

Statement of

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Introduction

Chairman Cornyn, Ranking Member Reed, distinguished members of the Subcommittee: thank you for the opportunity to address you today on the Department of Defense's (DoD's) important role in protecting the United States from enemy attacks and responding to the consequences of attacks and natural disasters.

As noted in the recently released Quadrennial Defense Review, the United States is a nation engaged in what will be a long war. Since the attacks of September 11, 2001, our Nation has fought a global war against violent extremists who use terrorism as their weapon of choice, and who want to destroy our free way of life. Our enemies seek weapons of mass destruction (WMD) and, if they are successful, will likely attempt to use them in their conflict with free people everywhere.

As we wage this long war, we must also be prepared for other threats. Hostile states could attack the United States using WMD delivered by missiles or by means such as commercial shipping or general aviation. They could attack surreptitiously through surrogates. And, of course, there is also the danger that the WMD capabilities of some states could fall into the hands of, or be given to, terrorists who could use them to attack the United States.

In addition to their duties overseas, U.S. forces have taken on greater roles at home since this long war began. Immediately following the September 11, 2001, terrorist attacks, U.S. forces were called upon to assist in securing the homeland. Working alongside other Federal agencies, DoD answered the call. At the President's direction, Active and Reserve forces: conducted combat air patrols over major cities to prevent follow-on attacks; reinforced the Nation's land borders; guarded shipping lanes; protected harbors; secured critical infrastructure; and guarded airports and other transportation hubs temporarily until the establishment of the Transportation Security Administration (TSA). Specialized anti-terrorism and chemical and biological incident response forces also deployed to Washington, D.C., in the wake of the 2001 anthrax attacks.

Whether at home or abroad, defending our Nation, fighting our wars, or responding to disasters, the men and women of our military – Active, Guard, and Reserve – have proven that they are dedicated, adaptable, and ready to answer the call to duty.

Protecting the United States

The 2005 National Defense Strategy designates securing the United States from direct attack as our first objective. DoD gives top priority to dissuading, deterring, and defeating those who seek to harm the United States directly, with a paramount emphasis upon enemies potentially armed with weapons of mass destruction. Protecting the U.S. homeland requires a global, active, and layered defense strategy. There is no “home game.” There is no “away game.” There is only one game. We are engaged in a global conflict. And in that global conflict, the defense of the U.S. homeland is the preeminent duty. Therefore, Homeland Defense must be seen as an integral part of a global, active, layered defense -- a defense in depth that has as its single goal to secure the United States and its citizens from attack. In addition to the National Defense Strategy, last year we also completed the Department’s first Strategy for Homeland Defense and Civil Support. By articulating strategic goals and objectives, we add coherence and direction to relevant activities across the Department that include: deterring and preventing attacks; protecting critical defense and designated civilian infrastructure; providing situational understanding; and preparing for and responding to incidents.

To secure our freedom and safeguard the American way of life we cannot depend on passive or reactive defenses. A purely passive defense would be subject to enemy reconnaissance and inevitable defeat. By contrast, an active, layered defense relies on early warning of an emerging threat in order to quickly deploy and execute a decisive response. An active defense is a powerful deterrent, dissuading enemies and denying them the operational initiative.

U.S. forces are prepared to: intercept and defeat threats against U.S. territory, within U.S. territorial waters and airspace, and at a distance from the homeland; protect against and mitigate the consequences of any attack; and/or conduct military operations in response to any attack.

Here at home, it is the primary mission of the Department of Homeland Security (DHS) to prevent terrorist attacks within the United States, including stopping terrorists from coming across our borders, coming through our ports, or hijacking aircraft inside or outside the United States. The Attorney General leads our Nation's law enforcement effort to detect, prevent, and investigate terrorist activity within the United States. DoD's responsibility is to employ our warfighting capabilities, subject to constitutional and statutory authority, in a military defense of U.S. lives, property, and individual freedom.

DoD's Homeland Defense and Civil Support Posture

All U.S. military commands throughout the world have a role to play in the active defense-in-depth of the United States. Three military commands – U.S. Northern Command (USNORTHCOM), the North American Aerospace Defense Command (NORAD), and U.S. Pacific Command (USPACOM) – are directly involved in the defense of the U.S. homeland. Additionally, the U.S. Strategic Command (USSTRATCOM) is the lead combatant commander for integrating and synchronizing military efforts to combat WMD, including ensuring the force structure and necessary resources are in place to help all combatant commands defeat WMD.

To meet emerging threats, the Department of Defense is postured to deter, defend against, and defeat threats to the United States in the air, maritime, and land domains.

