

TESTIMONY OF
MAJOR GENERAL TIMOTHY J. LOWENBERG
THE ADJUTANT GENERAL, WASHINGTON NATIONAL
GUARD
and
DIRECTOR, WASHINGTON MILITARY DEPARTMENT

BEFORE THE
COMMITTEE ON GOVERNMENT REFORM
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ON
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MAJOR GENERAL TIMOTHY J. LOWENBERG THE ADJUTANT GENERAL, WA NATIONAL GUARD

Good morning, Mr. Chairman and distinguished members of the Committee. For the record, my name is Major General Tim Lowenberg. I am the Adjutant General of the State of Washington and Chair of Homeland Security for the Adjutants General Association of the United States (AGAUS). In addition to my Army and Air National Guard command responsibilities, state law designates the Adjutant General to be the state's senior emergency management official and vests in me the responsibility to "administer the comprehensive emergency management program of the state of Washington". See RCW 38.52.005. The Adjutant General is also responsible for managing our statewide Enhanced 911 system and for serving as a voting member of the State Interoperability Executive Committee. The Adjutants General of twenty-four (24) other states and territories have been similarly vested with dual military force provider-civilian emergency management responsibilities. In all other states in which National Guard and state emergency management functions are not

merged under the operational control of The Adjutant General, my General Officer counterparts and their respective state emergency management directors have fashioned very close relationships to assure a heightened level of civil-military emergency preparedness and domestic response capabilities.

In addition to the foregoing statutory duties, I am the Homeland Security Advisor for the State of Washington. In this additional capacity, I coordinate and serve as the Governor's primary agent with respect to all matters pertaining to state homeland defense and homeland security. I therefore deal directly with Department of Homeland Security (DHS) Secretary Tom Ridge and senior members of his Department and with Assistant Secretary of Defense for Homeland Defense, the Honorable Paul McHale (who testified on the previous panel) and other principal members of the Department of Defense. Fourteen of my fellow Adjutants General also serve as their state's Homeland Security Advisor.

I mention these complex and tightly interwoven civil-military responsibilities because they are unique to the Adjutants General of the fifty-four (54) states, territories and the District of Columbia and because they result in a powerful fusion and unity of effort across the entire spectrum of homeland defense and homeland security missions in the

several states and territories. These domestic security responsibilities also give Adjutants General a unique perspective on the topics you have asked each of us to address at this Committee hearing.

In particular, you have asked me to testify about (1) the growing operational role of the National Guard in the homeland defense and homeland security needs of the several states, and especially the State of Washington, (2) my recommendations on rebalancing and resourcing the National Guard, especially in light of my participation in the Defense Science Board (DSB) 2003 Summer Study on DoD Roles and Missions in Homeland Security, and (3) the effects deployments of Washington National Guard forces in the global war on terrorism have had on training and equipment readiness and what might be done to better equip and train the Guard for the future. Thank you for the invitation to address each of these important topics.

**The Growing Operational Role of the National Guard in
Homeland Defense and Homeland Security.**

The National Guard has secured the American homeland since 1636. Homeland defense and homeland security missions are therefore rooted in the very fiber of the Guard. From the founding of our nation through the end of WWII, the Guard has been the primary military force through which

America has surged and responded to national security threats at home and abroad. Following WWII, we departed from that pattern and sustained a large standing military force for the first time in our nation's history. We did so as part of our strategy for containing communism. Our standing forces were positioned at hundreds of installations throughout the homeland and in strategic locations throughout the world. Under this early Cold War construct, National Guard forces, for the first time, became a strategic reserve that was resourced to respond principally in the event of a cataclysmic confrontation with the Soviet Union or another near peer aggressor state. America's standing force was so large that we were able to sustain this strategy of containment and still fight the Korean War and the Viet Nam conflict without mobilizing or deploying substantial numbers of Guard forces.

As a result principally of the Viet Nam experience, the Department of Defense later adopted a construct known as the "Total Force" policy in which combat, combat support and combat service support force structure was redistributed and reapportioned throughout the active, Guard and Reserve forces. The intent was to make the Guard more of an *operational* reserve so that military engagements like Korea and Viet Nam could not be undertaken or sustained without mobilizing the Guard and thereby

awakening the conscience and assuring the support of the American people.

Today, the force-on-force threats of the Cold War have given way, in the main, to new and more menacing threats of chemical, biological, radiological, nuclear and conventional high yield explosive (CBRNE) threats posed by international terrorist organizations. Our homeland is no longer secure. Even our CONUS-based military forces are no longer as secure as they were once thought to be. Our homeland has, in fact, become an integral part of the 21st Century battlefield, part of the field of combat for those who seek to attack and destroy our people, our property, our economy, our environment, and, ultimately, our way of life. Our enemies' objectives are perhaps best summed up in the warning of Sheik Omar Abdel Rahman who is serving a life sentence for masterminding the 1993 bombing of the World Trade Tower and who declared at his sentencing, "God will make America disappear from the surface of the earth, as He has made the Soviet Union disappear".

As we ponder our nation's security requirements in this new threat environment, it is important to recognize, as the Defense Science Board will do in Volume II of its 2003 Summer Study, that the Guard's traditional OCONUS combat roles and missions are essential to our national security

and to our ability to project global reach and global influence within the relatively small percentage of GDP the United States spends on our national security. The Army and Air National Guard contributed nearly a million man-days to US Combatant Commander operations in FY00, more than two (2) million man-days in FY01, and more than twenty (20) million man-days in FY03. The Guard is an effective *homeland* defense and *homeland* security force precisely because of our experience executing these complex overseas missions. Equally demanding domestic security responsibilities can best be accomplished as a dual mission that compliments, enhances and draw its essential strength from the Guard's continued combat force structure, training and overseas deployment experience.

The Adjutants General Association of the United States joins the Defense Science Board in stressing the importance of continued dual-missioning of the Guard. Although the National Guard is a key military component of our national domestic security strategy, homeland security is not and must not become the sole or primary mission of the National Guard.

Without additional resources, equipment, training authority and training dollars, the Guard could easily become overextended as it takes on new

homeland defense and homeland security missions. The Army National Guard, in particular, is so thinly resourced it cannot take on new missions “out of hide”. Properly resourcing the Guard for domestic threat and vulnerability assessments, contingency planning, training, exercising and employment of force functions is essential. It is also the most fiscally and operationally efficient way to export the DoD culture to other federal, state and local agencies and thereby elevate overall domestic preparedness.

The growing operational role of the National Guard in the State of Washington is perhaps best illustrated by the two diagrams I’ve attached to this transcript, each of which depicts our state domestic security infrastructure. Appendix 1 illustrates the manner in which the Governor and/or the legislature have directed the Adjutant General and the State Military Department to play an increasingly central role in assuring the preparedness of civil and military emergency responders in our state. The state Emergency Management Council (EMC), established by the legislature, advises the Adjutant General and the Governor on matters pertaining to the state’s preparedness for natural and man-made emergencies. The EMC meets in plenary session not less than once every 60 days. The Committee on Homeland Security (CHS) (originally called the Committee on Terrorism) was formed by the Governor in November

1999 specifically to focus on the growing threat of terrorism. Since January 2000, the CHS has met in plenary session not less than once every 30 days. The E-911 Advisory Committee and the State Interoperability Executive Committee, also formed by the legislature, meet in plenary sessions not less than once every 60 days. Immediately following the attacks of September 11, 2001, the Governor also directed formation of the Domestic Security Executive Group (DSEG) comprised of his most senior cabinet directors and policy advisors and our separately elected Attorney General. The purpose of the DSEG is to assure unity of effort across all executive branch agencies in meeting the security needs of the State of Washington. I have chaired the DSEG from its inception. We have met every Monday since September 17, 2001. Each of these domestic security bodies (EMC, CHS, E-911 Advisory Committee, and DSEG) advises the Governor through the Adjutant General. The State Interoperability Executive Committee (SIEC) is charged with radio spectrum allocation and resolving statewide interoperable communications problems. Although the SIEC does not report to me, I serve as a voting member of the SIEC and administer federal grants in support of its activities through my role as the Department of Homeland Security State Administrative Agent (SAA). Finally, in my role as the state Homeland Security Advisor, I liaise

with my counterparts and with senior federal officials not less than bi-weekly through a series of teleconferences hosted by the Department of Homeland Security and by the National Governors Association.

Appendix 2 perhaps best describes what is depicted on Appendix 1, namely, that the state Homeland Security strategy is based on a system of systems, with the Adjutant General and the National Guard at its epicenter. This system of systems strategy assures a constant fusion of information and a unity of effort among all federal, state, local and tribal governments and other public and private sector stakeholders.

I've taken the liberty of emphasizing the Military Department's role in our state homeland security strategy for several reasons: first, because these multiple roles are not unique to me or to our state – a majority of the nation's Adjutants General have similar dual civil-military roles and responsibilities; second, these duties do not conform to the position description or range of homeland security responsibilities of any senior military leaders outside the National Guard – no other active duty or reserve component general officers deal so extensively and habitually with senior federal, state, local and private sector civilian emergency responders; and third, these duties underscore the unique capabilities of

Adjutants General as forward deployed military commanders for purposes of executing federal and state emergency response plans

State needs and National Guard homeland security capabilities.

