

Statement by

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Before the 108th Congress

Senate Armed Services Committee

U.S. Senate

April 8, 2003

Introduction

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

As stated in the 2001 Quadrennial Defense Review, the highest priority for the U.S. military is the defense of the U.S. homeland. At home and abroad, the Department of Defense is a significant contributor in this national effort to secure our nation and its people.

The President understands that terrorists can attack at any time, in any location, using every conceivable technique. He also understands that it is physically not possible to defend against every conceivable threat, in every place, at every time. To successfully defend against terrorism, and other 21st century threats, requires that we take the war to the enemy. Our task is to put pressure on the terrorists wherever they are, in Afghanistan and across the globe, to ensure that they have no safe haven, no sanctuary, anywhere in the world.

That is why the President has marshaled all of the Nation's capabilities—political, economic, financial, law enforcement, military and intelligence—to deter, attack, and destroy terrorist organizations, and those who harbor them. These organizations typically threaten the United States, our interests, or our allies from terrorist locations overseas.

That is why defense of the homeland actually starts abroad, where our soldiers, sailors, airmen, and Marines are putting their lives on the line every day to make it more difficult for terrorists to plan or execute their attacks before they ever near our borders.

Homeland Defense and Homeland Security

As described by the President in the National Strategy for Homeland Security, **homeland security** is defined as a concerted national effort to prevent terrorist attacks within the United States, reduce the vulnerability of the United States to terrorism, and minimize the damage and assist in the recovery from terrorist attacks.

In addition, the Defense Department defines **homeland defense** as the military protection of United States territory, domestic population, and critical defense infrastructure against external threats and aggression. It also includes routine, steady state activities designed to deter aggressors and to prepare U.S. military forces for action if deterrence fails.

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

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

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

The first case was **extraordinary circumstances**, which require the Department to execute its traditional military missions. For example, combat air patrols and maritime defense operations. In these cases the Department plays the lead role and is supported by other Federal agencies. For instance, combat air patrols where the Federal Aviation Administration provides data to assist the efforts of Air Force fighter pilots in identifying and, if necessary, intercepting suspicious or hostile aircraft. Also included in the category of extraordinary circumstances are cases in which the President, exercising his Constitutional authority as Commander in Chief, authorizes military action.

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

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

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

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

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

General Ed Eberhart, commander of U.S. Northern Command, also commands the North American Aerospace Defense Command (NORAD), which is collocated with U.S. Northern Command at Peterson Air Force Base, Colorado Springs, Colorado. U.S. Northern Command is a U.S. only command and NORAD is a U.S.-Canada bilateral command. NORAD is responsible for the aerospace defense of North America. U.S. Northern Command is responsible for the land, maritime and US-only air capabilities of homeland defense. The two commands work closely together on a daily basis to provide aerospace defense to the nation. The U.S. Northern Command and NORAD staffs are integrated with the dual-hatting of many staff officers.

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

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

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

Second, the Fiscal Year 2003 National Defense Authorization Act directed the establishment of an “**Assistant Secretary of Defense for Homeland Defense.**” I am honored to serve as the first Assistant Secretary of Defense for Homeland Defense.

In accordance with Section 902 of Public Law 107-314, the Bob Stump National Defense Authorization Act of 2003, my principal duty is “the overall supervision of the homeland defense activities of the Department of Defense” to be exercised subject to the Secretary’s authority, direction and control (10 U.S.C. 113(b)) and without interfering with the chain of command over the armed forces (10 U.S.C. 162(b)). My charge, as given to me by law, by the Secretary of Defense, and by the President is to lead and focus the Department’s activities in homeland defense and homeland security, ensure internal coordination of DoD policy direction, provide guidance consistent with the law to Northern Command for its homeland defense mission and its military activities in support of homeland security, to include support to civil authorities, and to coordinate with the Homeland Security Council (HSC), the National Security Council (NSC), the Department of Homeland Security (DHS), and other government agencies. In other words, I am responsible for recommending to the Secretary the roadmap for the Defense Department’s role in securing our nation at home.

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

The Under Secretary of Defense for Intelligence will have the primary responsibilities to assure that the senior leadership of the Department and Combatant Commanders receive the warning, actionable intelligence and counter-intelligence support needed to pursue the objectives of our new defense strategy.