Air Defense

In the air domain, DoD has primary responsibility for defending U.S. airspace and protecting the nation's air approaches. The air domain is guarded, patrolled, and monitored by the bi-national U.S.-Canada North American Aerospace Defense Command

(NORAD). Since the terrorist attacks of September 11, 2001, more than 42,000 fighter, aerial refueling, and airborne early warning sorties have been flown, while more than 2,000 air patrols have responded to actual incidents and suspicious flight operations. We also have air defense alert fighters positioned throughout the United States and Canada that are capable of reaching major population centers and high-value infrastructure within minutes. The number of alert fighters can be increased or decreased according to emerging threat levels.

We continually adjust our posture in order to protect the National Capitol Region (NCR), the seat of the U.S. Government. The Department conducts irregular air patrols,, maintains a dedicated 24-hours-a-day/7-days-a-week alert fighter response based at Andrews Air Force Base, Maryland, and has a dedicated ground missile defense system located to provide around-the-clock coverage for the National Capitol Region. In addition, last year, DoD provided the Visual Warning System (VWS) to warn wayward pilots to contact the Federal Aviation Administration (FAA) air traffic controllers immediately and to depart from restricted airspace. We also detailed DoD liaison officers to serve at the TSA-hosted NCR Coordination Center (NCRCC) on a full-time basis and provided key interagency operations centers and the NCRCC access to DoD's classified conferencing capability, which is used for DoD coordination and decision making during the response to hostile domestic air threats.

In addition, DoD has begun deploying missile interceptors at Fort Greeley, Alaska, to protect the U.S. homeland from ballistic missile attack even as system development, testing, and fielding continue.

Maritime Domain

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.

In December 2004, DoD and DHS signed a memorandum of agreement that incorporated the U.S. Coast Guard in support of DoD maritime homeland defense operations. This memorandum of agreement established a joint command, control, and coordination structure using existing DoD and U.S. Coast Guard operations centers. A similar memorandum of agreement that would include DoD in support of U.S. Coast Guard maritime homeland security operations is currently awaiting final approval. This close coordination is essential to our ability to interdict terrorists and others attempting to enter the United States, possibly with WMD materiel and components, via the maritime domain.

This year, the Secretary of Defense approved a new USNORTHCOM Maritime Homeland Defense Execute Order, which provides readily accessible forces, procedures, coordination requirements, and rules of engagement to counter all threats to the U.S. homeland, including WMD proliferation.

Additionally, in multiple theaters in the global war on terror, forward-deployed U.S. Navy assets work with other agencies to identify, track, and intercept threats before they threaten the United States.

Land Domain

It is the primary mission of DHS to prevent terrorist attacks within the United States. The Attorney General leads our Nation's law enforcement efforts to detect, prevent, and investigate terrorist activity within the United States. Accordingly, DoD does not have the assigned responsibility to stop terrorists coming across our borders, to stop terrorists from coming through U.S. ports, or to stop terrorists from hijacking aircraft inside or outside the United States (these responsibilities belong to DHS). Nor does DoD have the authority to seek out and arrest terrorists in the United States (these responsibilities belong to Department of Justice (DOJ)). DoD does have a role in providing support to civil authorities, when appropriate and as permitted by law. DoD has deployed numerous assets both to defend the U.S. homeland and to assist civil authorities:

- Quick Reaction Forces and Rapid Reaction Forces, highly trained U.S. Army and U.S. Marine Corps units, are postured to respond to a wide range of potential threats to the U.S. homeland, including critical infrastructure protection.
- The U.S. Marine Corps Chemical-Biological Incident Response Force (CBIRF), headquartered at Indian Head, Maryland, can deploy to assist local, State, or Federal agencies and military commanders in consequence management operations by providing: capabilities for detection and identification; casualty search, rescue, and personnel decontamination; and emergency medical care and stabilization of contaminated personnel. CBIRF was instrumental in responding to the discovery of ricin in the Dirksen Senate Office Building in February 2004.
- Joint Task Force Civil Support, headquartered in Fort Monroe, Virginia; Joint Task Force Consequence Management East, headquartered at Fort Gillem, Georgia; and Joint Task Force Consequence Management West, headquartered at Fort Sam Houston, Texas, can provide consequence management support to civil authorities in the case of weapons of mass destruction attacks.
- Joint Force Headquarters National Capital Region, based at Fort McNair in Washington, DC, is responsible for land homeland defense, civil support, and consequence management in the National Capital Region.
- Joint Task Force North (JTF-N), headquartered at Fort Bliss, Texas, supports counterdrug, counterterrorism, and other operations to counter transnational threats.
- Joint Task Force Alaska, based at Elmendorf Air Force Base, Alaska, is responsible for land homeland defense and civil support operations in Alaska, and Joint Task Force Homeland Defense, based at Fort Shafter,

Hawaii, has these responsibilities in Hawaii and U.S. territories, possessions, and protectorates in the Pacific.

