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8 NOV 2005

The Honorable John W. Warner
Chairman, Committee on Armed Services
United States Senate
Washington, D.C. 20510-6050

Dear Mr. Chairman:

Enclosed is the Report on Homeland Defense Forces for Homeland Defense and Homeland Security Missions to Congress requested by the House Armed Services Committee pursuant to Title X, General Provision, Items of Special Interest, House of Representatives Report 108-491, National Defense Authorization Act for Fiscal Year 2005.

This legislation provides that the Secretary of Defense, in consultation with the Secretary of Homeland Security and the Director, National Guard Bureau, report any measures necessary to enhance the capabilities of the National Guard to perform homeland defense and homeland security missions. This enclosed Report addresses specific concerns expressed by the House Armed Services Committee that homeland defense and homeland security plans—dependent on National Guard units—consider the need for contingency assets.

Thank you for the opportunity to inform you of the improvements to our homeland defense posture. Copies of this report have been furnished to the Chairman and the Ranking Member of the Committee on Armed Services, House of Representatives.

Sincerely,

Peter Verga

Peter F. Verga
Principal Deputy

Enclosure

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*Report to
Senate and House Armed Services Committees
on*

**Homeland Defense Forces
for
Homeland Defense and Homeland Security Missions**



November 2005

**Requested by Committee on Armed Services
House of Representatives Report 108-491
H.R. 4200
National Defense Authorization Act for Fiscal Year 2005**



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Homeland Defense Forces for Homeland Defense and Homeland Security Missions

I. INTRODUCTION

This report addresses questions posed by the House Armed Services Committee in House Report 108-491, on H.R. 4200, National Defense Authorization Act for FY 2005 (summary discussion appended herein as Annex A) in response to the Committee's concern that homeland defense and homeland security plans—dependent on National Guard units—consider the need for contingency assets. Specifically, this report addresses the following questions posed by the Committee:

- Whether ongoing force rebalancing measures will yield sufficient available assets, given recent overseas deployments;
- What measures are necessary to enhance the capabilities of the National Guard to perform homeland defense and homeland security missions?
- Are there any unmet requirements related to the Chemical, Biological, Radiological, Nuclear, and High-yield Explosives (CBRNE) Enhanced Response Force Package (CERFP);
- Whether the department should consider augmenting the capabilities of the state defense forces authorized by Title 32, United States Code, with available training opportunities and surplus equipment; and,
- What measures are necessary to augment the capabilities of the state defense forces?

Since the Committee raised these concerns, much has been done to enhance our homeland defense posture. Substantial progress was made in identifying National Guard and other military assets to support the nation's homeland defense and homeland security objectives. In the process, the Department considered the recommendations of many sources, notably those of the Defense Science Board 2003 Summer Study; the 2003-2004 Total Force Requirements Study; the transformational views of the Chief, National Guard Bureau; and the Government Accountability Office (GAO) report GAO-05-21, *Actions Needed to Better Prepare the National Guard for Future Overseas and Domestic Missions*.

Additionally, the Secretary of Defense directed that the 2006 Quadrennial Defense Review (QDR) include a comprehensive assessment of homeland defense and homeland security requirements as a major objective of their review. This report is shaped by these efforts and continuing Departmental activities to rebalance forces and to develop and refine the strategies, plans and operations necessary to meet current and future homeland defense and homeland security needs.

II. QDR AND THE *STRATEGY FOR HOMELAND DEFENSE AND CIVIL SUPPORT*

Impact of the QDR

The QDR is currently assessing two major challenges facing the Department: its role and responsibilities for homeland defense and security, and its part in preventing and responding to the proliferation of weapons of mass destruction (WMD). The results of these assessments will reshape the U.S. Armed Forces to better meet the demands of the current and emerging security environment.

Strategy for Homeland Defense and Civil Support

Last year, the Department initiated an in-depth review of homeland defense strategy. The focus was the ability of the Department to achieve its paramount goal of protecting the United States from direct attack. The outcome of that review is the Department's first-ever *Strategy for Homeland Defense and Civil Support*, released in June 2005. The *Strategy* outlines the strategic vision and capabilities required by the Department to conduct homeland defense and support to civil authorities. The *Strategy* is also an important factor influencing QDR analyses.

The implementation of the *Strategy* and the recommendations of the QDR will undoubtedly shape and drive future force rebalancing, force structure, capabilities, training and readiness standards within the Department for the next 10 years, and will directly affect the roles, responsibilities, capabilities and missions of the National Guard in homeland defense and homeland security.

The Committee can be assured that their concerns are being addressed within the context of QDR and the implementation of the *Strategy for Homeland Defense and Civil Support*.

