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STATEMENT BY

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BEFORE THE

COMMISSION ON THE NATIONAL GUARD AND RESERVES

ON

PROPOSED CHANGES TO THE NATIONAL GUARD

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Mr. Chairman and distinguished members of the committee, I am grateful for the opportunity to appear before you today. As you examine the feasibility and advisability of various proposals to enhance jointness of the National Guard generally and the National Guard Bureau specifically, I would like to offer you a brief historical overview of the various operations and programs undertaken jointly by the Army and Air National Guard over the past 60 years with particular emphasis on developments since September 11, 2001.

Early History

The National Guard Bureau (NGB) has been a *de facto* joint military entity since the 1947 creation of the Air National Guard out of National Guard aviation units, whose history dates back to before the First World War. Even after the division of the Guard Bureau into separate Army and Air Directorates in 1950, the Chief, NGB, who could be either an Army National Guard or an Air National Guard officer, retained statutory control over both NGB directorates thus providing a single, unified voice over all National Guard matters.

In the early 1950s, recognizing that functions such as technician personnel management, legal services, office management, and public affairs – functions common to both services - were being unnecessarily duplicated in the separate directorates, these functions were consolidated under the Office of the Chief, NGB. These offices were (and still are) truly joint, manned with a mixture of Army and Air Guard military personnel, as well as both Army and Air Force civilian employees. Whether military or civilian, these NGB employees must function in a joint environment. Their jobs require familiarity with both Army and Air Force regulations, rules, and procedures – indeed, require them to be able to operate in two military cultures, not, as most DoD employees do, in one.

In 1958 Congress recognized NGB's position within two military components when it formally designated the Bureau as "a joint Bureau of the Army and the Air

Force.” This joint status was reaffirmed in 1986 by the Goldwater-Nichols Act, which refers to NGB as “a joint Bureau of the Army and Air Force within the DoD.”

Four years before, NGB’s joint offices had been placed under the newly-created position of Director, NGB Joint Staff. These offices included Military Support to Civil Authorities, which oversaw Army and Air National Guard state missions, common to both ground and air units since Guard aviators flew relief missions during the great Mississippi River flood of 1927. From then until today, National Guard operations to protect lives and property of American citizens here at home have been joint affairs.

Drug Interdiction and Counter-drug Activities

In the late 1980s, as the Federal government began spending larger sums on drug interdiction efforts, Military Support found itself monitoring an ever-increasing number of counterdrug state missions. In November, 1989 the President signed into law section 112 of title 32 of the U.S. Code authorizing National Guard Drug Interdiction and Counter-drug Activities whereby the Department of Defense could provide funds to state governments to execute a governor’s plan for combating drugs through the employment of Army and Air National Guard personnel and equipment under his or her control.. The authorization of these activities was a monumental step forward. While the National Guard had for decades conducted *training* under Title 32 (state controlled but federally funded) this was the beginning of missions of an *operational* nature using Army and Air National Guard assets. This landmark innovation of using Title 32 for operational purposes rather than strictly for training was one which would be built upon successfully in the future. A separate office was created with the National Guard Bureau’s joint staff to manage this ongoing, nationwide mission. Now part of the Joint Staff’s Domestic Operations, (J-3) staff, the Counterdrug Division is staffed by both Army and Air National Guard officers and NCOs, who administer this joint program distributing guidance and funding under strict guidelines to the individual states. Across the country, both Army and Air National Guard assets work together to support civilian law enforcement in the war on drugs in every state in the union.

State Partnership Program

Another joint NGB initiative of the 1990s which has grown in size and scope is the State Partnership Program. Begun in 1993, by 1996 the program encompassed military-to-military exchanges with 21 separate countries, many of them newly-independent former members of the Soviet Union, and an equal number of state National Guards. Supporting the Combatant Commanders' Security Cooperation Plans, this program has grown to encompass military-to-civilian exchanges, and will include civilian-to-civilian partnerships. The program now operates in over 50 allied nations around the world. Plans are underway to extend the State Partnership Program in the Horn of Africa and Sub-Saharan Africa as well.

Civil Support Teams

At the same time as NGB's counterdrug operations were growing in size and complexity, another important homeland security mission for the Guard was taking shape. Since its beginnings almost four centuries ago as the militia of the original English colonies, the National Guard has always been the first military responder in local and state emergencies. Indeed, in many cases the Guard is the first organized entity, civilian or military, to respond to a crisis. The first World Trade Center bombing in 1993, followed by the bombing of the Federal Center in Oklahoma City, showcased the need for US military to possess the organized capability to assist civil authorities in the case of a nuclear, biological, or chemical attack within the U.S. itself.