Planning, Training and Exercising for Complex Domestic Emergencies –

Washington State's experience with the World Trade Organization (WTO) riots in 1999 demonstrated how quickly the law enforcement resources of even a major city such as Seattle and its mutual aid jurisdictions can become overwhelmed. The mobilization and deployment of National Guard soldiers to the streets of Seattle was pivotal to the restoration of safety and order. The National Guard is perfectly poised to perform such missions because in state active duty (SAD) status [e.g., the status in which we responded to the WTO riots] or in federal Title 32 status (32 USC 501) [e.g., the status in which we enhanced security at our nation's airports in 2001-2002] Guard forces remain under the control of the Adjutant General and ultimately the Governor and are therefore not subject to the Posse Comitatus Act (18 USC 1385) restrictions on use of military forces to enforce the laws. In fact, the Militia Clause of the U.S. Constitution (Article 1, Section 8) explicitly preserves to right to use the states' militias (i.e. the National Guard) "to execute the laws of the union, suppress insurrections and repel invasions".

All states have an immediate and pressing need to plan for National Guard assistance for state and local authorities in the event of mass humanitarian disasters such as the terrorist attacks on New York City and the Pentagon on September 11, 2001. Our recent experience as a primary jurisdiction in the May 2003 national Top Officials (TOPOFF2) exercise underscored how quickly the need for National Guard assistance will arise in the event of any chemical or biological attack necessitating the enforcement of public evacuation, shelter in place or quarantine orders. TOPOFF2 dealt with detonation of a radiological dispersal device (a so-called "dirty bomb") in the city of Seattle which resulted in the immediate release of a radioactive plume and contamination of people, property and food supplies in an area measuring hundreds of miles. Even if there is no need for assistance in quelling mass public panic or civil disobedience, the National Guard will be relied upon heavily for medical and logistical support in dealing with the mass casualty and public assistance needs of any large scale disaster. No matter what the emergency, no matter what scale the disaster, the National Guard will always be the first military responder. We therefore need to partner with civil authorities to assess vulnerabilities, identify gaps and seams in preparedness and capabilities, and develop

contingency plans for chemical, biological, radiological, nuclear and conventional high yield explosive attacks and other complex disasters.

Accustomed as we are to the logistical challenges of moving thousands of soldiers and airmen and sustaining operations at remote locations throughout the world, the National Guard is capable of adding considerable value and a unique degree of professional judgment to the states' homeland security planning efforts.

Protection of Key Assets and Critical Infrastructure -- All states have collaborated with the Information Analysis and Infrastructure Protection (IAIP) Directorate of the Department of Homeland Security to identify key assets and critical infrastructure that need to be protected from the risks of the global war on terrorism. The unique training and experience of our National Guard units could be of immense value in developing site protection plans for vulnerable public and private sector infrastructure such as communications and utility nodes, water supply systems, mass transit systems, oil refineries and other key assets.

Intelligence Fusion and Analysis -- Access to Intelligence information and intelligence-based risk analysis is key to successful homeland security prevention, deterrence, dissuasion, and disaster mitigation and recovery strategies. The National Guard of each state should be authorized and

funded to contribute at least one full-time intelligence specialist to the staff of the state's FBI Joint Terrorism Task Force (JTTF) and its Joint Analytical Center (JAC). In most states, the Adjutant General and other senior National Guard officers and non-commissioned officers are the only officials who routinely possess Secret, Top Secret or SCI compartmentalized clearances as well as the secure voice, data and video equipment necessary to communicate such information. As the Governor's senior domestic security advisor and as the senior forward-deployed military commander, the Adjutant General and his or her subordinate commanders would be able to make more timely and appropriate planning and operational decisions if the National Guard was a formal participant in the FBI intelligence collection and analysis processes. Active duty military intelligence agents are assigned to some of the JTTFs; National Guard intelligence agents should similarly be assigned, especially in the growing number of states in which there is no active duty military presence. If the National Guard were more directly involved in the intelligence analysis centers in each state, Governors would be able to make more informed decisions about their state's homeland security risks and counter-measures.

Federal authorization and funding for National Guard Counter-Terrorism

Missions – To this point, Congress and the Department of Homeland Security have focused primarily on accelerating the acquisition of equipment for emergency responders. Equipment is being purchased without a rigorous and systematic baseline assessment of state and local vulnerabilities or capabilities, without consistent and disciplined gap analysis, without developing an integrated list of key assets and critical infrastructures and plans for protecting them, and without fully integrated local, state and federal strategic planning for maximizing homeland security within the limitations of available funds. Now, after three consecutive federal fiscal cycles of buying more “things”, we’re finally beginning to undertake these critical capacity-building steps. The National Guard, because of its forward deployment and its unique civil-military nature, needs to be part of this national security process.

Unfortunately, at present, we are neither authorized nor funded to engage in such activities. It’s true that we are authorized, equipped and funded to engage in one additional training assembly each year to train a prescribed number of soldiers to engage in crowd control and civil disturbance missions. For more than thirteen (13) years, we have also been authorized, equipped and funded to provide on-going drug interdiction

and counter-drug assistance to federal, state and local law enforcement agencies and law enforcement task forces in all states, territories and the District of Columbia (See, generally, 32 USC 112). We are not currently authorized, equipped or funded, however, to expand our support to civil authorities beyond the narrow confines of these prescribed programs.

Under the National Guard Counter-Drug program, each state determines its own unique needs and priorities for military support to civilian law enforcement authorities and develops an annual Governor's Plan for Guard assistance in the state's war on drugs. The Chief, National Guard Bureau is the DoD action agent for reviewing and approving each Governor's Plan and for enforcing prescribed DoD program requirements.

The connection between international drug operations and international terrorism is becoming increasingly well documented. The Adjutants General Association of the United States therefore believes there is an obvious overlap between National Guard counter-drug operations and potential Guard counter-terrorism operations. The Defense Science Board's Volume II report will strongly concur with this assessment and with the recommended assignment of Guard intelligence analysts to FBI Joint Terrorism Task Forces (JTTFs), newly formed state and federal intelligence fusion centers, and similar operations which fall within the core military

competencies and DMOSQ and AFSC functions of the assigned Guard personnel. Such integration could also be a valuable situational awareness tool for NORTHCOM. For these reasons, the Defense Science Board will recommend in its Volume II report that serious consideration be given to transforming the National Guard Counter-Drug program into a single, integrated National Guard Counter-Drug/Counter-Terrorism program. Whether Congress expands the current 32 USC 112 authorization or authorizes an expanded scope of National Guard Homeland Security missions through a separate statute patterned or modeled after 32 USC 112, the important thing is for Congress to empower the National Guard to be used in Title 32 status to meet the growing homeland defense and homeland security needs of the several states and of the federal government itself.

My recommendations on rebalancing and resourcing the National Guard, especially in light of my participation in the Defense Science Board (DSB) 2003 Summer Study on DoD Roles and Missions in Homeland Security

“The National Guard should be used in title 32 status to the maximum extent possible for all domestic operations.” (Defense Science Board 2003 Summer Study Report, Volume 1, page 78) -- The Committee on

Government Reform is encouraged consider, as did the Defense Science Board, that the National Guard is a legally unique multi-status military component with roles and responsibilities defined by federal and state law. Understanding the flexible and multi-faceted role of the Guard therefore requires an understanding of the Militia and War Powers clauses of the U.S. Constitution, the provisions of Title 32 and Title 10 of the United States Code and the Constitutions and statutes of the several states, territories and the District of Columbia (hereafter referred to collectively as the “states” or “the several states”). State constitutions and state law define the role and status of the National Guard when performing state active duty under state control for state purposes and at state expense. The federal constitution and federal laws define the role and status of the National Guard when performing federal duty under either state or federal control for federal purposes and at federal expense.

Article 1, Section 8 of the U.S. Constitution expressly authorizes the Army and Air National Guard, under the continuing control of the several states, to be used for federal purposes and at federal expense to execute the laws of the union, suppress insurrections and repel invasions. Sections 3062(c) and 8062(d) of Title 10 United States Code (USC) underscore this Constitutional authorization by recognizing that when the National Guard is

used for federal purposes and at federal expense (what the United States Code refers to as the National Guard “while in the service of the United States”) it is part of the Army or Air Force even though Guard forces remain under continuing state command and control (state C2). Various provisions of Title 32 USC elaborate on use of the National Guard “while in the service of the United States”, thereby giving rise to the short-hand reference to this status as “Title 32 duty”.

When used in Title 32 duty status, the National Guard is not subject to the Posse Comitatus Act and can be used to enforce all federal, state and local laws. President Bush requested use of the National Guard “in the service of the United States” (under continuing state control in Title 32 duty status for a federal purpose and at federal expense) to secure the nation’s airports following the attacks of September 11, 2001. Title 32 duty is also the status in which the Guard has long performed counter-drug operations and Homeland Security-Military Assistance to Civil Authorities (HLS-MACA) missions such as Weapons of Mass Destruction Civil Support Team (CST) operations. DoD determines which missions can be undertaken in Title 32 duty status and prescribes the tasks, standards and conditions by which the Guard performs such missions, thereby assuring prescribed federal

objectives are achieved, albeit by Guard forces acting “in the service of the United States”.

