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FOR THE RECORD

STATEMENT BY

**MAJOR GENERAL TERRY L. SCHERLING
DIRECTOR, NATIONAL GUARD BUREAU JOINT STAFF**

BEFORE THE

HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

FIRST SESSION, 110TH CONGRESS

ON

“FEMA PREPAREDNESS IN 2007”

JULY 31, 2007

**NOT FOR PUBLIC DISSEMINATION
UNTIL RELEASED BY
THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**

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Chairman Waxman, ranking member Davis and distinguished members of the subcommittee, thank you for the opportunity to speak to you today about the role of the National Guard in support to civil authorities during disasters. While the Army and Air National Guard are engaged with our active duty counterparts in combat operations around the world, the National Guard also maintains capability to help state governors to respond to disasters and other threats to American people here at home.

The Army and Air National Guard are reserve components of the United States Army and the United States Air Force. As such, our reason for existence is to provide units ready to be called to active duty to meet the Nation's military needs.

While the National Guard actively provides units to be mobilized for duty in combat operations overseas, we also recognize that the Nation's governors rely on their National Guard forces here at home to provide needed capability to respond to natural disaster or other threats inside the homeland.

The National Guard Chain of Command in Disasters

There is a saying among first responders that, like politics, all disasters are local. This phrase alludes to the fact that in emergency management, the incident commander is usually an official at the local government level. With limited capabilities to respond to major disasters, such officials frequently turn to their state governors for further assistance. Because the Army and Air National Guard, in addition to being reserve components of the U.S Army and Air Force, are also the organized militia of the States under the U.S. Constitution, the National Guard is frequently called to state duty by Governors when our military equipment, organization and skills provide the capabilities needed to help respond to an emergency. Therefore, when the National Guard responds to disasters, it does so under state command.

There are provisions under law by which the National Guard may be federalized and thus operate under federal command but such federalizations generally result in the National Guard being less capable of providing support to law enforcement due to restrictions inherent in the Posse Comitatus Act. Generally, it has been the National Guard's experience, therefore, that domestic operations are best conducted under state command.

Another option for structuring the National Guard's chain of command is the dual-hatted state/federal military command authority in Title 32. In 2004, domestic operations supporting the G-8 summit at Sea Island, Georgia as well as the Republican and Democratic National Conventions, a National Guard general officer appointed under this authority was successful in simultaneously commanding both active duty troops and National Guard troops in state status. This helped to achieve unity of effort between state and federal forces. That sort of unified effort is particularly important in a multi-state emergency. We need to look for ways to make good use of the dual-hat authority in these types of events in the future.

How the National Guard Bureau Will Respond

Since September 11, the National Guard has performed an increasing number of domestic operations which were executed under state command but funded by the federal government under provisions of Title 32 of the U.S. Code. The National Guard's airport security mission conducted immediately after 9/11, our entire response to Hurricane Katrina, and our current Operation Jump Start assisting in border security were all conducted in this manner. This combines the flexibility, responsiveness and law enforcement support capabilities of state command with the tremendous power of federal resources to give the Nation a strong capability to bring military resources to aid civilians in distress. Governors count on the National Guard to be the first military responder and call on Guard assets within the first hours of an event.

At the National Guard Bureau, we have made a commitment to the governors that our goal will be to manage National Guard mobilizations and overseas deployments to the degree that we can ensure no more than 50 percent of any particular state's

National Guard forces are absent from the state at any given time. The intent is to meet the Nation's military requirements overseas and, at the same time, to have capability remaining in states here at home to help Governors meet needs that may arise during domestic emergencies. In general, we have been successful in meeting this goal. In those few instances where it has been necessary to mobilize more than 50 percent of a state's National Guard, we have worked closely with those governors to help them to identify and, if needed, to access National Guard capabilities in other states through interstate loans under the Emergency Management Assistance Compact.

The Emergency Management Assistance Compact (EMAC), which was quite effective in the response to Hurricane Katrina, is a proven means of redistributing resources from state to state in order to address unfulfilled requirements. As we work to improve our domestic equipping posture, EMAC will play a major role in our domestic response capability. When a disaster overwhelms the capability resident in a state, the state may obtain equipment and forces from neighboring states in this way but that, of course, takes time.

At the beginning of this year, the Army National Guard had on-hand approximately 40% of the equipment which it is required to have. When equipment is needed but not on-hand at a particular location, it is necessary to bring in equipment from farther away either from other units within a state, or from other states under EMAC.

The Department of Defense is taking strong decisive action to address the equipment needs in the National Guard. The budget request now before Congress includes \$22 billion for Army National Guard equipment over the next five years. If provided, these funds would bring the Army National Guard up to approximately 76% of the equipment its stated requirement. This increased level of equipping will not only improve the military combat readiness of our units in the Army National Guard but will also decrease response times to domestic emergencies here in the homeland as more equipment is available in the states.

Lesson Learned From Katrina

In the aftermath of Hurricane Katrina, the National Guard Bureau has developed and implemented a number of initiatives which will further enhance the capability of the National Guard to provide support to civilian authorities in times of disaster.

The Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina final report titled, "A Failure of Initiative", identified four findings the National Guard Bureau has taken quite seriously.

The report states the committee's finding that the Department of Defense had not incorporated or implemented lessons learned from joint exercises in military assistance to civil authorities that would have allowed for a more effective response to Katrina. At the National Guard Bureau, we have developed and integrated after action reports to serve as the basis for future domestic planning efforts.

The committee also found that the lack of integration of National Guard and active duty forces hampered the military response. At the National Guard Bureau, we have addressed this issue by ensuring National Guard supporting plans are provided and included in Northern Command's domestic response plans.

The select bipartisan committee report also raised concern that the Northern Command does not have insight into state response capabilities or adequate interface with governors. Since Hurricane Katrina, the National Guard Bureau and the United States Northern Command have convened several exercises and conferences where state and federal forces share information and plans. In fact, the Chief of the National Guard Bureau is not available to testify at this hearing today because he is participating in a meeting of National Guard Adjutants General with U.S. Northern Command. Along with providing supporting plans, the National Guard has a fulltime staff of title 10 personnel permanently assigned to Northern Command. This provides key leaders with

immediate access and experts on National Guard capabilities available to civil authorities.

Finally, the committee's report expressed the concern that National Guard troops should have been placed in Title 32 status earlier during the response to Hurricane Katrina. This has been addressed by the Department of Defense leadership by noting the necessity and value in expediting an authorization for Title 32 funds for appropriate emergency response operations.

In addition, the National Guard Bureau recognizes that interagency relationships are fundamental to the success of the federal response to any disaster, and we must continue to foster strong relationships with the Department of Homeland Security and Northern Command. The National Guard Bureau has a fulltime Title 10 liaison officer integrated into the staff at the Department of Homeland Security and one at the Federal Emergency Management Agency (FEMA). Indeed, coordination efforts to date, point to the need for better planning, procurement of more equipment and interoperable communications, and joint training of the National Guard, active duty forces, and our federal partners.

I am grateful for the opportunity to appear before the committee today and welcome your questions.