

TESTIMONY ON WHETHER THE CHIEF,
NATIONAL GUARD BUREAU, SHOULD BE A
MEMBER OF THE JOINT CHIEFS OF STAFF

HEARING
BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
ONE HUNDRED TWELFTH CONGRESS
FIRST SESSION

NOVEMBER 10, 2011

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TESTIMONY ON WHETHER THE CHIEF, NATIONAL GUARD BUREAU, SHOULD BE A MEMBER OF THE JOINT CHIEFS OF STAFF

THURSDAY, NOVEMBER 10, 2011

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 10:03 a.m., in room SD-G50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, Akaka, Nelson, Webb, McCaskill, Udall, Hagan, Begich, Manchin, Shaheen, Blumenthal, Inhofe, Wicker, Brown, Ayotte, and Graham.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jonathan D. Clark, counsel; Jessica L. Kingston, research assistant; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; Michael J. Noblet, professional staff member; and William K. Sutey, professional staff member.

Minority staff members present: David M. Morris, minority staff director; Paul C. Hutton IV, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Jennifer R. Knowles, Hannah I. Lloyd, and Breon N. Wells.

Committee members' assistants present: Bryon Manna, assistant to Senator Lieberman; Carolyn Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Ann Premer, assistant to Senator Nelson; Gordon Peterson, assistant to Senator Webb; Stephen Hedger, assistant to Senator McCaskill; Lindsay Kavanaugh, assistant to Senator Begich; Joanne McLaughlin, assistant to Senator Manchin; Chad Kreikemeier, assistant to Senator Shaheen; Anthony Lazarski, assistant to Senator Inhofe; Lenwood Landrum, assistant to Senator Sessions; Clyde Taylor IV, assistant to Senator Chambliss; Joseph Lai, assistant to Senator Wicker; Charles Prosch, assistant to Senator Brown; Brad Bowman, assistant to Senator Ayotte; and Andrew King and Sergio Sarkany, assistants to Senator Graham.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee meets today to receive testimony on whether the Chief of the National Guard Bureau (CNGB) should be a member of the Joint Chiefs of Staff (JCS).

I believe that this hearing is a first, the first time that we have had every member of the JCS testify at a single hearing. Each of them has appeared before us individually and in different combinations, but never all together.

In addition to all the members of the Joint Chiefs, we have the Department of Defense (DOD) General Counsel, and we have the CNGB with us today. We welcome each of you to this hearing. We look forward to your testimony on a very important issue.

The role of the National Guard, as well as the role of the other Reserve components, has grown significantly since September 11, 2001. Substantial numbers of National Guardsmen and reservists have deployed to and continue to serve in combat operations in Iraq and Afghanistan.

Large numbers have served multiple tours. Many have given their lives in service to our Nation, and many more have returned with wounds of war. Their service has been outstanding, and we commend them for their dedication, courage, and patriotism.

The National Guard has also risen to the challenge by serving in diverse Homeland defense and civil support missions. The Reserve components have made a highly successful transition from a Strategic Reserve to an Operational Reserve.

The question of whether to include the CNGB as a member of the JCS is a complex issue with significant policy implications. To properly address this issue requires an understanding of the role of the National Guard, the role of the JCS, and the role of the CNGB. I believe that we have the right witnesses before us today to help us understand all aspects of this issue.

When individuals enlist or accept a commission in a State National Guard unit, they simultaneously enlist or are commissioned in the Army National Guard of the United States or the Air National Guard of the United States, which are components of the Army and the Air Force. These individuals retain their status as State Guard members unless and until they are ordered to active Federal service, and they revert to State status upon being relieved from Federal service.

There is a third hybrid status, commonly referred to as "Title 32 status," where the members are in a federally funded State status. I understand that Mr. Johnson, the DOD General Counsel, will discuss some of the ramifications of these different statuses in which members of the National Guard serve.

The composition of the JCS is defined by statute and consists of the Chairman, the Vice Chairman, and the Military Service Chiefs of the Army, Navy, Air Force, and Marine Corps. The Chairman of the JCS is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

The other members of the Joint Chiefs may submit to the Chairman advice in disagreement with or in addition to the advice presented by the Chairman, and the Chairman must present that advice at the same time that he presents his own advice.

Additionally, the other members of the Joint Chiefs provide military advice when requested by the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. A member of the Joint Chiefs may make recommendations

to Congress relating to DOD after first informing the Secretary of Defense.