The National Guard can also be used under Title 10 federal duty status (see 10 USC Sections 3062(c) and 8062(d)) for a federal purpose, at federal expense and under federal command and control. The Guard must be in Title 10 duty status for all OCONUS missions since the Militia Clause of the U.S. Constitution (which authorizes the Guard to be used in the service of the United States to execute the laws of the union, suppress insurrections and repel invasions) applies only in a CONUS context. When used in Title 10 status, the National Guard becomes part of the Army or Air Force as the National Guard “of the United States”. When used in Title 10 status for domestic missions, the Guard is therefore subject to the restrictions and prohibitions of the Posse Comitatus Act and all other operational restrictions attendant to the domestic employment of federal military forces.

Unlike state active duty and Title 32 duty, Governors and Adjutants General have no command or control over National Guard Forces that have been ordered to Title 10 federal duty; National Guardsmen/women become indistinguishable members of the federal armed forces upon being placed on Title 10 orders.

The various Guard statuses and the expansive range of potential Title 32 duty are depicted in the three diagrams which are attached to these formal remarks as Appendix 3.

As a result of these distinct legal statuses, all National Guard members are commissioned or enlisted in each of two separate and legally distinct military organizations: the National Guard of the individual state and the National Guard of the United States. The Supreme Court recognized these important status distinctions in Perpich v. Department of Defense, 496 U.S. 334 (1990), a case in which the Court analogized that National Guard members have three hats in their closet: a civilian hat, a state militia hat and a federal reserve of the Army or Air Force hat, only one of which can be worn at any given time.

It has been my experience that most active duty military leaders and many supposedly knowledgeable commentators don't understand these distinctions and therefore adopt the simplistic view that the National Guard is available only in state active duty status or as a Title 10, federally-controlled force. This overlooks the broad range of Title 32 duty status options in which the National Guard can be used under state control but at federal expense and for federal purposes. In truth, as I will explain

momentarily, use of the National Guard in Title 32 status offers federal authorities an operationally and fiscally superior range of options for undertaking homeland defense and homeland security missions.

For ease of reference, I have been using the term “National Guard” throughout my testimony to mean the National Guard under state control in either State Active Duty or Title 32 status. When referring to the National Guard of the United States (the Guard’s Title 10 reserve component status), I will call attention to that special context.

The National Guard Bureau

The Adjutant General is the commander of all Army and Air National Guard units in his state, regardless of his branch of service. The Adjutant General therefore exercises joint command. What then is the Chief of the National Guard Bureau (CNGB)? It might surprise you to learn that he is not the commander of the National Guard “of the United States”, the federal component of the National Guard; in fact, the National Guard of the United States does not have a national command structure. Rather, the National Guard Bureau is a “channel of communications” between the Departments of the Army and Air Force and the several states (10 USC 10501) and the Chief is the head of the Bureau, not a commander. The responsibilities of the CNGB are articulated in 10 USC Sections 10501-10507, the National

Guard Bureau Charter from the Secretaries of the Army and the Air Force, and other DoD directives and regulations. Foremost among these is the Chief's role as senior spokesman between the Army and Air Force and the states on all matters pertaining to the National Guard. In addition, the CNGB is responsible for insuring that the National Guard of the several states is prepared to respond to Military Support to Civil Authorities (MSCA) and other state mission requirements while concurrently training and otherwise preparing for mobilization as the primary reserve of the Army and Air Force (i.e. as the National Guard of the United States) [see the National Guard Bureau Charter and DoDD 3025.1]

The National Guard of the Several States and Territories

The governors of the several states and territories routinely employ the National Guard in a traditional Military Support to Civil Authorities (MSCA) role and in concert with other state resources when responding to state and local emergencies. They employ their National Guard forces in state active duty status and at state expense before requesting federal assistance through their state emergency management functions to DHS/FEMA. They can also obtain assets, including other National Guard forces, from other states using one of several emergency assistance compacts (for example, the Emergency Management Assistance Compact [EMAC] which now has

48 state members) or by direct, ad hoc agreement with other states. When state-to-state mutual assistance is provided in response to an emergency for which there has been a Presidential Disaster Declaration, the expenses of the supported state, including the costs of assistance from supporting states, are reimbursable under the Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et. seq. This highlights an important new dimension in the war on terrorism. As part of our national homeland security planning, we need to recognize that National Guard military assistance for civil authorities and other National Guard functions (both intra and interstate assistance) can be funded through FEMA and need not be funded solely through the Department of Defense.

Governors and Adjutants General have a great deal of experience dealing with major disasters. The State of Washington, for example, has averaged at least one Presidential Disaster Declaration each year for the past forty (40) years. Many of these disasters have required activation of the National Guard. For us, Military Support to Civil Authorities is not a theoretical mission possibility that might occur once during a 2 or 3 year military assignment; it is the kind of bread and butter emergency response mission to which we devote a substantial portion of our careers.

Utilizing this Title 32 flexibility, National Guard Weapons of Mass Destruction Civil Support Teams (CSTs) were deployed from supporting states to assist supported states in recovering potentially dangerous debris when the NASA Space Shuttle burned and came apart on reentry. In furnishing this Title 32 assistance, the supporting states continued to exercise command and control over the deployed CSTs, with tactical supervision being extended to the supported state(s). The supporting Civil Support Teams were also deployed under the Emergency Management Assistance Compact, rather than through normal DoD channels. This illustrates the flexibility of using existing state National Guard command channels to furnish Title 32 National Guard assistance to states struck by major disasters.

Adjutants General manage the readiness and operations of their state Army and Air National Guard forces pursuant to guidance from their Governor and from the CNGB acting on behalf of the Office of the Secretary of Defense (OSD) and the Army and Air Force. They do so through a state command element called the standing state Joint Forces Headquarters (JFHQ). The JFHQ is commanded by the Adjutant General and is staffed by Army National Guard soldiers, Air National Guard airmen and Title 10 emergency preparedness liaison officers from each of the

military services and, in maritime states, from the US Coast Guard. The standing state JFHQ, which can itself be mobilized under Title 10 USC, can be used to execute state active duty, Title 32 and/or Title 10 USC functions in carrying out MSCA missions and wartime readiness and mobilization missions. The JFHQ provides mature, cost-efficient state command and control of National Guard forces regardless of the nature or purpose of their mission.

I used this headquarters to mobilize, deploy and oversee the operations of soldiers and airmen in state active duty status when quelling the World Trade Organization Conference riots in Seattle in 1999. I used it to mobilize, deploy and oversee the operations of soldiers and airmen in Title 32 federal status when rushing to augment airport security following the attacks of September 11, 2001. I am also using the JFHQ to mobilize and deploy soldiers for Title 10 active duty in support of Operations Noble Eagle, Enduring Freedom, Iraqi Freedom and other operations in support of OCONUS combatant commanders.

The operational and fiscal advantages of using the Guard in Title 32 status and in fully utilizing the existing state JFHQ command structure are best illustrated by two post-9/11 missions. Shortly after the attacks of 9/11/01, President Bush called upon governors to make National Guard

forces available to guard the nation's airports. His request came without forewarning during a presidential press conference. Notwithstanding these unusual circumstances, within 24 hours of the President's request approximately 1,000 Guardsmen deployed to key airports. The FAA and NGB developed a five-day training program. Over 6,000 Guardsmen were then trained and deployed to 440 airports. During the peak holiday season in 2001, over 8,000 Guardsmen were deployed to our nation's airports in Title 32 status and they performed flawlessly and with great distinction.

The airport security mission was a classic case of the National Guard being used "in the service of the United States" for a federal purpose and at federal expense. Although the terms of the Title 32 deployment and rules of engagement were specified by the federal government (the supported jurisdiction), command and control of the uniformed forces remained with state military authorities (the supporting jurisdictions). The states used their existing STARC and subordinate command headquarters to mobilize and manage the deployed forces. No new command structures had to be created. No extraordinary mobilization expenses were incurred. Because the soldiers and airmen remained under state command and control, they trained at home station and soldier and employer hardships could be accommodated by rotating personnel in and out of the Title 32 mission.

Work schedules were carefully managed so that soldiers and airmen continued to drill with their units. They thereby maintained individual and unit war-fighting proficiencies, assuring their continued readiness for OCONUS combat missions. Most importantly, if the soldiers' primary unit had been needed for an OCONUS combat, combat support or combat service support mission, we could have rotated other soldiers into the airports and returned the affected soldiers to their units for OCONUS deployment.

By contrast, when Border Patrol, Customs and INS needed augmentation to assure the security of our nation's land borders, federal authorities insisted that National Guard members be federalized in Title 10 status. This required costly and cumbersome federal command structures to be created from scratch. Instead of training at home station, all soldiers had to ship out to one of two federal mobilization stations. Instead of operating under familiar state command structures, command was exercised by an active duty Army headquarters on the opposite coast. Once on Title 10 orders, the soldiers could no longer train with their units. Over the course of their six month border deployment, they were no longer available for OCONUS combat duty, individual soldier skills eroded and the combat readiness of their original units of assignment was irreversibly

compromised. Moreover, in contrast to the speedy deployment of National Guard forces to the nation's airports (3 to 6 days), imposition of these cumbersome and costly federal control procedures delayed deployment to the borders for more than six (6) months. To add insult to injury, National Guard soldiers had to be deployed unarmed in order to comply with the Posse Comitatus Act restrictions on Title 10 forces, thereby minimizing their effectiveness as border security augmentees. As a result, at the border crossing at Blaine, Washington armed Title 32 Washington National Guard soldiers assisted Border Patrol, Customs and INS agents with counter-drug operations as we have done for more than thirteen (13 years) while unarmed, federalized National Guard soldiers from many of the same units had to be protected by Border Patrol, Customs and INS agents at the same border while they performed marginally effective counter-terrorism duties.