III. REBALANCING FORCES

Protecting the United States homeland from attack is the highest priority of the Department of Defense. The War on Terrorism and ongoing operations NOBLE EAGLE, ENDURING FREEDOM, and IRAQI FREEDOM have stressed active duty and reserve component forces. DoD recognized that this condition, left unchecked, would be detrimental to the long-term viability of the force. In July 2003, the Secretary of Defense directed the mix of Active and Reserve components' capabilities, forces and mission assignments be rebalanced in order to improve the responsiveness of the overall force and to ease the stress on high demand units and career fields.

Whether ongoing force rebalancing measures will yield sufficient available assets, given recent overseas deployments?

The Services identified over 100,000 spaces that will be rebalanced from FY 2003 to FY 2010. This rebalancing will be conducted both within and between the components of each Service.

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Adding needed capability in the Active component at the expense of low demand Active duty structure will ease the stress on the Reserve components. For example, the Department is adding capability to high demand skill areas to include security forces and military police, transportation, and civil affairs. The types of capability areas that are being reduced to help resource the increases include field artillery, air defense artillery, and armor. The Services have rebalanced approximately 70,000 spaces from FY 2003 to FY 2005, and plan to rebalance an additional 55,000 spaces from FY 2006 to FY 2010. Once this rebalancing is complete, the Services should be able to meet the requirements of current missions without over-stressing significant portions of either the Active or Reserve component.

Additionally, rebalancing force initiatives such as continuum of service, rotational overseas presence, reachback operations, and improvements in mobilization (described in the Department of Defense report, *Rebalancing Forces: Easing the Stress on the Guard and Reserve*, January 15, 2004) are being implemented and are having a positive effect by ensuring that individuals and units with needed skills and capabilities are available in sufficient numbers for both overseas deployments and homeland defense and homeland security duties. Rebalancing forces is not a one-time solution to a specific problem, but an iterative process, responsive to changing demands from new defense challenges and changes in the threat. The forces already identified for rebalancing are a direct result of changes in needs of the Total Force and the threat since 9/11. As we see further changes in the threat, the Services will rebalance their forces in order to provide needed capabilities.

DoD is confident that the improvements recommended through rebalancing efforts are moving the Department in the right direction to not only ensure sufficiency of forces for homeland defense and homeland security missions, but also that the right skill sets are being balanced for overseas and domestic requirements. Considering that rebalancing forces is a continuing process and that QDR assessments may result in changes to missions and requirements, additional force rebalancing may be required. DoD will apprise Congress should analyses indicate that additional assets are needed.

IV. NATIONAL GUARD FORCES

The National Guard's number one priority is the security and defense of our homeland, at home and abroad. Because the National Guard may be employed in either a State or Federal status, it is a unique military organization, recognized as a national and strategic asset. As discussed previously, the National Guard's roles, responsibilities, readiness and capabilities for homeland defense and support to civil authorities are currently an element of the QDR and other ongoing study efforts.

Title 32: Command Relationships and New Authorities

National Guard forces may be employed in any one of three statuses: "State Active Duty," whereby forces are under the control of the governor and paid with State funds; "Title 32" in specific circumstances whereby personnel are still under the control of the governor, but paid with Federal funds; and "Title 10" whereby National Guard members are under the control of the President and paid with Federal funds. These constructs provide State and Federal

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command authorities with a high degree of flexibility when making decisions as to how to employ the National Guard in the face of natural disasters, civil disturbances, terrorist attacks, or other threats.

National Guard officers on active duty commanded both Title 32 forces and Title 10 forces in support of several National Special Security Events in 2004: the G-8 Summit and both the Democratic and Republican National Conventions. These precedent-setting command arrangements were approved by the Secretary of Defense, through authority delegated to him by the President. These National Guard officers were in dual-status, authorized to command military forces while simultaneously in Title 32 and Title 10 status.

New authorities granted under the National Defense Authorization Act of 2005, specifically the Chapter 9 of Title 32, expand the potential use of Title 32 to select homeland defense activities. DoD is developing broad and flexible implementation policy guidance to ensure that the authorities outlined in the new legislation are available to the Secretary of Defense.

The *Strategy for Homeland Defense and Civil Support* clearly recognizes that the National Guard is particularly well-suited for homeland defense missions. The Guard is forward deployed in 3,200 communities throughout the nation; readily accessible in State Active Duty and Title 32 status for homeland defense activities; routinely exercises with local law enforcement, first responders, and the remainder of the Total Force; and is experienced in supporting neighboring communities in times of crisis. In addition, National Guard forces possess many of the key capabilities needed for homeland defense and civil support missions, including air defense, transportation, intelligence, communications, security, medical expertise and chemical decontamination.