I am looking forward to the testimony of the members of the JCS as they provide more information on the role that the Joint Chiefs play in our national security, how the interests of the Army and Air National Guard are addressed by the Joint Chiefs, and how the CNGB interfaces with the JCS.

The National Guard Bureau is a joint activity of DOD. By statute, it is the channel of communications on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States between the Department of the Army and the Department of the Air Force and the several States.

The CNGB is a principal adviser to the Secretary of Defense through the Chairman of the JCS on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense. He is also the principal adviser to the Secretary of the Army and the Chief of Staff of the Army and to the Secretary of the Air Force and the Chief of Staff of the Air Force on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

Beginning in 2009, when the position of the CNGB was increased to a four-star rank, the CNGB was given a standing invitation to attend meetings of the Joint Chiefs. I look forward to General McKinley's testimony to further elaborate on the role and function of the CNGB and how that relates to the role and function of the JCS.

At Congress' direction, the Commission on the National Guard and Reserves addressed the issue that we are looking at today, and they did so in its second report to Congress, dated March 1, 2007. The commission recommended against making the CNGB a member of the Joint Chiefs.

This is what that commission said, "The commission does not recommend that the CNGB be a member of the JCS on the grounds that the duties of the members of the JCS are greater than those of the CNGB. For example—and this is a long quote from that commission report.

"For example," they said, "the Chief of the National Guard Bureau is not responsible for organizing, manning, training, and equipping the National Guard to the same extent as are the Service Chiefs of Staff. The qualifications to be selected as a Service Chief of Staff," they said, "also are materially different from and more rigorous than those for selection to be Chief of the National Guard Bureau."

Moreover, they said that "making the Chief of the National Guard Bureau a member of the JCS would run counter to intraservice and interservice integration and would reverse progress toward jointness and interoperability. Making the Chief of the National Guard Bureau a member of the JCS would be fundamentally inconsistent with the status of the Army and Air National Guard as Reserve components of the Army and the Air Force."

Finally, the commission concludes that this proposal “would be counter to the carefully crafted organizational and advisory principles established in the Goldwater-Nichols legislation.”

Now I note that Congress has implemented many of the recommendations of that commission, including the following: increasing the grade of the CNGB from lieutenant general to general and making him a principal adviser to the Secretary of Defense through the Chairman of the JCS on matters involving non-federalized National Guard forces.

Another of their recommendations, which was implemented by Congress, was establishing the National Guard Bureau as a joint activity of DOD, enhancing the functions of the National Guard Bureau to include assisting the Secretary of Defense and coordinating with other Federal agencies, the adjutants general of the States, and the combatant command with responsibility for the U.S. Homeland, the U.S. Northern Command (NORTHCOM).

We require that at least one deputy of NORTHCOM—again, the combatant command with responsibility for the United States—that at least one deputy be a National Guard officer in the grade of lieutenant general, and we have increased the number of unified and specified combatant command positions for Reserve component officers.

We all are grateful to the witnesses, to the men and women with whom they serve for service to our Nation. We thank the witnesses for being with us today.

Before calling on Senator Inhofe, I will note that we have two votes today scheduled for 12:05 p.m., I believe.

Senator Inhofe.

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Thank you, Mr. Chairman.

I believe that is right. I looked back in the 8 years I spent in the House and the 17 years in the Senate. This is the first time that all members of the Joint Chiefs are here. So this is kind of a neat deal.

I think the greatest trust that is placed upon Congress by the American people is to provide for their security and maintain a strong national defense. Our Constitution gives Congress specific national security authorities—to declare war, raise and support armies, provide for the Navy, establish rules and regulations for our military forces, and organize and arm the militias in the States.

Chairman LEVIN. I hate to interrupt you, Senator Inhofe, but we do have a quorum here now, and we have some business that we can attend to if we can interrupt your statement.

Senator INHOFE. Sure. Let us do that.

Chairman LEVIN. There is a quorum now present, and we were about to lose that quorum, by the way. So that is why I am interrupting our friend, Senator Inhofe.

I ask the committee to consider a list of 4,022 pending military nominations. All of these nominations have been before the committee the required length of time. Is there a motion to favorably report these?

Senator INHOFE. I so move.

Chairman LEVIN. Is there a second?

Senator REED. Second.

Chairman LEVIN. All in favor, say aye. [A chorus of ayes.]

Opposed, nay. [No response.]

Chairman LEVIN. The motion carries.