The enhanced legal flexibility of using the Guard in Title 32 status is all the more important because of the Guard's presence as America's most forward deployed domestic military force. Unlike active duty components that are confined to a limited number of CONUS installations in a limited number of states, the Guard has an organized presence in nearly every

population center (3,300 locations and in more than 2700 communities) in every state, territory and the District of Columbia.

As a true community-based force, the Guard is the first military responder in virtually all domestic emergencies and can respond to most disasters without external logistical support. Equally important, federal, state and local law enforcement authorities, emergency response professionals, elected officials and community leaders trust the Guard and enjoy a stable and mature working relationship with the Guard. The Guard's status as a "trusted", forward-deployed force is an important "ground truth" that must be considered in rebalancing and resourcing the National Guard for greater homeland defense and homeland security responsibilities.

The Adjutants General of the United States and the nation's Governors are adamant that when National Guard forces are used domestically they should remain under state control, whether operating for a state purpose (at state expense and under state control) or for a federal purpose (at federal expense but under continued state control under Title 32, USC). The Governors, by formal resolution adopted at their mid-winter conference on February 25, 2003, have called upon federal authorities to use the National Guard in Title 32 status instead of Title 10 for all domestic

missions. For the same reasons the Defense Science Board has also concluded “the National Guard should be used in title 32 status to the maximum extent possible for *all* domestic operations.” (DSB 2003 Summer Study Report, Volume 1, page 78 – emphasis added).

The Army National Guard must be resourced at C1, not, as at present, at

C3 – As a joint force commander I can vouch that the Air Force resources its Air National Guard (ANG) component to attain the highest level of peacetime readiness (what we call C1 status) and to sustain the force at that level as a steady state. The Air National Guard typically funds the Air National Guard at 95% or more of the Air Force’s validated full time manning (FTM) requirements. By stark contrast, the Army resources its Army National Guard (ARNG) component to no more than a C3 peacetime level of readiness (C1 is the highest level of readiness, C4 is the lowest rating that can be reported – total inability to perform the assigned mission). This means the Army National Guard of the several states is typically funded at less than 60 percent of the Army’s validated FTM requirements. To illustrate the impact of this under-funding on the Washington Army National Guard, the validated FTM requirement is 25-30 percent of the authorized end-strength. We have approximately 6000 Soldiers, which means that by the Army’s validated requirements we need 1800 full time

(FTM) ARNG positions. Our authorization, however, is only for 1080 positions and the Army actually funds us for only 480 of the authorized positions. While 60 percent of validated FTM requirements may not sound so bad, by the time the Army's resourcing formulas are applied our full time manning shortfall significantly impacts readiness of the force. We're able to resource some of our most heavily tasked units at 55 or 56% of their FTM requirements only by resourcing other units at substantially lower levels.

The Adjutants General have repeatedly addressed Full-Time Manning as our most pressing issue. Congress has responded with some annual increases but it is imperative that we adopt a more aggressive "ramp" in order to resource the operational requirements of the present threat and operations environments. to achieve the validation requirements. Without adequate Full-Time Manning our intentions will remain hollow promises and we will be unable to substantially improve our national defense and homeland security

Expand Weapons of Mass Destruction Civil Support Team (CST) capabilities and form new CBIRF-equivalent units in the National Guard –

The Secretary of Defense has certified 33 currently authorized and funded Civil Support Teams as being fully mission ready. The teams are composed of 22 full-time Army and Air National Guard subject matter

experts. They are funded by the federal government and operate in Title 32 status under standards and rules of engagement prescribed by DoD. Since they are in Title 32 status at all times, they fall under the command and control of the Adjutants General, which ensures a streamlined and highly efficient training and employment of force authority. Title 32 status also assures that any evidence they acquire in the course of their field operations or laboratory analysis is fully admissible in any civil or criminal proceeding.

The 107th Congress authorized a total of 55 teams but did not provide funding for the additional teams. The Hart-Rudman report for the Council on Foreign Relations urged Congress to authorize and fund 66 teams. The National Emergency Management Association (NEMA), the International Association of Emergency Managers (IAEM), the Council of State Governments (CSG), the National Governors Association (NGA) and the National Guard Association of the United States (NGAUS) have joined the Adjutants General Association of the United States (AGAUS) in urging Congress to authorize and fund at least one (1) National Guard Civil Support Team in every state and territory. To do any less is to treat every man, woman and child in the states and territories without a CST as acceptable casualty risks.

I am pleased to acknowledge that an additional 12 teams are in the training and equipping pipeline and OSD has announced plans to field a total of 55 teams by 2008.

As the Adjutant General of the first CST to be certified to Congress as fully mission ready, I am intimately familiar with the operational capabilities and limitations of these teams. Their capabilities are truly unique. They provide a critical margin of safety for emergency responders and citizens in general. They also provide an on-scene source of scientific information for officials charged with protecting the public's safety. Our teams provide invaluable training and exercise support to civilian emergency responders, routinely integrating civilian partners into our training scenarios. We have even deployed civilian responders with our CST to such national special security events as the 2002 Winter Olympics. The limitations of the teams are largely confined to time and distance factors over which we have little control. Although our entire team can deploy on a single C-17 and we regularly practice such deployments, there is no dedicated tactical airlift for any of the CSTs. The only sure method of employment is to drive to the disaster scene. Our teams are on a 2-hour 24/7 response line, but the harsh reality is that weather and traffic conditions make it impossible to provide timely support to remote areas in several states or to the states and

regions that don't yet have their own CST. On more than one occasion, we have had to decline requests for deployment of our team to sensitive out-of-state events because we could not get military airlift.

The CST program needs three things: first, every state and territory needs at least one Civil Support Team; second, the teams need to be slightly expanded in size to absorb the impact of unexpected illness and injuries and to accommodate periodic personal leave and training cycles; and third, we need a plan for the military airlift of the teams. This latter need is especially critical in the event of asymmetric domestic terrorist attacks.

The Defense Science Board has also encouraged the Secretary of Defense to task the Chief, National Guard Bureau to report to him on the feasibility of expanding ten (10) of the CSTs so that each of the ten specially-designated Title 32 units has a full, single-unit capability equivalent to that of the Marine Corps' Title 10 Chemical, Biological Incident Response Force (CBIRF). This would result in the strategic positioning of ten (10) additional CBIRF-equivalents throughout the CONUS, while leveraging the Guard's C2 and operational integration with civilian emergency responders and assuring CST coverage for the states and geographic regions in which the CBIRF-equivalent Title 32 Guard units

are located. Implementation of any such plan will require additional funding and manpower authorizations and/or a significant rebalancing of the National Guard force.

In addition, the DSB urged the National Guard Bureau to explore the feasibility of enhancing existing Army and Air National Guard engineering, medical and security police units with additional equipment, training and other resources to assure their ability to perform core urban search and rescue (USAR), mass medical decontamination, and tactical site security functions, respectively. The enhancement of these existing drill-status Guard units, in combination with the mission capabilities of the full-time 22-member CST, would assure each state has a collective CBIRF-like response capability – albeit, not in a single unit. The National Guard Bureau has identified twelve (12) states to pilot this project and is working with the states affected to develop a common operating plan. The Washington National Guard is one of the participants in this initiative.

Although each CST is capable of deploying with its own wheeled vehicles, there are also circumstances in which a CST must be deployed by airlift. Recognizing that military airlift is often unavailable due to restricted resources and competing priorities, the DSB has also recommended that OSD explore the feasibility of renegotiating the Civil

Reserve Air Fleet (CRAF) agreement to meet the emergency airlift requirements of CSTs and other critical HLD-HLS/MACA assets.

Other new and expanding homeland defense and homeland security

mission areas – The global war on terrorism has revealed a number of low-density, high-operations tempo mission areas in which there is an inadequate force for current and projected force requirements. Many of these missions have tremendous potential for meeting dual state and federal needs and involve skills for which the Guard has a proven record of being able to recruit, train and retain qualified personnel. These expanding mission areas include, but are not limited to, the need for increased numbers of Military Police, Transportation, Bio-Chemical, Petroleum/Water Purification, Civil Affairs and Psychological Operations, Intelligence, and Cyber and Information Operations units. Each of these military specialties has obvious and immediate application to domestic security strategies if the units are not needed for support of OCONUS operations. It would be prudent, therefore, to rebalance the force and place such missions in the National Guard. The National Guard is also poised to assume significant responsibilities in ground based missile defense, a modern variant of missions the Guard performed during a critical phase of the Cold War. I speak specifically of the Guard's highly successful experience in manning

Nike missile batteries in the 1960s and 1970s. Throughout those decades, traditional and full-time Guardsmen served together in units under State control, with self-activating orders that automatically brought them into a Title 10 federal status in the event of any live fire response.

In addition, as we put more reliance on space there are a number of space missions that could be very effectively and efficiently performed by National Guard units in Title 32 status.

In like fashion, the Guard has field artillery units and other units that have been sparsely tasked but have been retained by the Army to support its legacy force. These units and the force structure associated with them could be re-missioned and reallocated in order to cover the costs of the expanding mission areas mentioned above.

