North American Aerospace Defense Command (NORAD). Special defensive measures, including irregular air patrols, a dedicated 24-hours-a-day/7-days-a-

⁸ 32 U.S.C. §901.

week alert fighter response based at Andrews Air Force Base, Maryland, and a dedicated ground missile defense system, provide around-the-clock protection of the National Capital Region. The maritime domain -- including international waters, the maritime approaches to the United States, our territorial seas, and other U.S. navigable waters -- is guarded by a highly effective partnership between the U.S. Navy and the U.S. Coast Guard. The U.S. Navy defends the sea approaches to the United States and works with the U.S. Coast Guard to patrol international waters and our territorial seas. Additionally, in multiple theaters overseas, forward-deployed U.S. Navy assets work with other agencies and nations to identify, track, and intercept threats before they threaten the United States. On the land domain, in addition to general purpose forces, which can be called upon at any time, DoD has numerous assets ready to defend the U.S. homeland directly and to assist civil authorities, including U.S. Army and U.S. Marine Corps quick reaction and rapid reaction forces and standing joint task forces dedicated to the National Capital Region, Alaska, Hawaii, and elsewhere.

DEFENSE SUPPORT OF CIVIL AUTHORITIES

As stated in the National Defense Strategy, “While defending the homeland in depth, the Department must also maintain the capacity to support civil authorities in times of national emergency such as in the wake of catastrophic natural and man-made disasters.”⁹ DoD is prepared, when directed by the President or approved by the Secretary of Defense, to provide, as part of the Federal Government’s support of State and local emergency assistance efforts, capabilities and resources to save lives, sustain lives, and protect property and public health and safety, including search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, and other essential needs, including movement of supplies or persons.¹⁰

Subject to constitutional and statutory authority, DoD is also prepared to assist civilian law enforcement authorities. Under Title 10 and Title 18, U.S. Code, the

⁹ Department of Defense, *National Defense Strategy*, June 2008, page 7.

¹⁰ 42 U.S.C. §5170a, §5170b, §5192.

Department of Defense, at the request of the U.S. Attorney General, may assist in activities related to the enforcement of specified laws during situations involving a biological, chemical, or nuclear material or weapon of mass destruction.¹¹ In addition, under Title 10, DoD, at the request of Federal, State, or local civilian law enforcement officials, may make available -- to the extent it does not affect military preparedness¹² and on a reimbursable basis¹³ -- any DoD equipment, base facility, or research facility for law enforcement purposes.¹⁴

CBRNE CONSEQUENCE MANAGEMENT

The Department of Defense “will be prepared to provide forces and capabilities in support of domestic CBRNE consequence management, with an emphasis on preparing for multiple, simultaneous mass casualty incidents.” DoD’s CBRNE response capabilities are the best funded, best equipped, and best trained in the world. During the past eight years, DoD has developed a wide range of CBRNE response capabilities and has trained to employ these capabilities rapidly in support to civil authorities to help save lives.

In the National Guard, DoD has developed, trained, equipped, and certified 55 Weapons of Mass Destruction - Civil Support Teams (WMD-CSTs) -- one in each State and Territory (and two in California) -- and 17 CBRNE Enhanced Response Force Packages (CERFPs) located throughout the United States. There is at least one CERFP in each Federal Emergency Management Agency (FEMA) region. Both the WMD-CSTs and the CERFPs operate under the command and control of the State Governors with Federal funding (Title 32, U.S. Code).

In the Federal forces, we established the first CBRNE Consequence Management Response Forces (CCMRF) last October. We will establish a second this October, and will establish a third and final CCMRF by October of 2010. The CCMRFs’ primary

¹¹ 10 U.S.C. §382 (biological or chemical) and 18 U.S.C §831 (nuclear).

¹² 10 U.S.C. §376.

¹³ 10 U.S.C. §377.

¹⁴ 10 U.S.C. §372.

mission is to assist civil authorities in the aftermath of a CBRNE incident in the United States.

Although not dedicated to domestic CBRNE consequence management, other Federal forces can be called upon by the Secretary of Defense to assist civil authorities. Special units such as U.S. Army technical escort battalions, the U.S. Army Corps of Engineers, and the Defense Threat Reduction Agency's Consequence Advisory Teams can provide unique technical support. As well, general purpose forces can assist with transportation, medical support, logistics support, evacuation, damage assessment, and security. If necessary, the President has the authority to order to active duty members and units of the Reserve Components, for up to 365 days, to assist in responses to CBRNE threats or attacks.¹⁵ The President, however, does not have the authority to order to active duty members or units of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to assist in responses to natural disasters. We are currently working with the Governors of the States and Territories on a DoD legislative proposal to provide the Secretary of Defense the option, when requested to support Federal assistance to States and localities, to call upon the citizen soldiers, sailors, Marines, and airmen of the Army, Navy, Marine Corps, and Air Force Reserves, who stand ready to help in times of need.