Thank you, Senator Inhofe.

Senator INHOFE. You bet. Well, anyway, let me just mention that I have had—we are all close to all the branches, the Active, the Reserve, the Guard—and I don't think there is a person up here on this committee who hasn't had very close relationships with Active Duty and have visited quite often in the areas where they are stationed, they are deployed.

In my case, we have 3,000 members of the Oklahoma 45th Infantry Brigade Combat Team, our Oklahoma National Guard. I went down when they were deployed from Camp Shelby in Mississippi and talked to them and then left about 3 weeks later and talked to them over in Afghanistan. I know that it is one where you have probably a closer relationship because they are sitting there in your hometown, and you visit with them, General McKinley, and so, I know that that happens.

I have very close friends in Oklahoma 45th, they weren't deployed until July, and yet we have lost 14 of our people over there. One was Chris Horton—his wife worked in my office.

I remember so well during the August recess going into a small town in Oklahoma where she was there, and we were making arrangements; I was getting ready to go to Afghanistan so I could meet with Chris Horton, her husband, and 2 days before I left, he was killed in action. These are things that we are all very, very close to the people in all the Services.

Earlier this week, our Oklahoma 45th helped in capturing Bari Ali, a mid-level insurgent leader in Afghanistan, and his brother, as well as weapons and hand grenades, tactical fighting gear, and cell phones that were there. They did it without firing a shot.

They did great work over there. Their efforts will lead to a stable Afghanistan and prevent insurgents from gaining safe haven.

Our National Guard has transitioned from a strategic to an Operational Reserve Force. This means that the National Guard has to be trained and equipped the same as our Active units and the Reserves. It also means that we must fully integrate our Active and Reserve components so they can seamlessly execute any mission this country asks them to do.

I am proud of the contributions that have been made and the sacrifice that our military and their families have made and continue to make. We have made a lot of progress. I think General McKinley will probably have this—I read part of his statement—in terms of the relationship between the Guard and the Active units.

I have to say, I think this might be the first time that I can remember ever coming to a committee hearing—I had dinner the other night with Bud Wyatt, the Air Guard Chief, and he started talking about this. I said, "Bud, leave me alone here. We are going to have a hearing. Let me hear from everybody at the same time."

I was going to say, Mr. Chairman, this might be the only time I have ever come to a hearing where I am really open on this. I want to hear the answers, and we have specific questions.

I think this is going to be a very helpful hearing, and I appreciate your holding it.

Chairman LEVIN. Thank you very much, Senator Inhofe.

We are hearing from members of our family. These witnesses are part of our family, our American family and this Senate committee's family. We are personally close to each of you, and we have a difficult policy decision to deal with. We do that as family members.

While there may be differences, and there obviously are, that is what democracy is all about. We need to consider these as members of one unit with all having the same mission, which is the security of this country. You all have that mission, and we all have that mission.

We are going to call on our witnesses today in the following order. First will be the General Counsel to DOD, Jeh Johnson. Then will be the Chairman of the JCS, General Dempsey. Then will be the Vice Chairman of the JCS, Admiral Winnefeld. Then will be the Chief of Staff of the Army, General Odierno; our Chief of Naval Operations, Admiral Greenert; the Commandant of the Marine Corps, General Amos; the Chief of Staff for the Air Force, General Schwartz; and the CNGB, General McKinley.

So let us start with you, Mr. Johnson.

**STATEMENT OF HON. JEH C. JOHNSON, GENERAL COUNSEL,
DEPARTMENT OF DEFENSE**

Mr. JOHNSON. Thank you, Mr. Chairman, Senator Inhofe, members of the committee. Thank you for the opportunity to testify here today.

You have asked me to discuss a provision of the proposed legislation that would make the CNGB a member of the JCS.

At the outset, I will tell you that there are no outright legal barriers to enacting this legislation. Nothing in the Constitution prohibits it, and the Joint Chiefs are a statutory creation. Congress can, therefore, change the membership of the Chiefs by statute if it so desires.

I believe it is important, however, that the committee be aware of some of the legislation's legal implications and complexities. Before I get to those, here is some general legal background on the National Guard, the CNGB, and the JCS. Mr. Chairman, you alluded to some of this in your own remarks.

The National Guard is a unique entity that operates at different times under Federal and State authorities. All members of the Guard are members of both the State National Guard and the Federal National Guard of the United States. The Army and Air National Guards of the United States are two of the six Reserve components of DOD. The Army, Navy, Air Force, and Marine Corps Reserves are the other four Reserve components.