New and Empowering Employment of Force Constructs -- The creation of the Joint Forces Headquarters (JFQ) in each state has given the Governor and the Adjutant General a more streamlined force deployment capability and provides NORTHCOM a meaningful forward deployed command structure in each of the several states. Governors have extraordinary constitutional and statutory emergency powers and they exercise those powers principally through the Adjutants General for both civil and military exigencies and prior to requesting federal assistance. The Guard is the

first military force to respond to domestic emergencies, nearly always in state active duty status. When state and federal interests converge or overlap in a domestic emergency situation, however, and whenever national command authorities determine it is in the national interest to utilize the Guard for federal domestic purposes, the Guard should be used in Title 32 status to the maximum extent possible.

I've previously noted the legal advantages of using the Guard in Title 32 status instead of federalizing the Guard under Title 10, but there are also numerous fiscal and operational advantages to Title 32 service. As previously noted, the Guard can be employed in Title 32 status using existing state command structure and without the need for a time consuming and costly stand-up of a special federal command structure. Use of the Guard in Title 32 status also allows most domestic missions to be accomplished jointly, through Army and Air Guard volunteers, without having to involuntarily mobilize Guard units. As an example, post-9/11/01 airport security missions were accomplished principally through the mobilization of individual Army and Air Guard volunteers, thereby diffusing the impact throughout the entire Guard force rather than a single service element (by contrast, the subsequent federalization of the Army Guard for border security assistance impacted only the Army Guard and had a

disproportionate negative impact on the readiness of Army Guard units to perform their OCONUS war-trace missions). Staffing a mission with volunteers from the entire Guard force also avoids impacting members for whom mobilization would be a personal or employer hardship as well as those for whom a domestic mobilization would conflict with their primary employment as civilian emergency responders.

Adjutants General can also manage an activated Title 32 force so that individual soldier and airman training and unit training requirements continue to be met (i.e. soldiers and airmen are scheduled so that days off coincide with scheduled individual soldier training and unit training assemblies in which the Title 32 soldiers and airmen are required to participate) while simultaneously meeting the federal Title 32 mission objectives.

The continued state management of the activated Title 32 force assures that combat readiness is not degraded in the units from which the volunteers have been drawn. If and when other combatant commanders require Title 10 forces, Adjutants General can order personnel from Title 32 status to Title 10 status (backfilling with other personnel on voluntary or involuntary Title 32 orders for the domestic mission) to deploy OCONUS with their combat units, thereby meeting the needs of both NORTHCOM

and other OCONUS combatant commanders. The DSB Summer study notes that OSD has traditionally used Title 32 duty primarily for training purposes, since military training obviously satisfies federal as well as state objectives. The DSB believes the better course is to use the Guard to the maximum extent possible in Title 32 status for all federal-purpose domestic operations, as was done in executing the airport security mission in the immediate aftermath of the September 11 terrorist attacks. The DSB 2003 Summer Study report (Volume II) will specifically urge support of legislation that enhances the flexibility of employing the Guard in Title 32 status for domestic operational purposes, to include training and exercising with civilian emergency responders and deploying in support of lead civilian agencies.

The National Response Plan (NRP) prescribes the process by which DoD and Title 10 forces can be tasked to support a lead federal agency which is itself supporting the lead state agency in charge of a given state's emergency management operations. In many instances, the supported lead state agency will be under the statutory control of the Adjutant General. Even when that is not the case, the Adjutant General will have a close working relationship with the head of the supported lead state agency. Since all disasters and all emergencies are local, Guard forces will

already have been deployed pursuant to the Governor's emergency orders and will have been fully integrated into the mature and ongoing state and local emergency response. The DSB report therefore concludes that maximum unity of effort can be achieved by having the later arriving Title 10 forces operate under the "supervisory authority" of the Adjutant General or his subordinate Joint Forces Headquarters commander or Joint Forces Task Force commander. "Supervisory authority" is a well established joint doctrine that results in Title 10 forces taking their operational direction from a designated entity outside their chain of command. Full command and control (COCON, TACON, OPCON and ADCON) remains with the Title 10 authorities and is not relinquished to the Adjutant General or anyone else in state active duty status or Title 32 duty status; the deployed Title 10 forces are merely directed to operate under the "supervisory authority" of the state's senior military commander, the Adjutant General. This force employment policy would insure the priorities and operational objectives established by the Governor's emergency proclamations are accomplished by a true unity of effort under the operational oversight of the Governor's senior military commander. This force employment recommendation is consistent with existing doctrine and does not require any statutory, regulatory or doctrinal change.

Recognizing that these force status issues are poorly understood by many military officials, including commanders at senior levels, the DSB has recommended that NORTHCOM, in collaboration with each of the 54 Adjutants General, should develop a “Guide to Legal Authority and Rules of Engagement in the States and Territories”.

Reforming Liaison Between DoD Elements -- The Adjutants General strongly recommend that the Title 10 and Title 14 drill status reserve component Emergency Preparedness Liaison Officers (EPLOS) each of the military services have assigned to the states’ Joint Forces Headquarters (JFHQ) be reorganized as a single, horizontally-integrated unit within the JFHQ. The EPLOs should work together as an integrated joint unit, should continue to support the Adjutant General and the JFHQ in preparing for and responding to domestic emergencies, and should report to and operate under the overall direction of NORTHCOM. Drill status reserve component Regional Emergency Preparedness Liaison Officers (REPLOs) currently assigned by each of the military services to FEMA region headquarters should also be reorganized as a single, horizontally-integrated unit in each FEMA region and should also report to and operate under the overall direction of NORTHCOM.

In addition, the National Guard should be authorized and resourced to create a Joint Reserve Augmentation Detachment (JRAD) at each state Joint Forces Headquarters. The JRADs should be a traditional mix of full time and part time personnel. JRAD members should conduct their drill status duty at the state JFHQ and their annual training at NORTHCOM, thereby assuring each command echelon a cadre of experienced personnel that can be employed at either or both of these command echelons during contingency operations.

The Adjutants General further recommend that the full-time Title 10 Senior Army Advisor - Guard (SRAAG) in each state be trained and dual-hatted as the Defense Coordinating Officer (DCO) for that state, reporting to and operating under the direction of NORTHCOM. Designating the SRAAG as the DCO would give NORTHCOM a senior full-time Title 10 officer in each state who already routinely and habitually works with and supports the Adjutant General. In his dual role as Senior Army Advisor, the SRAAG would continue to report to the Commander, CONUSA on traditional combat-readiness issues unrelated to the NORTHCOM mission.

Finally, NORTHCOM planners, with the assistance of the newly reorganized and reconstituted EPLOs, REPLOs, JRADs and DCOs, should develop a complete data base of CONUS reserve components and

facilities. The data should include unit and facility capabilities and availability for HLS/MACA taskings. The data bases should be kept up-to-date and should be shared with the Adjutants General and Joint Forces Headquarters in each of the several states.

The Defense Science Board's 2003 Summer Study, Volume II, strongly endorses each of these recommendations.

Transformational Information Operations Proposals -- The Defense Science Board 2003 Summer Study devotes a significant amount of attention to the need for a transformational information operations architecture and recommends a prominent role for the National Guard in partnering with NORTHCOM and the Joint Chiefs of Staff to create and field such a system. At the JFHQ command level and below, the National Guard's information systems are key to NORTHCOM and other DoD elements having a complete and accurate operating picture, especially in the aftermath of domestic terrorist attacks or other large scale humanitarian disasters.

Given its front-line role, the National Guard must be able to effectively communicate within both a joint and inter-agency framework. Additionally, the trusted information environment and supporting infrastructure design must support vertical and horizontal information exchange, anytime-

anywhere information access, and joint and inter-agency collaboration capabilities that extend from the national level to the state level and, ultimately, to the incident command site.

Because of its community-based presence, the National Guard will be a critical and early contributor to the trusted information sharing environment. The Guard will also have a need for timely access to information and collaboration tools in order to effectively carry out the its HLS/MACA responsibilities. The DSB and DoD have also recognized that the Army and Air National Guard also have IT capabilities that can be leveraged to extend the trusted information environment from the DoD enterprise level to the state level and down to the incident scene.

At the urging of the Defense Science Board, and as a result of being briefed on this aspect of the DSB 2003 Summer Study, DoD is currently establishing a Joint CONUS Communications Support Enterprise (JCCSE) to support these requirements. The National Guard is part of this JCCSE process. Capabilities managed by the JCCSE will support military HLS/MACA requirements, but can also be leveraged to provide information sharing capabilities to the Department of Homeland Security (DHS) and other lead federal agencies (LFA) in support of the National Response Plan (NRP) and National Incident Management System (NIMS).

National Guard Bureau Statutory Reformation -- As noted in the prior testimony of Lieutenant General Steve Blum, Chief of the National Guard Bureau, the NGB fundamentally transformed into a Joint Bureau effective 1 July 2003. *To complete this Guard-initiated transformation, legislation is needed to align the statutory authority of the National Guard Bureau with the transformational reorganization of the Office of the Secretary of Defense and the Joint Staff.* The Bureau is an essential and highly efficient channel of communications between the several states and the Departments of the Army and Air Force (Title 10 USC 10501(b)); in light of the reorganization of the Office of the Secretary of Defense and the Joint Staff, however, the Bureau's statutory role should be clarified to also recognize NGB as a military channel of communications on homeland security and MACA matters between the states and the new DoD MACA executive agent (the Assistant Secretary of Defense for Homeland Defense; ASD-HD) and the new DoD MACA agent (the Joint Staff DOMS, J-DOMS). With this legislative clarification, NGB will be able to enhance mission coordination and information sharing capabilities, facilitate evolution of state-federal operational concepts, and support the operational needs of ASD-HD, the Joint Staff, JFCOM, NORTHCOM, and other key

stakeholders. This will also enhance flexibility and the ability to quickly and efficiently leverage National Guard resources locally, regionally, and/or nationally, as appropriate to each situation.

