

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS
AND INTERNATIONAL RELATIONS

Christopher Shays, Connecticut
Chairman

Room B-372 Rayburn Building
Washington, D.C. 20515

Tel: 202 225-2548

Fax: 202 225-2382

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MEMORANDUM

To: Members of the Subcommittee on National Security, Emerging Threats
and International Relations

From: Ms. Mackenzie M. Eaglen, Office of Secretary of Defense Fellow

Subject: Briefing memorandum for the hearing entitled, *Homeland Defense: Old
Force Structures for New Missions?*, scheduled for Tuesday, April 29,
2003 at 1:00 p.m., Room 2247 Rayburn House Office Building.

PURPOSE OF THE HEARING

The hearing will examine the role of the Department of Defense (DoD) in homeland defense.

HEARING ISSUES

1. Are current force structures, plans and management organizations adequate to support the DoD homeland defense and civil support missions?
2. To what extent do homeland defense and civil support missions affect military operations and personnel tempo?

BACKGROUND

The National Strategy for Homeland Security defines homeland security as “a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.”

The Department of Defense defines homeland defense as “the military protection of United States territory, domestic population, and critical defense infrastructure against external threats and aggression. It also includes routine, steady state activities designed to deter aggressors and to prepare U.S. military forces for action if deterrence fails.”¹

Homeland security is a responsibility shared by the federal government, the private sector, state and local governments and American citizens. When DoD assists with homeland security it is in support of a lead federal agency, such as the Department of Homeland Security. Homeland defense is conducted when DoD operates as the lead in traditional military missions.²

¹ Mr. Paul McHale, Assistant Secretary of Defense for Homeland Defense. Testimony before the House Armed Services Committee Subcommittee on Terrorism, Unconventional Threats and Capabilities, 13 March 2003.

² Section 876 of Public Law 107-296, the Homeland Security Act of 2002, recognizes the Department of Defense’s lead role in the conduct of traditional military missions by providing that “[n]othing in this Act shall confer upon the

Secretary of Defense Donald Rumsfeld has delineated three roles DoD may fulfill in ensuring the security of the United States. (**Web Resource 1**) In extraordinary circumstances, DoD plays the lead role in conducting the mission while supported by other federal agencies. One example is combat air patrols over U.S. cities. In emergency situations, DoD will assist in recovery from a catastrophic event, providing a speedy response with adequate resources. In temporary circumstances, DoD supports a lead federal agency for a short time, such as when providing additional security for the President's State of the Union Address. Typically, this support is provided in the form of equipment, expertise, manpower, plans, organization, communications and training to federal agencies.

As part of an evolving role in homeland security, the Unified Command Plan was changed on 1 October 2002 establishing the Northern Command (NORTHCOM). Previously, various military organizations, primarily Joint Forces Command, carried out homeland defense missions and defense of the continental United States. The responsibilities of the command include air, land and sea approaches and encompass the continental United States, Alaska, Canada, Mexico, and the surrounding water out to approximately 500 nautical miles. It also includes the Gulf of Mexico, Puerto Rico and the U.S. Virgin Islands. The defense of Hawaii, territories and possessions in the Pacific remain the responsibility of U.S. Pacific Command. (**Web Resource 2**)

There are legal limits on the scope of NORTHCOM activities. The Posse Comitatus Act of 1878 prohibits direct military involvement in law enforcement activities (e.g., arrests, searches and seizures), but it does not apply to military operations or conduct overseas.³ Congress has enacted a number of exceptions to the Act, including grant of authority to use DoD personnel and equipment to assist civilian authorities with drug interdiction.⁴ Also, pursuant to Constitutional authority, the President can authorize DoD assistance to protect civil rights and

Secretary [of Homeland Security] any authority to engage in warfighting, the military defense of the United States, or other military activities, nor shall anything in this Act limit the existing authority of the Department of Defense or the Armed Forces to engage in warfighting, the military defense of the United States, or other military activities.”

³ The "Posse Comitatus Act" (PCA), 18 USC 1385, states: "Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both." *Posse Comitatus* Latin translation is, "strength (manpower) of the county."

⁴ US General Accounting Office, Report Number GAO-03-677T (not yet released).

property during civil disturbances.