DoD's Role in the Security of the United States Borders

In accordance with Section 202 of Title 6, U.S. Code, DHS is responsible for “[s]ecuring the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States” and “[p]reventing the entry of terrorists and the instruments of terrorism into the United States.” DoD’s role in the execution of this responsibility, as noted earlier, is to provide support to DHS, when requested, appropriate, lawful, and approved by the President or the Secretary of Defense.

DoD Active and Reserve Component forces and the National Guard have conducted a wide variety of counternarcotics missions along the southwest border of the United States since 1989. That support to civilian law enforcement has included activities such as surface and aerial reconnaissance; minor construction; establishing tactical observation posts, training, intelligence analysis, linguist support, and transportation; and conducting training exercises along the border to provide terrain denial. DoD also supports requests from DOJ, DHS, and the High Intensity Drug Trafficking Area (HIDTA) Task Force Headquarters for unique military assistance, such as reconnaissance (ground-based, aviation-based, and maritime), logistics, transportation, engineer support along the southwest border, as well as intelligence programs and training.

Since September 11, 2001, policy and operational changes in DoD have improved the alignment of resources and efforts where there is a potential relationship between terrorism and narcotics trafficking. Congress recognized the possible interplay between drug trafficking and terrorism and included in the National Defense Authorization Act for Fiscal Year 2004 a provision that addressed the authority of the Secretary of Defense to

expand the mission of DoD joint task forces from counternarcotics to include counterterrorism activities.

Since the terrorist attacks of September 11, 2001, DoD has also engaged in a number of activities to assist civil authorities in improving the security of our borders:

- March – August 2002. DoD mobilized some 1,600 National Guard personnel along the northern and southern borders to support the U.S. Customs Service, the Immigration and Naturalization Service, and the Border Patrol, in their heightened post-9/11 security posture.
- October – November 2003. A Predator B Unmanned Aerial Vehicle (UAV), scheduled for future delivery to DoD, operated in support of DHS Immigration and Customs Enforcement (ICE) Operation SAFEGUARD, a humanitarian/law enforcement effort to protect lives of illegal aliens and enforce immigration law during crossings along the Southwest border into the United States. Operation SAFEGUARD provided an opportunity for DoD to demonstrate UAV capabilities to border authorities. Operation SAFEGUARD also served to highlight the policy, legal, and infrastructure issues that must be examined in tandem with technology development. These include challenges associated with the use of UAVs in controlled domestic airspace as well as the extensive infrastructure (e.g., communications, exploitation tools, imagery analysts) required to process and exploit information collected by UAVs.
- June – September 2004. DoD UAVs operated in support of the Arizona Border Control Initiative (ABCI), which sought to detect illegal entry and smuggling/drug activity along the Arizona – Mexico border, and to aid in the rescue of lost or injured persons.
- November 2004 – January 2005.

- JTF-N supported the U.S. Customs and Border Protection (CBP) operation WINTER FREEZE, an operation to interdict suspected transnational threats along the U.S.-Canadian border in the Swanton and Buffalo sectors (New Hampshire, Vermont, and New York). The military provided aerial reconnaissance and interdiction sorties and augmented two Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive (CBRNE) detection checkpoints.
- Army Hunter UAVs flew sorties to detect illegal entry/drug activity along the Arizona – Mexico border in support of the ABCI.
- June 2005. DoD supported a DHS bi-national interagency exercise, “Operation San Juan,” involving CBP and Royal Canadian Mounted Police activities along the northwest border in Washington state. DoD provided surveillance radars, ground sensors, and military personnel to operate them.
- September 2005. DoD supported DHS CBP by providing flight operations support at Fort Huachuca, Arizona, to UAV operations supporting counterterrorism border enforcement efforts.
- October – November 2005. JTF-N supported DHS CBP’s efforts to interdict transnational threats in the El Paso Sector by conducting multi-sensor operations (ground-based forward-looking infrared, tactical unmanned aerial vehicles, ground sensors, ground surveillance radars) in Hidalgo, Grant, Luna, and Dona Ana counties of New Mexico.

Defense Support of Civil Authorities

At the direction of the President or Secretary of Defense, the Department supports civil authorities – as appropriate and consistent with the law and the imperative to sustain military readiness – for designated activities and as part of a comprehensive national

response to prevent and protect against terrorist incidents or to recover from an attack or a disaster.