In 1996 Congress charged DoD with the new mission of domestic antiterrorism. With its wide variety of communications and logistics capabilities and trained personnel in each state and territory, this mission a natural fit for the National Guard. In 1999, the National Guard Bureau began organizing Civil Support Teams, or CSTs, staffed with both Army and Air Guard members, joint units which possess sophisticated communications equipment and a mobile laboratory. This provides the teams with the

capability to assess an incident and to help incident commanders coordinate an effective response operation. The teams are specifically authorized by law to perform duties in Title 32 status within the geographical limits of the United States, its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction or a terrorist attack or threatened terrorist attack in the United States that results, or could result, in catastrophic loss of life or property.

The law requires that the Secretary of Defense certify the capability of a Civil Support Team before it is made operational.

In 2001, in a move toward bureaucratic streamlining, full authority for administering, programming and overseeing these units passed from DoD to the National Guard Bureau . The National Guard Bureau oversees the programmatic administration and operational coordination of Civil Support Teams nationwide.

In recent years, Congress has expanded the number of these joint teams. Today, NGB oversees 42 certified and operational teams. Others are being stood up. Congress has authorized 55 teams providing at least one in each state and territory.

Airport Security – The First Post-9/11 Title 32 Operation

When the 9/11 attacks occurred in 2001, the National Guard Bureau had already begun positioning itself for increasing homeland security missions. The Guard's response to the catastrophic attacks on New York City and Washington included what was then the largest joint mission in the Guard's history, that of providing security at the nation's commercial airports. As a former governor, President Bush realized that the National Guard could rapidly provide a visible and vigilant military presence at the airports, funded by the Federal government but in its Title 32 status, still under control of the governors, and assist law enforcement without the need to manage a nationwide

mission within the DoD bureaucracy. On September 27, after a conference call with several governors, the President announced that he was authorizing and requesting governors to employ the National Guard under state control but at federal expense to secure the nation's airport. Within 24 hours, the first Army and Air Guard personnel had reported for duty. At the National Guard Bureau, we implemented the President's request and authorization to the States by coordinating training aspects with the Department of Transportation, formulating and disseminating guidance to assure standardized operational practices across states and by securing and distributing the required funding for the eight month mission. Over that period, more than 11,000 members of the Army and Air National Guard strengthened security at over 440 of America's commercial airports.

Joint Task Force-Olympics

Title 32 also proved to be an effective tool for the domestic employment of National Guard forces during the 2002 Winter Olympics in Salt Lake City which were deemed a potential target for terrorists. With the games designated a National Special Security Event, and taking place a bare five months after the 9/11 attacks, Joint Task Force Olympics was formed to combine active duty personnel with members of the National Guard under state control to integrate with law enforcement efforts to provide security for this international event. The National Guard Bureau moved quickly to coordinate the deployment of more than 5,000 Army National Guard soldiers from 19 states provided the lion's share of security on the ground in Salt Lake City while Air National Guard pilots flew air patrol missions over specially-designated Olympic airspace. Six joint CSTs were also deployed to Utah by NGB.

CBRNE Enhanced Response Force Packages

After the attacks of September 11, military officials concentrating on homeland defense and military support for civil authorities became increasingly concerned about

the nation's capability to respond to a terrorist attack using a weapon of mass destruction. While National Guard Civil Support Teams were proven assets for detecting and assessing chemical, biological, radiological, nuclear and high explosive (CBRNE) threats and assisting civilian authorities in requesting further help, they have little operational capability for action to alleviate the destruction or suffering of such an attack. Consequently, the Commander of NORTHCOM asked me if it would be feasible for the National Guard to stand up a capability to actually mount an operational response to a WMD incident. At the National Guard Bureau, our solution to this challenge was the organization of twelve Chemical, Biological, Radiological, Nuclear and High-Yield Explosives Enhanced Response Force Packages, (CERFPs), to augment existing CSTs by enhancing chemical detection, decontamination, and medical treatment capabilities in the states. The CERFPs provide a command structure designed to bring in Army and Air Guard units with medical, security, and search and rescue capabilities to operate in a contaminated environment. Because the CERFPs are formed from already-existing units, this critical capability has been added to the nation's military infrastructure with only a modest expenditure of resources. Congress in 2006 seeing the viability and criticality of these capabilities authorized a total of 17 CERFPs.