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

DoD Actions to Defend the Nation

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

On October 7, 2001, we took the fight to the enemy when we, along with our allies, launched attacks against al-Qaeda and the Taliban in Afghanistan. This operation, Operation ENDURING FREEDOM, successfully liberated Afghanistan from the Taliban,

destroyed al-Qaeda training bases, disrupted al-Qaeda communications and impaired al-Qaeda organizational efforts.

The Department continues to prosecute the war on terrorism abroad. Today, the brave men and women waging the war against terrorism around the world are America's first and most important line of defense against homeland attack. By going directly to the source and rooting out terrorists and their networks, they deter and defeat terrorist attacks before they occur.

Protecting our nation requires an unprecedented level of cooperation throughout all levels of government, with private industry and institutions, and with the American people. The federal government has the crucial task of fostering a collaborative environment, and enabling all of these entities to work together to provide the security our nation requires. The new Department of Homeland Security is tasked with the responsibility of leading this national effort to protect our nation against terrorist attacks. The Secretary of Defense has made a public commitment to work closely with the new Department of Homeland Security in order to coordinate our respective responsibilities.

The U.S. military actually took its first step in response to September 11, 2001 when two F-15 Eagle jets arrived at the World Trade Center, just minutes after United Airlines Flight 175 sliced into the second tower. While they were unable to alter the course of history on that morning, they stood guard with renewed vigilance. They were the first, but they were not the last.

The direct defense of the American homeland, Operation NOBLE EAGLE, commenced immediately after the September 11 attacks and includes combat air patrols over key domestic locations, expanded air operations, and command and control of active component forces, including US Navy ships with anti-aircraft systems to enhance the security of US domestic airspace. Since September 11, 2001, DoD has been flying daily

combat air patrols over U.S. cities. Since that date, DoD has flown over 28,000 sorties and responded to more than 1,000 requests from the Federal Aviation Administration to intercept potential air threats. NOBLE EAGLE also entails Coast Guard inspections of cargo vessels and patrols – supported by Navy Patrol Coastals -- in defense of major seaports.

The Department of Defense is supporting the Department of Homeland Security as the Lead Federal Agency for Homeland Security. Military planners assisted the Department of Homeland Security in the development of the LIBERTY SHIELD plan. DoD's continuing Homeland Security commitments as part of Operation NOBLE EAGLE complement LIBERTY SHIELD's national effort to protect our citizens and infrastructure.

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

One of the critical elements in DoD's contribution to the security of our nation is the National Guard. Since the terrorist attacks of September the 11th, the Defense Department has depended daily upon the personnel and resources of the National Guard. In fact, the two F-15 Eagle jets that responded to the attacks on the World Trade Center on September 11, 2001, were from the 102nd Fighter Wing, Massachusetts Air National Guard at Otis ANGB.

When we were attacked on September 11th, more than 100,000 reservists and National Guard members sprang into action - Army, Navy, Air Force, Marines, Coast Guard. Since then, they have helped defend our homeland, drive the Taliban from power, shut down the terrorist training camps in Afghanistan, and liberate the Afghan people.

These contributions have been vital to our success thus far in the global war on terrorism.

The National Guard is particularly well-suited to perform selected homeland defense missions, such as the Air National Guard's important role in continental air defense. However, the National Guard is combat ready to conduct overseas military operations and is relied upon by combatant commanders as part of our nation's strategic reserve.

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

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

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

Second, in state service but performing duties of federal interest, in Title 32 status. This status involves state command and control, but federal payment of costs.

Third, in federal Title 10 status, when the National Guard is mobilized to serve under the direction of the President or the Secretary of Defense. Significantly, the Commander of Northern Command will have command authority over the Guard only when it is serving in Title 10 status. In all other cases, command authority over the Guard's activities remains with State governors.

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

The Department of Defense-Department of Homeland Security Relationship

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

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

operations led by the Department of Homeland Security when authorized by the President or the Secretary of Defense. There will be an ongoing requirement for U.S. Northern Command to coordinate plans, exercises and training with the operating components of DHS.

As the Assistant Secretary of Defense for Homeland Defense, I will supervise all DoD homeland defense activities, including combatant command capabilities, consistent with the Secretary's direction and without interfering with the chain of command, and will coordinate all requests for assistance and cooperative ventures between the Department of Defense and the Department of Homeland Security.