The National Guard continues its historic transformation to make it a more effective, reliable, and ready force for the 'war on terrorism and to perform homeland defense and homeland security missions. The National Guard Bureau leadership has initiated core reforms, transforming the Bureau into a truly joint organization by realigning the headquarters staff along a joint staff model; establishing better communications and coordination with combatant commands and state emergency headquarters; establishing Joint Interagency Training Centers (JITC); creating full spectrum integrated vulnerability assessment (FSIVA) teams; operating weapons of mass destruction – civil support teams (WMD-CSTs), and creating National Guard CBRNE enhanced response force packages (CERFPs) for consequence management. These transformational capabilities are being fielded today by the National Guard. DoD will fund and sustain these capabilities through the Departments of the Air Force and Army for the foreseeable future.

What measures are necessary to enhance the capabilities of the National Guard to perform homeland defense and homeland security missions?

DoD is continuing to assess options and recommendations from various sources, including the findings and recommendations of the GAO report, *Actions Needed to Better Prepare the National Guard for Future Overseas and Domestic Missions*. DoD concurred in-part with two of the report's recommendations and totally accepted the recommendation to establish the full range of National Guard homeland defense and civil support missions, identify capabilities

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needed and shortfalls, develop a plan to address shortfalls and establish readiness standards and measures of effectiveness (ref: GAO 05-21 report). The QDR will most likely identify additional enhancements to the organization and capabilities of the National Guard.

The tiered response framework established by the *National Strategy for Homeland Security* and the *National Response Plan* requires an integrated effort between Federal, State and local response forces during an emergency. A robust National Guard homeland defense exercise program that mutually supports Joint Chief of Staff, combatant command, and State first responder training requirements will contribute greatly to interagency and intergovernmental integration needed during an emergency. While the NGB stood up pilot versions of the Joint Interagency Training Centers, in many instances current language in Title 32 restricts the National Guard from providing training to non-Guard personnel and organizations. Congressional action would be required to amend language in Title 32 to authorize funding and identify the need for uniform training standards for non-DoD and DoD organizations (civil and military). Such action by Congress would permit interagency and intergovernmental training events, provide a degree of standardization for National Guard and non-National Guard members/organizations, and ensure operational effectiveness for a wide range of homeland defense and support to civil authorities.

National Guard CBRNE Enhanced Response Force Packages (CERFPs)

Are there any unmet requirements related to the Chemical, Biological, Radiological, Nuclear, and High-yield Explosives (CBRNE) Enhanced Response Force Package (CERFP)?

Currently, 12 CERFPs have completed their external evaluations and are undergoing a proof-of-concept validation. Existing National Guard units with select combat and support capabilities are organized to perform casualty search and extraction, medical triage, and casualty decontamination in the event of catastrophic attacks within the United States.

When fully trained and equipped, the 12 teams will provide each of the 10 current FEMA regions (plus one team for Hawaii and one team in West Virginia, in close proximity to the National Capital Region (NCR)) with these CBRNE response capabilities. Some CERFPs already have performed operational missions (support of the U. S. Secret Service for three National Special Security Events--the Democratic National Convention in Boston, MA; the Republican National Convention in New York, NY; and the Presidential Inaugural in Washington, DC).

The Department is assessing the current staffing level, training requirements, and equipment set needs in the proof-of-concept phase of the CERFP initiative. Upon completion of this process, the Department will evaluate the need for any required changes to the program. Additionally, QDR assessments relating to the Guard's homeland defense missions and DoD's role in responding to weapons of mass destruction could generate additional requirements for CERFPs. At this time, the Department is committed to sustaining the necessary training and equipment of this initiative.

V. STATE DEFENSE FORCES

Brief History of State Defense/"State Guard" Forces

Although largely inactive prior to Pearl Harbor, these organizations were revived after concerns by governors that the States would be left without a defense force if the U.S. entered World War II and federalized the National Guard. Governors were further concerned about potential sabotage to critical State institutions and infrastructure, as well as a lack of military forces to respond to natural disasters or civil disturbances. Congress responded in October 1940 by approving Chapter 904, Volume 54, U.S. Statutes-at-Large, which authorized the States to create State Guards, voluntary units that were not subject to military recall.

These so-called "State Guards" existed in various forms and names, including home guard, home defense forces, state defense forces, and state military reserve. State Guards nominally consisted of part-time volunteer units under State control. In time of conflict or heightened tensions, these units would fill in for the National Guard, maintaining public order and guarding critical infrastructure. In some coastal areas, the units were given some combat training to repel an invasion or landing. While these units were not, strictly speaking, part of regular military forces and, with the exception of the Hawaiian Territorial Guard, were not under direct War Department control, they facilitated the mission of the "total force" in that they took over a homeland security mission for all or part of the National Guard, freeing the National Guard to augment regular military forces in overseas duty.