Recent Enhancements to Jointness at NGB and in the States

In April of 2003, shortly after I became Chief of the National Guard Bureau, we moved to increase the National Guard's capability to operate in a joint military environment, by provisionally reorganizing both NGB and the Guard headquarters in the states. At the National Guard Bureau itself, in its largest reorganization since 1950, we converted to the Joint or "J-Staff" structure. In 2004, Congress changed the title of the Vice Chief of the National Guard Bureau, a two-star position, to Director of the Joint Staff of the National Guard Bureau. This change more accurately reflected the duties of this position to oversee NGB's various joint efforts. These organization changes were instrumental in strengthening the Guard's ability to conduct joint operations by

configuring the NGB like the staffs of the Chairman of the Joint Chiefs, and the combatant commands.

But unlike these Active Component joint commands, the National Guard Bureau oversees legal, administrative, and fiscal aspects of training and operational activities conducted by 54 separate, sovereign states and territories. It is in the states and territories that operations are actually conducted. Consequently, merely changing the NGB staff structure was not enough. Beginning in late 2003, the Army and Air National Guard headquarters elements in the states and territories were merged into a single Joint Forces Headquarters. This not only brought the Army and Air Guard into closer alignment, it also gave the states and the governors a joint military headquarters which could, in case of terrorist attack or major disaster, provide for command and control of Active Duty military forces under dual-hat command, whether already based in the state or deployed there for the emergency.

The CERFPs and Joint Force Headquarters – State were two of four recent NGB initiatives that have been recently validated by the DoD Joint Requirements Oversight Council as important homeland defense capabilities previously lacking within DoD.

The JROC also validated two other joint National Guard activities; the National Guard's Critical Infrastructure Protection-Mission Assurance Assessment (CIP-MAA) detachments and the NGB Joint Interagency Training Capability (JITC). Our CIP-MAA detachments conduct assessments of critical Defense Industrial Base (DIB) sites. The NGB Joint Interagency Training Capability (JITC) will provide training for JFHQ/JTF-State Staffs and Commanders, Collective Standardized CBRNE training for Weapons of Mass Destruction-Civil Support Teams and CBRNE Enhanced Response Force Packages and a USNORTHCOM-sponsored Regional Exercise Program for National Guard incident response.

The G-8 Summit – Proving Ground for Dual-Hat Authority and the Joint Force Headquarters-State

The new Joint Forces Headquarters – State organization was tested successfully in June, 2004 during the G-8 Summit held at Sea Island, Georgia. At the request of the Secretary of Defense, President Bush authorized a brigadier general of the Georgia Army National Guard to command not only the Army and Air Guard forces providing support for this National Special Security Event, but also the Active Army and Air Force, Marine Corps, Navy and Coast Guard forces deployed to Georgia. This was the first use of “dual hat” command authority which gives governors and local civil authorities. This dual hat command structure was so successful at the G-8 Summit that it was repeated for the Republican and Democratic National Conventions later that year.

Hurricane Katrina and EMAC

The dual-hat command model was not employed the next year after the devastation of the Gulf Coast and the flooding of New Orleans following Hurricane Katrina. But another innovation in the use of joint forces, the Emergency Management Assistance Compact, was employed. Initiated by the Southern Governor’s Conference in the early 1990s and ratified by Congress in 1996, the “EMAC”, as it is known, allows governors to, in effect, lend each other all forms of emergency management resources including their National Guard forces. The States exchange documents which detail terms of payment, command and control, and other details of deployment, and then can request Army and Air National Guard forces from other signatories. In the spring and summer of 2001, the State of West Virginia used EMAC to assemble a force of more than 10,000 National Guardsmen from four different states to combat recurring floods over a period of several months. It was this system which sent 50,000 Army and Air National Guard troops to Louisiana, Mississippi, Alabama (and later Texas) following Hurricanes Katrina and Rita, the largest disaster relief operation in the National Guard’s long history. Since troop deployment is based on specific mission requests from the affected states, rather than on orders from an active-duty military headquarters which may be thousands of miles away, it is a more efficient allocation of military resources, both Army and Air.