Title 10 USC 10501-10503 and DoD Directives 3025.1 (Military Support to Civil Authorities) and 3025.15 (Military Assistance to Civil Authorities) should also be amended to reflect these new relationships and operational concepts. These amendments will facilitate transition to effective command relationships, operational processes and supportive infrastructure capabilities.

The Defense Science Board concurs with and strongly endorses these recommendations for statutory reformation.

The effects deployments of Washington National Guard forces in the global war on terrorism have had on training and equipment readiness and what might be done to better equip and train the Guard for the future.

The several states, territories and the District of Columbia invest capital construction, training and equipment dollars in their National Guard forces, just as the federal government does. As a dual missioned force, the

National Guard receives general fund state dollars to help train and equip our forces for disasters and emergencies in which the state's interests are paramount. In the State of Washington and in many other states, for example, state funds pay for training National Guard members for wild land firefighting certification and for other specialized training that requires the development of skills beyond those acquired in the course of military training for standard military occupational specialties.

In most years, our state experiences wild land fires throughout the summer and early fall that threaten lives and property. These fires can quickly grow to thousands of acres and surround and threaten entire communities. When all available fire mobilization resources have been exhausted and the fires are still not contained, the Governor has to use his emergency powers to activate the Guard for firefighting duty. For a host of reasons, all of which are patently obvious, this is dangerous, life-threatening duty. Guardsmen cannot be placed on the fire lines without completing life safety and fire survival training.

For the past several fire seasons, we have relied upon our 81st Armored Brigade (now called the 81st Brigade Combat Team) to fight wildfires and have trained them at considerable state expense and maintained their readiness in compliance with nationally recognized Level 2 wild land

firefighter certification standards. This requires each soldier to be trained and to be certified as competent for such duty. The training is undertaken in roughly five year cycles. The most recent large group training was completed two (2) years ago. Individual Level 2 certificates issued as a result of that training are good for five (5) years. In November, 2003, however, the 81st Brigade was activated and was subsequently mobilized and deployed for duty in Iraq. We currently have 3,600 soldiers (63% of our entire Washington Army National Guard force) serving in Iraq and a dozen other countries. Other units that were to have been de-mobilized prior to this year's fire season have now had their tours of duty extended in Iraq.

As a result of these federal mobilizations, the state legislature had to pass a special \$200,000 appropriation in February to train soldiers in remaining units to Level 2 firefighting standards. Even these expenses may be for naught, as we continue to receive Alert orders for the mobilization of additional units. As much as we would like to train soldiers who are not likely to be mobilized, the Alert and mobilization process to date has had little predictability.

This is just one among many state examples of the impact of mobilizing large percentages of a state's National Guard force. State and local

communities often pay a very large cost, both direct and indirect, for frequent and lengthy deployments.

Other ramifications of the mobilization and deployment process are directly felt within the National Guard structure itself. I'll therefore respond to the balance of the Committee's inquiry by describing our experience mobilizing soldiers in a variety of statuses (Title 32 / Active Duty for Special Support / Work (ADSW) / Title 10). I'll present these "lessons learned" in a three-part construct that focuses on how the Army currently performs or proposes to perform this function, the challenges and difficulties encountered as a result of current Army policies and processes, and opportunities for positively improving and transforming the Alert-Mobilization-Deployment-Demobilization process.

It should be noted at the outset that the mobilization process is unique to National Guard and Reserve components. The active duty Army, by its very nature, is in a constant "mobilized" status.

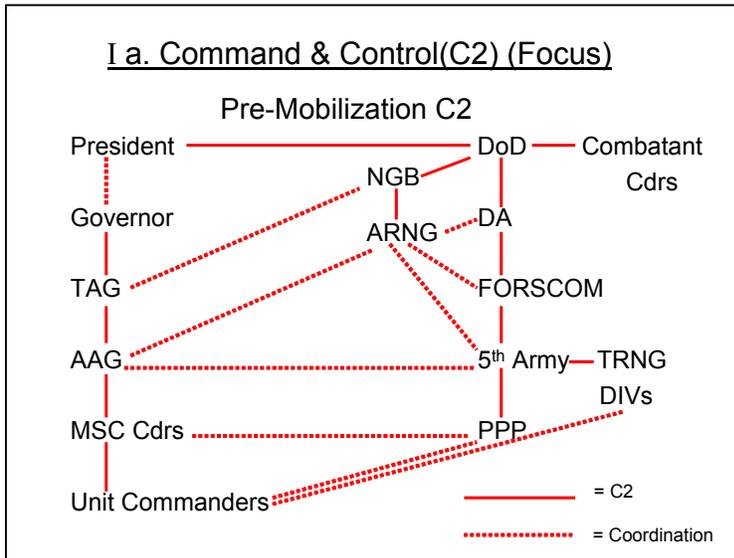
It should also be noted that the mobilization and deployment processes of the Army and Air National Guard differ greatly. My fellow Adjutants General would readily affirm that while the Air National Guard mobilization and deployment processes are largely streamlined and efficient, the Army

National Guard processes are exceedingly cumbersome, time-consuming and fiscally and operationally inefficient.

The problems we have encountered mobilizing and deploying Army National Guard soldiers are systemic problems experienced by all of the states and territories. Due, however, to execution of the Mobilization / Deployment process via the Forces Command Mobilization & Deployment Planning System at various Mobilization Stations [also known as Power Projection Platforms (PPP)] and their non-standard application of tasks and station-unique requirements, all items represented are not constant for all mobilizations. From this then, I present the following areas of concern:

- | |
|--|
| <p><u>I. Mobilization</u></p> <ul style="list-style-type: none">a. Command and Control (C2)b. Resourcingc. Predictabilityd. Readiness |
|--|

Within each of these areas my comments will follow the previously described construct of current practices, challenges, and opportunities.

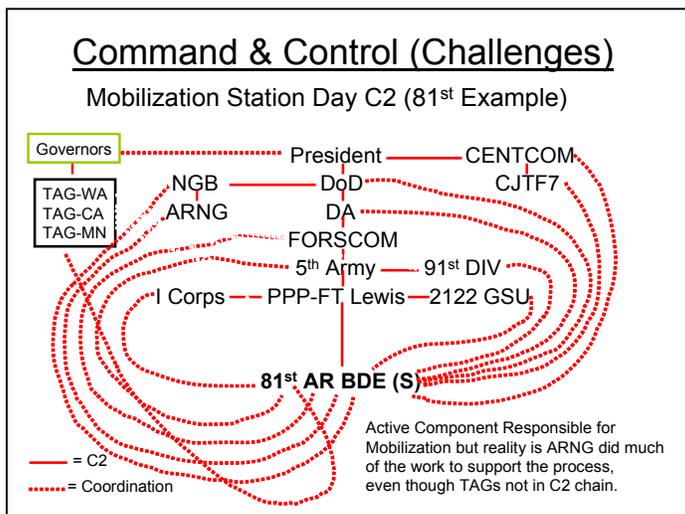


Pre-Mobilization Command and Control is based on standard hierarchical modeling with lateral command and control functions, augmented by lines of communication that attempt to synchronize

information flow throughout the model. In part, these lines of communication are necessary because of the previously discussed composition and constitutional status of the Army and Air National Guard

The left side of this model depicts the command and control chain for the National Guard in state active duty (SAD) and Title 32 status. Unlike state active duty and Title 32 duty, however, Governors and Adjutants General have no command or control over National Guard forces that have been ordered to Title 10 federal duty. Upon activation under Title 10, National Guardsmen/women become indistinguishable members of the federal armed forces. These command relationships are depicted on the right side of model. The coordination that occurs in the middle of the model

is a function of the Chief, National Guard Bureau performing his statutory role as the channel of communication between the several states and the Secretaries and Chiefs of Staff of the Army and Air Force.



This diagram shows the Chains-of-Command/Communication on Mobilization Day for the 81st Brigade Combat Team (hereafter referred to as the 81st Brigade).

Immediately upon mobilization, the 81st Brigade was inundated with direct coordination from elements and command echelons above their level of organization. In reality, this direct coordination began at certain higher levels from the earlier Notice of Alert for mobilization and the volume and intensity of requests for information and subtle and not-so-subtle directives and guidance from multiple sources increased over time through mobilization and into post-mobilization training.

An additional mobilization and deployment challenge was raised when US Central Command (CENTCOM), Combined Joint Task Force 7 (CJTF7) requested that the 81st Brigade (a Heavy force equipped primarily with M1A1 Abrams Tanks, Bradley Fighting Vehicles and a variety of other tracked and wheeled vehicles) mobilize and deploy as a wheel-mounted rifle organization (company level units of action). This fundamental organizational reconfiguration presented new and unique training challenges and a complex Operational Needs Statement (ONS) for the new and fundamentally different type of combat organization requested. The lack of an approved, provisional MTOE and vetted mission guidance further complicated the mobilization process. During the post-mobilization training period analysis, the 81st Brigade had to develop its own Table of Organization and a complimentary ONS. Late arrival of mission guidance and in-theater deployment plans also required changing the Mission Rehearsal Exercise (MRE) at the National Training Center (NTC), even during execution of the MRE.