INTERAGENCY COOPERATION

As provided in the National Defense Strategy, effective execution of assistance such as Defense Support of Civil Authorities, especially amid simultaneous, multi-jurisdictional disasters, requires ever-closer working relationships with other departments and agencies, and at all levels of government. As the President noted in May, "True preparedness means having Federal and State and local governments all coordinating effectively."¹⁶ To that end, DoD will continue to work to improve understanding and harmonize best practices amongst Federal, State, and local partners. This must happen at

¹⁵ 10 U.S.C. §12304.

¹⁶ President of the United States, Press Release: *Remarks by the President After Meeting at FEMA on Hurricane Preparedness*, May 29, 2009

every level from Washington, DC-based headquarters to the field. DoD, in partnership with DHS, also will continue to develop strong relationships with State and local authorities to ensure DoD is positioned, along with other Federal agencies, to respond when necessary to support civil authorities in times of emergency, when requested, where allowable by law, and when directed by the President or authorized by the Secretary of Defense. Through these efforts we will significantly increase our collective abilities to secure the homeland.

The Department of Defense has already worked closely with FEMA to develop 26 all-hazard, pre-scripted mission assignments (PSMAs) for DoD support and more than 30 PSMAs for U.S. Army Corps of Engineers support. These all-hazards PSMAs include:

- Heavy- and medium rotary-wing lift;
- Tactical transportation;
- Strategic transportation;
- Communications support;
- Emergency route clearance;
- Damage assessment;
- Temporary housing;
- Mobilization centers and operational staging areas;
- Temporary medical facilities; and
- Rotary wing medical evacuation.

In terms of planning activities, DoD and other Federal partners have supported the DHS Incident Management Planning Team since March 2006 in its efforts to develop interagency plans to address the challenges described in the 15 National Planning Scenarios.

In addition to interagency planning and other initiatives, DoD has forged strong, direct, day-to-day relations with DHS at all levels. For example:

- Since 2003, DoD has maintained a full-time DoD advisory and liaison office within DHS headquarters;
- Also since 2003, under a DoD-DHS memorandum of agreement, DoD has detailed more than 100 DoD personnel to DHS to fill critical specialties in the DHS National Operations Center, the National Response Coordination Center, Science and Technology Directorate, Intelligence, Cyber and Telecommunications, and Domestic Nuclear Detection Office, FEMA, and the U.S. Coast Guard; and
- Since 2006, DoD has maintained Defense Coordinating Officers and Defense Coordinating Elements attached to each of the 10 FEMA regions to coordinate DoD assistance.

As an academic, I was critical of past efforts to build homeland security programs that depend on State and local entities to be implemented effectively without taking State and local perspectives and constraints into consideration. State and local expertise and perspectives are essential to success. It is also important to be mindful of the fact that, in our nation's Federalist system, the Governors are sovereign, independently elected chief executives of their States. As the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, I hope to contribute to a more inclusive effort, one that involves State and local partners as *partners aforethought* and not as an *afterthought*. Congress, in section 1822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), has provided a valuable vehicle through which to accomplish this goal: the "Council of Governors," which would provide a forum for Governors, the Secretary of Defense, and the Secretary of Homeland Security to exchange advice, views, and recommendations on the National Guard, DSCA, and other matters of mutual interest. I will make it a top priority to implement this congressional objective.

Since 2008, DoD has supported FEMA in the Task Force for Emergency Readiness (or "TFER") initiative. The TFER, under the direct leadership of a Governor's state emergency management structure, brings State planners, including National Guard

personnel, with DHS Federal Preparedness Coordinators and DoD Emergency Preparedness Liaison Officers to develop State plans tailored to the unique strengths, vulnerabilities, and challenges of each individual State. The TFER can also facilitate the integration and synchronization of local, State, Regional, Federal, and private sector incident planning.

The TFER initiative will enable the merging of bottom-up local/State planning with the Federal top-down approach to foster a unity of effort in the planning arena that mirrors our nation's principles of self reliance and the Federal model of government. In short, each state's TFER will provide a focal point for catastrophic response planning and will help integrate all relevant capabilities -- military and civilian -- found within the public and private sectors.

Currently, FEMA is conducting a TFER pilot program in five States: Hawaii, Massachusetts, South Carolina, Washington, and West Virginia. As part of this pilot program, the planning of each of these five TFERs is focused on planning for a different catastrophic incident from the 15 National Planning Scenarios. Early indications are that TFER shows enormous promise, and serves as a model of how DoD can partner with FEMA to help support States.

CONCLUSION

In conclusion, since being confirmed as the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, I have been greatly impressed by what I have seen. Today, DoD -- Active, Reserve, National Guard, and DoD civilians -- is better prepared to defend the United States and assist civil authorities in the aftermath of a catastrophic incident than at any other time in our nation's history. Our men and women in military uniform are well prepared to act, with a sense of urgency, when needed.

I also realize that no matter how good we are, we must get better. Readiness is not a static end state, but a continuous process of preparation and self-examination. I intend

to dedicate my tenure to ensuring that we do get better. I appreciate your leadership, Mr. Chairman, Members of the Subcommittee, and look forward to working with you in the future.