While EMAC had been in existence for many years, Hurricane Katrina particularly highlighted the absolutely critical role which the National Guard Bureau needs to play in advising, assisting and monitoring interstate loans of National Guard assets under this system. First, we noted that America was a nation at war and that while a massive amount of National Guard military assistance would be needed in the affected area here at home, the national interest demanded that units about to be deployed overseas not have their combat readiness degraded. To avoid this, we sought to direct requests away from units getting close to mobilization dates. Additionally, it became clear that a major catastrophe carried with it the potential to hinder or destroy the affected states' capability to even initiate specific and detailed requests for help. Consequently, we found ourselves at the National Guard Bureau in the position of facilitating state missions by converting the affected area's general request for help into an orchestrated nationwide series of specific requests. Fortunately this worked out well and resulted in an unprecedented response.

Army and Air National Guard personnel participating in interstate loans of forces under EMAC are normally on state active duty status – that is, both funded and controlled by state authority. If operation is in response to a federally declared disaster, those expenses are usually reimbursed to the states by the federal government under the Stafford Act. The size and scope of the response to Hurricane Katrina was of such magnitude, however, that it was clear that the operation would be much more efficient if it were to be transitioned to a Title 32 operation so that all National Guard personnel from so many participating states would all be under a uniform set of pay and protections. At the National Guard Bureau we assisted the Department of Defense in the formulation, consideration and execution of this and other national policy decisions.

While many aspects of the federal response to Hurricane Katrina have been heavily criticized, the performance of the National Guard has generally been applauded even where improvements have been recommended in reports such as “The Federal Response to Hurricane Katrina: Lessons Learned” produced by the White House, “Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the

Preparation for and Response to Hurricane Katrina,” produced by the House of Representatives, and Hurricane Katrina: A Nation Still Unprepared,” produced by the Senate Committee on Homeland Security and Government Affairs.

At the National Guard Bureau, we have taken note of the recommendations in these and in our own Lessons Learned report to implement changes which are within our power to make to improve our capabilities. One of these has been to increase our knowledge of and capability in the EMAC system so that we can do an even better job of facilitating state requests for assistance while at the same time protecting military readiness. Additionally we have sought to improve information sharing with U.S. Northern Command so that the Department of Defense can have better information about state response operations which will always be on-scene at an incident far in advance of any federal response, and so that NGB can provide a capability to assist in synchronizing the federal and non-federal military response. This will continue to be crucial because EMAC guarantees that a massive state-controlled response operation including non-federal National Guard forces will continue to be first on the scene of major catastrophes in the future.

Hurricane Katrina and Communications/Information Technology

Another specific lesson relearned from Katrina was the critical need for interoperable communications to support homeland response. The National Guard Bureau had already been working, in collaboration with USNORTHCOM, on a Joint CONUS Communications Support Environment (JCCSE) concept to improve communications in the homeland for domestic emergencies. This JCCSE construct was a cornerstone in the previously mentioned JROC validation of the JFHQ-State as a required DOD capability. In 2006, Congress appropriated funding for JCCSE which enabled NGB to accelerate initial fielding of critical deployable communications capability into the field. This will be an immensely important joint capability in the years to come. We continue to work with USNORTHCOM and other entities to ensure JCCSE equipment meets DOD, USNORTHCOM and DHS interoperability standards.

Operation Jump Start

The National Guard Bureau used its Hurricane Katrina experience in deploying large numbers of joint forces quickly when it undertook “Operation Jumpstart” in the summer of 2006. To assist the Border Patrol in securing the border with Mexico, both Army and Air National Guard units reported for duty in National Guard Joint Task Forces established in Texas, New Mexico, Arizona, and California. Memoranda of understanding were signed by the respective governors, specifying Title 32 legal status of the Guard forces, as well as rules for the use of force. Deployments began in June 2006, with the goal of placing approximately 6,000 Army and Air National Guard personnel in operations along America’s southwest border.

Operation Jumpstart is not the National Guard’s first experience on the border with Mexico. In 1916, following the cross-border attacks of the bandit/revolutionary Pancho Villa, the entire National Guard was called into Federal service by President Woodrow Wilson. National Guard units from 48 states combined to form an Army of more than 160,000 men, stretching from El Paso to San Diego. This 1916 callup demonstrates the Guard’s inherent flexibility as a state-based force with a significant Federal mission for domestic operations. This state-based force has been conducting operations since 1637, when the Massachusetts and Connecticut militia joined forces against the Pequot Indians. Almost four centuries later, in a post-9/11 security environment, the National Guard’s role in providing joint forces for the nation’s defense is more important than ever.