DoD has significant resources that may be available to support civil authorities. In Incidents of National Significance, DoD's support is provided consistent with the National Response Plan (NRP), which was published in December 2004. The Secretary of Defense retains command of military forces providing defense support to civil authorities (DSCA) – sometimes referred to as “civil support” – as with all other military operations. In accordance with the NRP, when requested, and upon approval of the Secretary of Defense, DoD provides DSCA during domestic incidents. Accordingly, DoD is considered a support agency for all of the NRP's emergency support functions.

There are three primary mechanisms by which DoD takes part in a Federal response to a domestic incident. Federal assistance, including assistance from DoD, can be provided: (1) at the direction of the President; (2) at the request of another Federal agency under the Economy Act, or (3) in response to a request from DHS's Federal Emergency Management Agency under the Stafford Act. The second and third mechanisms require a request for assistance and approval of the Secretary of Defense.

DoD resources employed in support of domestic civil authorities are under the command and control of Commander, USNORTHCOM, for responses in the Continental United States, Alaska, the Commonwealth of Puerto Rico, U.S. Virgin Islands, and the District of Columbia; or Commander, USPACOM, for Hawaii and U.S. territories, possessions, and protectorates in the Pacific region.

DoD has continued its long tradition of DSCA while maintaining its primary mission of fighting and winning the nation's wars. In 2003, DoD acted on 75 requests for assistance from more than 20 civilian agencies. In 2004, DoD acted on 99 requests for assistance from domestic civilian agencies. DoD's response to the catastrophic effects of Hurricane Katrina was the largest and most rapid military deployment within the United States since the Civil War. More than 72,000 Federal military and National Guard personnel were deployed in response to Hurricane Katrina -- more than twice the number

that deployed in response to Hurricane Andrew in 1992 (more than 29,000). These forces were directly employed in saving lives through extensive search and rescue, evacuation, and medical assistance. Other military capabilities employed during the response included 23 ships, 68 fixed-wing aircraft, 293 helicopters, amphibious landing craft, space-based imagery, night vision capabilities, port and waterway surveillance, mortuary teams, and large-scale construction support provided through the U.S. Army Corps of Engineers and U.S. Navy Seabees. Additionally, nine DoD installations served as logistical staging areas for the delivery of supplies and as sites for Federal Medical Shelters. Little Rock Air Force Base, Arkansas, was designated as the central collection point for foreign relief donations. During the response to Hurricane Katrina, DoD acted on more than 90 hurricane-related requests for assistance from civil authorities requiring a broad range of military capabilities. Some of these requests were approved orally by the Secretary of Defense or the Acting Deputy Secretary of Defense, and were in execution when the approval paperwork caught up later. DoD felt a sense of urgency and acted upon it, as provided for within the NRP. In addition to Hurricane Katrina, DoD acted on more than 140 requests for assistance in 2005, including responses to hurricanes Dennis, Ophelia, and Rita, and the provision of UAV support to DHS border security activities.

The Total Force

The Strategy for Homeland Defense and Civil Support, which was published two months prior to Hurricane Katrina, reflects a Total Force approach to homeland defense and domestic civil support missions, incorporating the capabilities of trained and equipped Active Duty, National Guard, and Reserve forces. This approach preserves the historic Federal relationship between the various levels of government while, at the same time, recognizing the unique capabilities of the Total Force to respond immediately to American citizens who are desperately in need. The Total Force – Active, Reserve, and National Guard – is even now engaged in activities at home and abroad that promote the

security and interests of our nation. The National Guard, in particular, provides unique capabilities in every U.S. State and territory. The modern-day National Guard effectively operates as an operational force for military missions at home and abroad and can answer no-notice calls by the President, the Secretary of Defense, or the Governors to respond to natural or man-made catastrophic incidents here at home.

The Department of Defense planned for and employed a balance of Active, Reserve, and National Guard capabilities in responding to Hurricane Katrina. In contrast to Hurricane Andrew (1992), in which National Guard forces constituted 24% of the military response, National Guard forces represented more than 70% of the military force for Hurricane Katrina. Even while 75,000 National Guard members were deployed overseas, under the leadership of Lieutenant General Blum and the various state Adjutants General, the National Guard amassed more than 30,000 personnel in 96 hours in response to Hurricane Katrina. At the height of Hurricane Katrina relief efforts, the National Guard deployed a total of 50,000 military personnel. National Guard personnel from every State, territory, and the District of Columbia were involved in Hurricane Katrina response operations. Further, National Guard Weapons of Mass Destruction – Civil Support Teams (WMD-CSTs) from 14 states deployed to provide state-of-the-art communications capabilities to local authorities and assistance and advice on identifying and handling hazardous materials from damaged infrastructure.