The mission of NORTHCOM is homeland defense and civil support. Specifically, Northern Command will conduct operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories and interests within the assigned area of responsibility. In addition, as directed by the President or Secretary of Defense, NORTHCOM will provide military assistance to civil authorities, including consequence management operations. (**Web Resource 2**)

The regional command currently maintains a staff of 290 personnel at Peterson Air Force Base, Colorado, and will reach 600 at full capability. The President's FY 04 budget request for Northern Command totaled \$134 million. (**Attachment 1**)

NORTHCOM has three subordinate commands. Joint Force Headquarters Homeland Security (JFHQ-HLS) is the homeland security component of U.S. Northern Command that coordinates the land and maritime defense of the continental United States, as well as military assistance to civil authorities. In tandem with other federal, state and local agencies, JFHQ-HLS constantly evaluates events and locations throughout the United States for their potential vulnerability as targets of aggression, such as terrorism.

Joint Task Force Civil Support (JTF-CS) reports to JFHQ-HLS on civil support issues that involve managing the consequences of a weapon of mass destruction (WMD) event within the nation's borders. In the event of a WMD attack, military assistance would be provided in support of the lead federal agency charged with responding to the WMD event.⁵

Joint Task Force - 6 (JTF-6) provides DoD counterdrug support to federal, regional, state and local law enforcement agencies throughout the continental United States.

⁵ The National Guard can support homeland security in several ways. First, the Guard can operate in state service under the direction of the governors. Second, in state service but performing duties of federal interest, in Title 32 status. Third, in federal service, in Title 10 status, for example when the National Guard is mobilized to serve under the direction of the President or the Secretary of Defense. The Commander of Northern Command will have authority over the Guard only when it is serving in a Title 10 status. (Source: Testimony by Mr. Paul McHale, Assistant Secretary of Defense before the HASC Subcommittee on Terrorism, Unconventional Threats and Capabilities, 13 March 2003.)

DISCUSSION OF HEARING ISSUES

1. Are current force structures, plans and management organizations adequate to support the DoD homeland defense and civil support missions?

The Quadrennial Defense Review (QDR) 2001 establishes a new, Post-Cold War military paradigm. **(Web Resource 3)** Specifically, the defense strategy provides a new construct that calls for the “force to be sized for defending the homeland, forward deterrence, warfighting missions, and the conduct of smaller-scale contingency operations. As a result, the construct should better account for force requirements driven by forward presence and rotational issues. It will also better address requirements for low-density/high-demand (LD/HD) assets, enabling forces (e.g., transport aircraft), and active and reserve force-mix issues.”

The strategy goes on to state, “Preparing forces for homeland security may require changes in force structure and organization. For example, in conjunction with the ongoing review of national preparedness requirements undertaken by the Vice President, DoD will continue to examine the roles and responsibilities of its Active and Reserve forces to ensure they are properly organized, trained, equipped, and postured to provide for the effective defense of the United States. It is clear that U.S. forces, including the United States Coast Guard, require more effective means, methods, and organizations to perform these missions.”⁶

The primary forces participating in homeland defense come from the Reserve Component. The Reserve Component represents 47 percent of the nation’s available military forces. It consists of the Army and Air National Guard and the Army, Navy, Marine Corps, and Air Force Reserves, totaling over 1,200,000 men and women.⁷ **(Attachment 2)**

In 1999, the Department of Defense issued a detailed analysis of the potential contributions by the Reserves to homeland security entitled, *Reserve Component*

⁶ Department of Defense, Quadrennial Defense Review, 30 September 2001.

⁷ James Jay Carafano, “The Reserves and Homeland Security: Proposals, Progress, Problems Ahead,” The Center for Strategic and Budgetary Assessments, 19 June 2002. These figures do not include the Coast Guard Reserve, which comprises approximately 13,000 personnel.

Employment 2005 Study (RCE-05). The RCE-05 acknowledged that “assigning homeland security tasks to the Reserves would create potential conflicts with other missions, such as supporting operations in major theater wars or smaller-scale contingencies.”⁸

The DoD report implies the force is not sized correctly in accordance with new strategy requirements. If homeland security missions create conflict with the Reserve Component ability to support a major theater war – the military’s top priority – then the size of the force may be inappropriate. Fulfilling missions should not degrade the long-term readiness of the force. A proper force size would maintain the ability to absorb multiple missions without degrading current capabilities. Based on the extremely high operational demands placed on the military and the open-endedness of many missions, it is not yet clear whether NORTCOM will match the force to the mission without robbing from the readiness of other commands.

Thus far it is unclear if any significant changes to force structure have been achieved. Organizationally, DoD has made some changes in response to the terrorist attacks of 9-11-01. The Department of Defense established the Northern Command, which has as its area of responsibility the continental United States. Additionally, the DoD created the new position of Assistant Secretary for Homeland Defense. Changes in force mix have not been achieved significantly beyond this senior level. There appears to have been no examination of necessary skill sets needed for homeland defense missions, or the impact of adding those capabilities to the current training schedule.