The most important impressions you should take from the foregoing slide are:

- A Brigade is not staffed or equipped to process direct, persistent, simultaneous coordination from multiple, increasingly higher levels of the chain-of-command, up to and including echelons above the level organized.
- A Brigade cannot adequately fill the communication gap by pushing information up the chain-of-command/coordination to elements that were bypassed when the information was pushed down to the Brigade.
- The Army National Guard of the United States (the Title 10 organization that has been created as a result of the mobilization) and the Army National Guard of the several states (the remaining non-federalized ARNG structure in each state) are still full participants in much of what occurs immediately subsequent to mobilization, while the Title 10 unit is at the mobilization station/Power Projection Platform (PPP), up to the point of Validation (which occurs once the PPP Commander validates individual soldiers

and unit equipment as being deployable, and validates the unit as having met established training standards).

- Current tactical configurations (i.e. the need for a motorized, lighter force) created by operational needs in Theater are outpacing the transformation process. National Guard commanders understand the need to reconstitute and reorganize their units “on the fly” in order to meet Theater needs, but the fact remains that longer alerts and post-mobilization training periods may be needed to transform the force correctly.

Command & Control (Opportunities)

- Flatten the Mobilization Day C2
- ARNG Commanders train and certify their Units up through company level
- TAGs as Force Providers vice Continental United States Army (CONUSA)
- Mobilize “Pusher” Units for Large Units thru Deployment
- Modularize the Army National Guard Brigades
- Improve Unit Status Reporting Regulation Army Regulation (AR) 220-1
- Improve Forces Command Mobilization and Deployment Planning System (FORMDEPS)
- Integrated Division Headquarters (Active Component/ Reserve Component (AC/RC)) are a Good Idea

Based on our Lessons

Learned, we believe the

following opportunities for improvement exist:

- Flatten Mobilization

Day Command-and-

Control/Coordination

(C2):

In addition to the mission any specific level of organization is required to perform, there is an inherent need for information. Those needs

are both internal (local information/specialized reporting and statistical requirements) and external (information requested by a higher headquarters, which must be pulled from the subordinate unit and then passed higher). The need for internal and external information frequently results in “information creep”, by which I mean the phenomenon in which higher echelon units bypass subordinate units because the information is not coming fast enough to satisfy the higher echelon units. This frequently results in an operational unit reporting the same information several times in response to repeated and uncoordinated requests for information.

- ARNG Commanders train and certify: The active Army should allow National Guard commander certification of individual training and collective training up to and including company level. A new method of certifying training at the Battalion and Brigade level must also be developed in order to support the mobilization and deployment needs of NORTHCOM and other combatant commanders.

- Consider revising the role of CONUSAs to designate The Adjutant General as the “Force Provider” for their respective Army National Guard forces and to designate the Senior Army Advisor-Guard (SRAAG) in each state as FORSCOM’s coordination link.
- Mobilize “Pusher” Units: The demands of mobilizing and deploying a large unit frequently exceed the capabilities of the Active Component Sponsor unit, resulting in internal mobilization/deployment distraction. Use of a “Pusher” unit would ensure mobilizing/deploying unit focus stays on preparation. The most critical elements a “Pusher” unit could provide would be:
 - A “surrogate” equipment set for training use by the mobilizing unit. This is sorely needed because the mobilizing unit’s equipment set must be maintained and moved for shipment to the Theater prior to the unit’s completion of training,
 - Full development, support to and execution of the mobilizing unit’s lanes training. This would include items such as ammunition management, range operations, and feeding and transportation, all of which draw the mobilizing unit’s personnel,

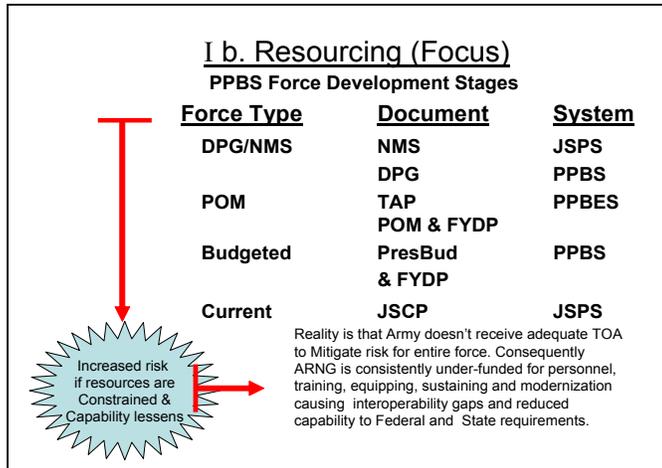
equipment and attention away from completion of other requirements.

- Support mobilizing unit equipment preparation for onward movement. Again, while certain elements of maintenance and preparation are an essential part of the mobilizing unit's training requirement, intensive maintenance and preparation activities draw the unit's focus away from other requirements.
- Modularize Army National Guard Brigades: This will result in improved interoperability with the Active Component. A case in point is our Separate Brigade structure. Separate brigades such as our 81st Brigade are unique to the Army National Guard and present "plug-and-play," command and control and support challenges for Combatant Commanders.
- Improve Unit Status Reporting (USR) Regulation (AR 220-1). The USR does not capture the essential, holistic assessment required for the post-Cold War Army. Consideration should be given to replacing the USR with a Strategic Readiness System (SRS) for all components/services. The Army National Guard's SRS was developed pursuant to the Chief of Staff of the Army's guidance for

this holistic assessment of readiness information. The Army Scorecard is the tool used to measure progress toward stated goals and objectives. This tool enables the Army National Guard leadership to see the resource and readiness linkages throughout the system and better predict a modeling capability that improves the allocation of resources to achieve the highest degree of readiness. The Strategic Readiness System is an integrated strategic management and measurement system that ensures that all levels of the Army, including the National Guard Bureau and the Army National Guard, recognize and align their operations to the vision, objectives, and initiatives of the Army Plan.

- Improve FORMDEPS: While serving as a point-of-departure for mobilization and deployment, the inherent problem with FORMDEPS is there is no Army Mobilization Station (Power Projection Platform) standard for mobilization and deployment. When this non-standardization is coupled with the Personnel Planning Guidance published by ODCSPER for every mission/mission area, the overall utility of FORMDEPS is largely negated. Additionally, the following units (Information Operations, Special Operations, Aviation and

Military Intelligence) are nearly always an exception to both FORMDEPS and the non-standard criterion applied by a given mobilization station for other types of units.



The Force Development Process, over time, has consistently resulted in two situations:

- Table of Organization Inconsistencies. Due to

modernization occurring at different rates between the active Army and the National Guard, as well as different modernization rates between like units within the National Guard itself, the Army National Guard faces significant interoperability and operational challenges. Critical modernization challenges in High-Mobility Multi-Purpose Wheeled Vehicles (HMMWVs), Single-Channel Ground and Airborne Radios (SINGARS), Chemical and Biological Detection Equipment and Night Vision Devices are examples of capabilities constraints that are inherent in the Force Development Process. The essence of this

issue is summed up in an excerpt from U.S. Army General George Casey's presentation to the Senate Armed Services Committee on 16 March 2004. Senator (R-N.C) Elizabeth Dole voiced concern about whether "the Guard is transforming in step with the Active Component and whether the Army's transformation plans support simultaneous transformation with the Guard." She went on to express concern that "there might be a lack of modularity between the active and reserve components in the field without concurrent transformation." General Casey stated that "the Army was "working on inclusion" of the Guard as part of the transformation program," but that "defining details on the impact of transformation of the Guard and Reserve" would not be available "for at least another three months or so."

- Funding Inconsistencies. Funding shortfalls passed on to the Army National Guard of the several states are further distorted by Tiered Readiness Resourcing Requirements based on a given unit's priority (based on the unit's perceived likelihood of being mobilized and deployed, which, in turn, is based on inclusion in a Combatant Commander's Force Package Requirements list). The brunt of the funding shortfall is borne by lower priority units that until recently have

actually been mobilized and deployed more frequently than many of the higher priority units. Resource constraints have a significant impact on our ability to staff, equip, train, sustain and modernize our units, which impacts mobilization and deployment timelines as well as interoperability with the active force.