The Department of Defense and First Responders

DoD is eager to continue a long tradition of providing specialized capabilities, technology, and training to first responders. In addition, in situations where civilian authority capabilities to deal with emergencies is overwhelmed, DoD can provide unique assistance support of first responders. Some of these capabilities include those provided by the U.S. Northern Command's Joint Task Force Civil Support (JTF-CS), the National Guard Weapons of Mass Destruction Civil Support Teams (WMD-CST), the Chemical-Biological Incident Response Force (CBIRF), the Chemical/Biological-Rapid Response Team (CBRRT), explosives detection, technical escort, and medical services.

DoD participates in many interagency efforts to transfer applicable technologies to first responders. For example, DoD invests around \$100M annually in the Technical Support Working Group (TSWG). The TSWG is a broad, interagency group that brings together nearly 20 federal agencies to develop, test, and field technology that would protect US forces from terrorist attacks. These technologies also typically are applicable to first responders and other homeland security missions.

DoD, through the Assistant to the Secretary of Defense for Chemical and Biological Defense, funds and participates in the InterAgency Board for Equipment Interoperability and Standardization (IAB). The IAB is a user-working group supported by voluntary participation from various local, state emergency responders, federal government, and private organizations. It is designed help achieve standardization, interoperability, and responder safety and to prepare better prepare emergency responders to respond to, mitigate, and recover from any incident by identifying and advocating requirements for Chemical, Biological, Radiological, Nuclear or Explosives (CBRNE) incident response equipment. The IAB publishes annually the Standardized Equipment List (SEL) that is utilized by National Institute of Justice in their grant process to guide state and locals on procurement of equipment for WMD preparedness.

Section 1401 of the Fiscal Year 2003 Bob Stump National Defense Authorization Act directed the Secretary of Defense to appoint a senior individual to ensure transfer of technology and equipment to emergency responders and the civilian sector.

DoD also provides first responder training at a variety of installations around the country. These programs – at facilities like the Chemical School, Maneuver Support Center, and the Chemical Defense Training Facility at Fort Leonard Wood, Missouri, and the Defense Nuclear Weapons School operated by the Defense Threat Reduction Agency at Kirtland Air Force Base, New Mexico – train DoD, state, and local responders to recognize and react to weapons of mass destruction and disaster situations.

From local to national level, the Defense Department is an active participant in military/civilian training exercises. In fact, this year, elements of the Defense Department are scheduled to participate in exercises with federal entities such as the Department of Homeland Security, the Environmental Protection Agency, the Nuclear Regulatory Commission, states such as Iowa, Utah, and Texas, and in cities such as Colorado Springs, Colorado, Seattle, Washington, and Winterburg, Arizona. Whether we

are talking about a TOPOFF tabletop exercise in Washington, D.C. to examine the national response to a weapon of mass destruction attack or a Regional Readiness Workshop in Anchorage, Alaska to examine how the Federal, State, and local authorities cooperate to deal with the aftermath of an earthquake, such exercises forge realistic expectations, foster a firm understanding of roles and responsibilities, identify best practices, and highlight shortfalls that must be overcome.

Some in Congress have expressed concerns that many first responders are also members of the military's Reserve Component and that they may be called from their important local roles to fulfill their military missions. The Defense Department shares this concern. This is why, since 1979, the Defense Department has managed a screening program to ensure that civilian employers can identify critical positions that cannot be filled with personnel who are subject to mobilization. This program is intended to minimize conflicts between employees' military service obligations and their civilian employment requirements during times of war or national emergency.

Due to the unique nature of the current emergency, which requires not only mobilization of the Ready Reserve but also the careful protection of public health and safety, the Defense Department has established a special process to accommodate individual requests from federal and non-federal agencies to submit mobilization exemption or delay for their employees who are Ready Reservists, based on the critical nature of their civilian employment. DoD considers these requests on a case-by-case basis. Ready Reservists who are granted exemption from mobilization are transferred to the Standby Ready Reserve or the Retired Reserve, or discharged, as appropriate.

DoD is also in the process of establishing a mandatory Civilian Employment Information program. This new program will require the collection of both employee and employer related information. The Department's intent is to permit the military to fulfill

mobilization requirements, while avoiding the dilemma outlined by some members of Congress.

Conclusion

In conclusion, the department and agencies – Federal, State, and local -- charged with protecting American people and property share a common goal: to assure the security of American citizens, territory, and sovereignty. The Defense Department plays a proud role in the security of our nation and will continue to work closely with others that share this responsibility. America's men and women in uniform stand ready to defend the nation both at home and abroad.

Thank you, Mr. Chairman.