Despite the brief outline of homeland defense roles and missions for DoD in the QDR and the subsequent establishment of Northern Command, the long-term role of DoD in homeland defense remains unclear.

⁸ Ibid.

2. To what extent do homeland defense and civil support missions affect military operations and personnel tempo?

While NORTHCOM has no assigned forces to accomplish its mission, the number of missions and operations tempo of US armed forces assisting in homeland defense has risen dramatically since September 11th. For example, the military has recently provided forces or contributed to missions for airport security, port and border security, civil air patrols over US cities, base and post security, Olympics and Superbowl assistance, nuclear plant site security, Space Shuttle Colombia tragedy assistance, State of the Union Address security and more. Additionally, NORTHCOM is also tasked with providing support in the event of a terrorist attack on US soil. (**Web Resource 2**)

These operational demands are being felt throughout the armed forces. The demands to protect the continental United States are in addition to the current US global military requirements, including the war on Iraq, the global war on terrorism and the current military commitments in Bosnia, Kosovo, Korea, the Sinai, Guantanamo and Afghanistan.

Approximately 30 percent of the National Guard's total force – or, over 141,000 National Guards personnel – were mobilized, placed on alert or identified for possible mobilization five days after Operation Iraqi Freedom began. Approximately 200,000 U.S. reservists are currently mobilized around the world with many more expected to be called to active duty. Currently, nine states and Puerto Rico have mobilized over 20% of their reserve forces to support the global war on terrorism and Operation Iraqi Freedom. (**Web Resource 4**)

A total of 218,931 reserve troops were called up for duty because of the Iraq war.⁹ (**Attachment 3**) For some, this was an extension of the previous orders or a second call up in recent years. In certain cases, homeland security operations have placed demands on the Reserve Component that likely cannot be sustained over time. For example, 80 percent of the aircrews conducting air patrols over various United States cities are from the Air National Guard.¹⁰ Presumably, these aircrews acting in the homeland defense mission are not ready to mobilize quickly for a major theater war if necessary.

⁹ Editorial, "Iraq War Exposes Weak Spot's in Pentagon's Defense Plans," *USA Today*, 21 April 2003, p. 10.

¹⁰ James Jay Carafano, "The Reserves and Homeland Security: Proposals, Progress, Problems Ahead," The Center for Strategic and Budgetary Assessments, 19 June 2002.

NORTHCOM has not resolved the apparent conflicting and competing priorities between homeland defense missions and other global military requirements. While many of the same forces are used repeatedly for homeland defense missions, the question arises as to whether forces designed primarily to win major theater wars have enough manpower to fulfill this homeland defense obligation and meet daily requirements. The long-term effects of the high operations tempo of the armed forces today have not been systematically evaluated or analyzed. The risks of high operations tempo include degraded readiness levels of U.S. forces. Ultimately, low readiness negatively affects personnel, training and availability of equipment and critical units or capabilities.

ATTACHMENTS

1. US NORTHCOM slides, as provided by the Commander's Action Group, Nanette Nadeau, Liaison.
2. James Jay Carafano, "The Reserves and Homeland Security: Proposals, Progress, Problems Ahead," The Center for Strategic and Budgetary Assessments, 19 June 2002.
3. Editorial, "Iraq War Exposes Weak Spot's in Pentagon's Defense Plans," *USA Today*, 21 April 2003, p. 10.

Web Resources

1. Testimony as delivered by Secretary of Defense Donald H. Rumsfeld before the House Select Committee on Homeland Security
<http://www.defenselink.mil/speeches/2002/s20020711-secdef.html>
2. U.S. Northern Command (NORTHCOM) can be found at
<http://www.northcom.mil>
3. The QDR can be found at
<http://www.defenselink.mil/pubs/qdr2001.pdf>
4. United States Army Reserve news release can be found at
<http://www.army.mil/usar/news/2003/03mar/caucus.html>

Witnesses

Panel I

The Honorable Paul McHale
Assistant Secretary of Defense for Homeland Defense

Mr. Thomas F. Hall
Assistant Secretary of Defense for Reserve Affairs

Lieutenant General Edward G. Anderson, III
Deputy Commander
US Northern Command and Aerospace Defense Command

Panel II

Mr. Raymond Decker
Director, Defense Capabilities Management Team
US General Accounting Office

General Dennis J. Reimer
Director
Oklahoma City National Memorial Institute for the Prevention of Terrorism

Mr. Michael Wermuth (Invited)
Senior Policy Analyst
RAND Corporation

Dr. James Jay Carafano
Senior Fellow
Center for Strategic and Budgetary Assessments