- Resourcing (Challenges)
- **DA Resourced to Combined Readiness Level 3 (C3)**
 - FORSCOM required Combat Arms (CA) at Personnel Level 1 (P1) and Combat Support (CS)/Combat Service Support (CSS) Personnel Level 2 (P2) on Mob Day
 - Vice Chief of Staff of the Army (VCSA) wanted 81st Armor (AR) Brigade (BDE) at 100% Personnel Strength/Duty Military Occupation a Skill Qualification (DMOSQ)
 - Numerous Modified Table of Organization and Equipment (MTOE) Line Item Numbers (LINS) not at 100% fill due to C3 resourcing strategy
 - **Ammunition**- small arms/crew served quantities not adequate for proficiency
 - **60% Funding of Full Time Manning (FTM) Requirement**
 - Not adequate for Operational Reserve Force sustainment pre-mobilization
 - Woefully inadequate for move to an Operational Force
 - Career progression needs force “dual-hatting” to lessen the impact of mobilization of the full-time force when resourcing is already low

- Resourcing (Challenges) (Continued)
- **Operations Tempo (OPTEMPO) Mileage for Sustainment**- doesn't support Reserve Component (RC) training strategy as dictated by DA and FORSCOM regulations
 - **Family Support**- \$35K for a deployed force of 3337 doesn't work
 - **Equipment Modernization**- Just in Time modernization poor strategy
 - **Employer Support of the Guard and Reserve (ESGR)**- One half time position does not ensure support to soldiers
 - **Dental**
 - Timing of money was a month before Mob so no way to leverage to improve Available (A)DMOSQ prior to Mobilization Day.
 - Money withdrawn after mobilization day for 81st AR BDE

Resourcing challenges, as alluded to in the previous slide, are a result of the Force Development Process. The following issues caused us specific concern

- DA Resourced at C3.
- The difference between 65 percent, 90 percent and 100 percent personnel and/or equipment resourcing

cannot be easily reconciled in the 30 days between Department of Army (DA) Alert notification and mobilization at home station.

Guidance must establish a consistent requirement, while allowing the Adjutant's General broader resource reallocation authority when operational requirements require mobilization at a higher level of resourcing than what was established/authorized during pre-mobilization. When ARNG end-strength and other resources are set at C3 and deployment is required to be executed at C1, Adjutants General are forced to cross-level soldiers and equipment and decrease the readiness of "bill-payer" units in order to provide the necessary resources for the earlier deploying unit(s).

- Ammunition. As part of the active component strategy to increase the "warrior ethos" of Soldiers, increased weapons qualification has been mandated (for example biannual qualification). Our National Guard soldiers cannot be left behind in this critical area. While we are generally resourced with sufficient ammunition to meet current STRAC standards these allocation will be insufficient in the future. We project sufficient quantities of ammunition will not be available to

re-train soldiers who fail to qualify or to raise the proficiency level of all of our soldiers. Additionally, the Rapid Fielding Initiative is increasing the availability of modern sights (such as the laser-dot) and night vision capabilities. These are great marksmanship enhancers, but require extensive qualification and practice in order to sustain soldier skills. Training with these new devices also increases ammunition requirements.

- 60 percent Funding of Full-Time Manning Requirements. As previously noted, the Army National Guard is not funded for even 60 percent of what the Army has validated as our full-time staffing needs. This is our Number 1 readiness shortfall.
- OPTEMPO Mileage for Sustainment. The Reserve Component Training Strategy is intended to deliver units to the mobilization station at a given level of proficiency. It assumes a given amount of post-mobilization training and implies a known period of time from mobilization to employment in Theatre. Issues like under-resourced OPTEMPO mileage directly impact overall readiness
- Family Support/Employer Support of the Guard and Reserve (ESGR). Family Support is not unique to the National Guard, but while the

active component Family Support programs are funded to support the families of a fully mobilized force, the National Guard Family support programs are funded to conduct annual family readiness training and limited plus-ups for support for mobilized soldier's families. ESGR is unique to the Reserve Components. On 16 May 2003, LTG Blum gave a presentation to a Department of Defense audience regarding the Transforming Roles of the National Guard. When asked how many deployments National Guard personnel could handle, he answered as follows [...] "If you think of the Minuteman with his hand on the plow and the [other] hand on the musket [...], now don't think of him like that. Think of him as a three-legged stool. One leg is the service member, the woman or man that is in the Army or the Air National Guard. The other leg is their families, because most of our members are married and have families, and they have a lot to do with how many answers to the call will be tolerated. But there's a third leg on there that I am most concerned about, more so than I am the Soldier and their families, because I think they have greater elasticity, because they understand the need for it—it's the employer, the civilian employer." So the question is how to favorably impact

Soldier/employer relations to ensure future family and employer support for the service member.

- Equipment Modernization. Just-in-time modernization places our soldiers and equipment at risk. Modernization is necessary for interoperability, but compressed fielding and training time results in post-mobilization training delays and increases the likelihood of units deploying without full competency during mission execution. As an example, the 81st Brigade received “just in time” fielding of the AN/PQ-2 and AN/PAC-4 sight and sight illumination system (which give soldiers a reliable aiming sight and night-fire rifle capability) and the Army Battle Command System (Blue Force Tracker). Late receipt of systems like the AN/PQ-2 and AN/PAC-4 place significant training stress on the unit. Other systems like the Blue Force Tracker are very complex and cannot be adequately fielded in time to assure necessary individual and unit training prior to arrival in Theatre.
- Dental. While dental deployability is a pre-mobilization requirement, many soldiers lack the resources to meet deployment standards at their own expense. Resolution of dental deployability issues at the Mobilization Station over-taxes the capacity of the Mobilization

Stations and slows the Soldier/Unit validation process. Efforts were made to fund dental care prior to mobilization and thereby reduce the impact at the mobilization station, but we received the funds too late to contract for pre-mobilization dental care. Another problem is created by withdrawal of spending authority upon mobilization. Such authority needs to be preserved. The unit is required to complete individual Soldier readiness, to the best of its ability, upon mobilization at home station, and prior to arrival at the mobilization station. In addition, some soldiers are “late-deployers,” who must still complete dental requirements. The timing of the authority to use dental funds from the Federal Strategic Health Alliance Program (FED-HEAL) and withdrawal of spending authority require careful reconsideration.

Resourcing (Opportunities)

- **Execute the NGB Resourcing Strategy of 50/25/25**
 - Requires some TOA growth to avoid risk
 - Buys time to move from Strategic to Operational Force
 - Numerous MTOE LINs not at 100% fill due to C3 resourcing strategy
 - Strategy funds training at C1, not later than FY06
- **Families and Employer Investment**
 - Need to retain returning soldiers with their lessons learned
 - Families and Employers are the key enabler to retention
 - Dedicate CONOPS funding to surge requirement to support
- **100% Funding/Manning of FTM Requirement**
 - Option 1: Use Pay and Allowances (P&A) offsets from inactivating CONUSAs and Training Divisions
 - Option 2: Reassign Congressional Mandated 5000 AC/RC support to RC slots

- Execution of the NGB Resourcing Strategy of 50/25/25. LTG Blum has proposed a resourcing model in which 50 percent of the National Guard force is

Resourcing (Opportunities) (Continued)

- **OPTEMPO Mileage for Sustainment-** based upon events not mileage
- **Equipment Modernization-**
 - Army Transformation to BDE based force must be fully funded or we lose.
 - AC bill FY04 thru FY11 is \$20.1B which Army is working to POM
 - ARNG Bill is unknown and not being POM'd
- **Dental-** Invest in people fund to P-1 level needs
- **Recruiting/Retention Incentives-** Must be flexible across the force.
- **Review/Change Title 32/10 Funding Laws/Regulations-** Barriers between funding does not allow efficient use of funds. Doesn't contribute to "One Army".

involved in normal training (and thereby available to the Governor for state emergencies), 25% of the force in involved in intensive mobilization/deployment train-up

(yet still available to the Governor for state emergency surge requirements) and 25 percent of the force is either mobilized/deployed or subject to such mobilization and deployment for the duration of a defined period of actual or anticipated federal service. While I support this construct and believe most other Adjutants General do as well, it must be noted that these balancing of force and stabilization objectives are not a strategy for resourcing the personnel and materiel requirements necessary to achieve such an end state.

- 100 percent Funding and Manning of FTM Requirement. In addition to the realignment of the National Guard Bureau and the joint force realignments in each of the states' Joint Forces Headquarters, we should examine whether the Army's CONUSAs and Training Divisions could be eliminated or reconfigured in order to create

efficiencies and free up money to fund the National Guard's full-time manning shortfall. The Adjutants General support LTG Blum's vision concerning the mobilization and deployment of Army National Guard units.

"We must change the Army's go-to-war protocols. It is no longer practical to follow cold war regimens of train, alert, mobilize, train, certify and deploy. We must move to train, certify, alert and deploy. Training must produce enhanced readiness, immediate accessibility and individual and unit capability to conduct operations at home and abroad. Under current guidelines, it can take several weeks to months to prepare an Army National Guard unit to mobilize and deploy – compared to the Air Guard model, where units deploy in a matter of hours or days. We need to study and adapt the Air Guard model where possible. By updating home station facilities, taking advantage of new technologies, and funding units at level of readiness, we hope to create a new 21st century minuteman who must and will continue to operate across the full spectrum of national and state missions." I would point out that execution of LTG Blum's vision requires a reassessment of the role of the CONUSAs and the Training Support Divisions' roles in mobilization and deployment of

the Army National Guard.

In conclusion, I would like to thank the Committee for this opportunity to present testimony on behalf of the soldiers and airmen of the Washington National Guard. We are soldiers and airmen deeply devoted to our nation's security and to freedom's cause. The steps I have outlined for rebalancing and properly resourcing the Army National Guard capitalize on the transformational capabilities and established forward presence of the National Guard. Working with other elements of the Department of Defense and civilian officials and emergency responders, we can, we must, and we will protect and defend our homeland and prevail in the global war on terrorism.

APPENDIX 1

APPENDIX 2

APPENDIX 3