Joint Officer Management and Joint Professional Military Education in the National Guard

Despite the National Guard’s extensive engagement in all the joint programs and operations mentioned above, we face potential obstacles in getting credit for our officers. The Department of Defense has recently begun to update the Joint Officer Management

program and has included the National Guard and the other Reserve Components in developing guidance, processes and procedures. This partnership with the Active Component is encouraging and the effort to bring the Reserve Component as full partners in the joint arena is laudable. The goal is to provide the nation with a larger pool of Joint Qualified Officers that are fully competent and capable regardless of service or component. This has the added benefit of reducing the stress on the Active Component when filling joint requirements at the Combatant Commands. The National Guard will train and qualify forces that meet and exceed Joint Officer standards.

As these guidelines continue to evolve, it will be important to assure that joint qualification be equally accessible to all members of the National Guard. Full-time National Guard members will certainly be eligible for Joint Qualified Officer designation but it is our part-time force that may continue to face obstacles. Currently, the Active Component officer meets the minimum timeframe after three years of full-time service. We are exploring policies under which part-time National Guardsmen assigned to joint activities and performing a joint mission could meet the minimum standards upon completion of a total of six years of assignments in qualified joint organizations. After six years of part-time joint service our officers are fully competent. It would be appropriate at that point if they could be nominated for the Joint Qualified Officer designation.

The wording of current law does not cover the full range of joint operations, particularly those that occur inside the United States. The current definition of “joint matters” includes the strategic level plans and policy, unified command and control of operations, and combined operations with allied forces and was recently the definition was expanded to include operations with departments and agencies of the United States, foreign countries and non-governmental organizations. It does not, however, currently include operations with state and local government organizations. Such operations are a central element in intergovernmental efforts to protect lives and property here inside our American homeland. The National Guard has a close, on-going, and continuous relationship with the first responders at state and local levels that is essential to provide

the response that the American public expects and deserves. The National Guard experience is that operations conducted in coordination with state and local governments are no less joint than those with federal agencies or non-governmental organizations. An inclusion of these relationships in the statutory definition of joint matters would open the door for more of our officers to become joint qualified.

In addition to joint experience, officers must have the appropriate joint education. In that regard, the National Guard has made significant gains in increasing participation in both informal and formal joint education. During the last two years, more than 1,400 National Guard leaders representing all the states and territories have participated in a joint force orientation program that has significantly enhanced National Guard knowledge in joint matters. Additionally, over 100 of those trained have graduated from either the Advanced Joint Professional Military Education program or the active component Joint Combined Warfighting School, representing 38 of the 54 states and territories. By comparison, in the two years before that, only 18 National Guard officers completed Advanced Joint Professional Military Education. Currently, 25 officers are expected to graduate Joint Professional Military Education in the next 90 days. We anticipate continuing this successful program for the foreseeable future. It is unfortunate that so many of our officers are doing joint duties, receiving joint qualification but are not eligible to obtain the formal Joint Staff Officer designation. We are participating in a working group to explore ways to overcome this obstacle.

The ultimate goal is a seamless pool of Joint Qualified Officers. The National Guard can fill this need but we must be allowed to nominate and recognize both our full-time and part-time personnel for their joint qualifications and we must have sufficient available venues by which to acquire JPME.

Post-9/11 Structural Reforms

In the aftermath of 9/11 the Department of Defense created U.S. Northern Command, a new combatant command responsible for homeland defense and military support to civil authorities. The National Guard Bureau has no formal connection to this command. The relationship between NGB and NORTHCOM is a necessary one, however, so we have established a Memorandum of Agreement (MOA) to define that relationship. While this MOA and our State Partnership Program brings NGB into informal contact with combatant commands with some regularity, there is no formal connection to the Chairman of the Joint Chiefs of Staff or to the operational and planning processes he manages for the Secretary of Defense. As operational and policy matters have emerged, however, I have found that the Chairman of the Joint Chiefs of Staff, General Peter Pace has consistently been open to hearing my views on an informal basis. Also in the aftermath of 9/11, Congress created the position of Assistant Secretary of Defense for Homeland Defense. The Chief of the National Guard Bureau has no formal connection to the Assistant Secretary of Defense for Homeland Defense in either policy or law. Nonetheless, Secretary Paul McHale and I confer on an informal basis with some frequency.

Conclusion

Over the past 60 years and particularly over the past decade, there has been a clear and unmistakable growth in National Guard programs and operations inside the United States which jointly employ people and equipment from the Army and Air National Guard. These changes have provided tremendous benefit to the Nation so far. There is no reason to doubt and every reason to believe that this trend will continue into the foreseeable future. As a result, the recommendations of this commission have the opportunity to make a valuable contribution to the future structure of the American military and the manner in which it serves the people both here at home and overseas.