The National Guard provides important capabilities to USNORTHCOM and USPACOM, including situational awareness capabilities, intelligence and information feeds, chemical-biological weapons of mass destruction response force packages, and forward-deployed command and control apparatuses and joint logistics bases, as needed.

In the 2005 National Defense Authorization Act, 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 (State control/Federal funding) for approved homeland defense activities. This new authority recognizes both the truly global nature of the current war and the special capabilities and contributions of the National Guard -- a

force located in every State and territory, very familiar with the local geography, officials, and population, and well versed in working with other U.S. agencies. Under this authority, National Guard forces will be engaged directly in the defense of the U.S. homeland in a manner not seen since the early days of our country.

Hurricane Katrina Lessons Learned

Hurricane Katrina and the subsequent sustained flooding of New Orleans exposed significant flaws in our national preparedness for catastrophic events and our Nation's capacity to respond to them. Emergency plans at all levels of government were put to the test and came up short. As a result, President Bush, in his September 15, 2005, address to the Nation from Jackson Square in New Orleans, made it clear that the Federal government will make the necessary changes to be "better prepared for any challenge of nature, or act of evil men, that could threaten our people."

President Bush 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, the review states:

The Federal response to Hurricane Katrina demonstrates that the Department of Defense (DoD) 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. In addition to possessing operational personnel in large numbers that have been trained and equipped for their missions, DoD brought robust communications infrastructure, logistics, and planning capabilities. Since DoD, first and foremost, has its critical overseas

mission, the solution to improving the Federal response to future catastrophes cannot simply be “let the Department of Defense do it.” Yet DoD capabilities must be better identified and integrated into the Nation’s response plans.

The White House recommendations correlate well with our internal lessons learned effort. We have already begun to implement improvements with an urgent focus on the operational challenges associated with this year’s upcoming hurricane season. For example, DoD is:

- Developing pre-scripted requests for assistance that would speed the response to a catastrophic event;
- Completing a contingency plan defining USNORTHCOM’s role in planning and executing support to DHS during domestic contingencies;
- Reviewing its Immediate Response Authority with a view to making appropriate changes if necessary;
- Providing a strategic planner as a detailee to the DHS’s Policy Directorate and reviewing DoD personnel support to DHS in terms of both numbers and expertise to identify appropriate adjustments;
- Developing a framework to provide initial damage reconnaissance, including those capabilities provided by the National Geospatial Intelligence Agency (NGA) and the National Security Agency (NSA), as part of a U.S. Strategic Command civil support plan;
- Proposing legislation that would allow more effective and rapid mobilization of applicable Reserve units to conduct all-hazards civil support missions in response to disasters;

- Participating in the interagency revision of the National Search and Rescue Plan, including disaster response operations and address air traffic control and coordination; and
- Pursuing better integration of Federal military force and State National Guard during planning and exercises. 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 DHS. USNORTHCOM is developing detailed operational plans for all foreseeable mission requests. Additionally, beginning in February 2006, USNORTHCOM will participate in DHS's effort to review emergency plans in all 54 States and Territories. We will integrate the lessons learned from the response to Hurricane Katrina into future exercises to minimize or mitigate military command and control difficulties during responses to future disasters. Finally, when justified by the disabling impact of a catastrophic incident upon State and local authorities and the need to act swiftly to save lives, the President has the necessary authorities to federalize National Guard forces and establish "unity of effort" by establishing a unity of command, placing all military forces – Active, Reserve, and National Guard – in Title 10 status.

Conclusion

As stated in the Strategy for Homeland Defense and Civil Support, the United States faces ruthless enemies who seek to break our will by exploiting America's fundamental freedoms. Our adversaries are eager to employ violence against Americans at home. In this environment, DoD's paramount goal will continue to be the defense of the U.S. homeland from direct attack.

A new kind of enemy requires a new concept for defending the U.S. homeland. The terrorist enemy now considers the U.S. homeland a preeminent part of the global theater of combat, and so must we. We cannot depend on passive or reactive defenses but must seize the initiative from adversaries.

The active, layered defense articulated in the Strategy for Homeland Defense and Civil Support seamlessly integrates U.S. capabilities in the forward regions of the world, the global commons, the geographic approaches to the U.S. territory, and within the United States. Whether in a leading, supporting, or enabling role, the Department of Defense, guided by this Strategy and consistent with U.S. law, will work with a sense of urgency to protect the U.S. homeland and the American people.

Defending the U.S. homeland – our people, property, and freedom – is our most fundamental duty. Failure is not an option.