Largely disbanded following WWII, the program was revived during the Cold War. The National Guard Bureau was again given a support role. State Defense programs currently exist in only 23 States and Puerto Rico; however, every State governor has the authority to raise such forces.

"The State Defense Force is a form of militia and is authorized to the States by Federal statute (Title 32 U.S. Code 109). State Defense Forces are not entities of the Federal government. They are organized, equipped, trained, employed and funded according to State laws and are under the exclusive jurisdiction of the governor. Should the National Guard be mobilized for war, specialized operations such as humanitarian or peacekeeping missions or called into Federal service during national emergencies, the State Defense Force will assume the National Guard's mission for the State's security."¹
The State Defense Force, unlike the National Guard, cannot be federalized and will remain under State control."¹

Requiring relatively limited resources and training, State Defense Force organizations might relieve the burden on the regular forces in their local and State areas by helping to defend critical infrastructure. Such forces could also assist in maintaining order and otherwise assisting with incident response, potentially reducing the demand for Title 32 or Title 10 assets during disasters and catastrophic terrorist incidents. Such assistance might be particularly useful if other forces available for the homeland security mission were deployed

¹ http://www.ngb.army.mil/downloads/fact_sheets/guard.asp

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out of the State or were overextended by the scale of a disaster (in a worst-case scenario, a large-scale disaster might coincide with major conflicts overseas).²

Augmenting the Capabilities of State Defense Forces

Whether the Department should consider augmenting capabilities of State Defense Forces with training and surplus equipment?

Governors mobilized State Defense Forces along with the Army National Guard (ARNG) in State Active Duty status when responding to the 9/11 terrorist attack in New York City, the G-8 Conference in Georgia, and hurricanes along the east coast. The recent response to Hurricane Katrina included State Defense Forces from the impacted States and from Texas, Georgia, and Maryland (a total of 1,500 individuals of an available 14,000 in 23 States). These mobilized State Defense Force members served along with ARNG and Air National Guard (ANG) troops and civilian first responders in a variety of duties to include medical, legal, distribution of relief supplies, and other services based on their training and expertise. Historically, State Defense Forces were made available to support disaster response and security before, during, and after the incident as directed by the governor of the State.

A major concern of the Department of Defense is the potential for terrorists to execute multiple simultaneous, or near-simultaneous, attacks on U.S. soil with catastrophic consequences. Although governments at all levels are committing assets to prepare, prevent, and protect citizens from such attacks and to respond and reconstitute should such attacks occur, it is conceivable that the resources required could exceed those available in spite of our best efforts to plan accordingly.

The Department will consider supporting governors who elect to employ State Defense Forces with surplus equipment and training pursuant to appropriately vetted requests through their adjutants general and the NGB. The support would be considered in light of its impact on military readiness and applicable laws.

The State Defense Forces, authorized under Title 32, are a source of available personnel that could be utilized by governors in support of homeland security plans. Today, State Defense Forces total less than 15,000 members, but could be expanded (these forces totaled over 79,000 during World War I and approximately 174,000 during World War II).

What measures are necessary to augment the capabilities of the State Defense Forces?

The Department seeks to improve homeland defense and homeland security by supporting civil authorities as part of a national response to a terrorist attack and by enabling States and other local government entities to enhance their capabilities by sharing expertise, technology, education, training and equipment. In general, mechanisms already exist for adjutants general to request additional training and equipment to support State-level homeland security missions. The governor, through the State adjutant general, determines the requirements for State-only forces and is responsible for equipage and the administration of training. The adjutant general is the appropriate interface (given the dual Federal-State role) between State Defense Forces (State-

² USNORTHCOM Reserve Component Integration Study. Total Force Integration, Annex E, History, pg 91-92.

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only forces) and DoD to convey a governor's requirements and plans for the use(s) of State Defense Forces for homeland security.

VI. CONCLUSION

The Department of Defense is working hard to provide the forces and capabilities needed to meet our immediate and long-range homeland defense and homeland security requirements. DoD is also working to identify and validate future requirements and force transformation initiatives via the QDR.

The Department will continue to work closely with the Department of Homeland Security and the States through the National Guard Bureau to determine and coordinate the capabilities necessary for homeland defense and homeland security. These partnerships, a critical component of the Department's *Strategy for Homeland Defense and Civil Support*, will produce a continuing refinement of requirements and appropriate rebalancing of forces to ensure the unique capabilities of the National Guard are effectively exploited in support of homeland defense and homeland security requirements.