Members of the National Guard can serve in three distinct statuses, each of which has differing responsibilities and authorities. First, National Guard members may serve in what is known as State Active Duty. State law dictates when Guard members assume this status.

Typical State Active Duty missions include first responder responsibilities after a natural disaster. The State pays for and the

Governor of that State commands the National Guard when it is on State Active Duty. DOD plays no direct role in that status.

Second, National Guard members may be ordered to duty under title 32 of the U.S. Code, which I will call title 32 duty. When the Guard performs title 32 duty, it is performing federally funded military training subject to Federal standards or domestic missions, both of which are under the command and control of the State Governor. Examples of Title 32 missions include post-September 11 airport security, southwest border security, and counter-drug support.

Third, DOD may call the National Guard to Federal service, including in times of national emergency, as authorized by law. National Guard members ordered to Active Duty lose their status as members of the National Guard and become members of the Reserves of the Army or the Reserves of the Air Force. For example, this is the status of Guard members who have been called to serve in Iraq and Afghanistan.

DOD both commands and funds the Guard when it is in Federal service. Thus, at different times, the National Guard may act as either a State or a Federal entity.

Indeed, many of the functions the Guard performs are under neither the command nor the control of DOD. Rather, for much of what the Guard does, State Governors are in command. When the National Guard does act in Federal service, it does so as part of the Reserves of the Army or the Air Force.

The CNGB does not command the National Guard acting in any of these three statuses. Rather, by Federal statute, the CNGB acts as a principal adviser to the Secretary of Defense on all matters involving federalized National Guard forces. He also has the statutory duty to advise the Secretaries and the Chiefs of Staff of the Army and the Air Force on all National Guard matters.

A DOD directive further explains the CNGB's authorities and responsibilities, consistent with guidance provided by Congress.

Now some legal background on the JCS. The JCS serve as the senior military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The Joint Chiefs are currently composed of six statutory members: the Chairman, the Vice Chairman, and the Chiefs of the four Services.

The Service Chiefs have a broad range of leadership and command responsibilities that extend throughout their respective Services, encompassing both the Active and Reserve components of the Service. Each of the Service Chiefs is the senior military officer of their respective Service.

Against this backdrop, I turn to the proposed legislation, which would make the CNGB a member of the JCS. As a matter of practice, the CNGB currently attends meetings of the Joint Chiefs, as does the Commandant of the Coast Guard.

The purpose of the proposed legislation is, thus, to make the Chief of the Guard Bureau's attendance at Joint Chiefs meeting a statutory entitlement, with its attendant statutory authorities and responsibilities. In connection with the legislation, I make two points. First, the Goldwater-Nichols Department of Defense Reor-

ganization Act of 1986 struck many carefully crafted balances of both intraservice and interservice equities.

The CNGB represents only the Army and Air National Guards, and the proposed legislation would thus alter some of Goldwater-Nichols careful balances by: (a) for example, altering the fact that each Service is statutorily represented by one Service Chief in the Joint Chiefs, and (b) providing only two of DOD's six statutory Reserve components with additional Joint Chiefs representation.

Second, elevating the CNGB to represent National Guard equities to the Joint Chiefs could create legal confusion as to whether the Army and the Air Force Chiefs of Staff continue to represent their total force. Current law requires the CNGB to advise the Army and Air Force Chiefs of Staff on all National Guard matters.

Finally, I note that you have already received letters from the Chairman of the Joint Chiefs and the Service Chiefs that detail their concerns with the proposed legislation. The Chairman, the Vice Chairman, and the Service Chiefs are far more conversant than I with respect to the operational and administrative consequences of adding the CNGB to the Joint Chiefs.

From my perspective, I hope that any legislation does not add ambiguities with respect to authorities in the place where we can tolerate such ambiguity the least—at the top of the Service hierarchies, especially in a time of war.

Thank you again for the opportunity to appear here today, and I look forward to your questions.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT BY HON. JEH CHARLES JOHNSON

Mr. Chairman and Senator McCain, thank you for the opportunity to testify here today.

You have asked me to discuss a provision of the proposed "National Guard Empowerment and State-National Defense Integration Act of 2011"—specifically, the provision that would make the CNGB a member of the Joint Chiefs of Staff. Before I get to the specifics of the proposal, however, I thought it might be helpful to the committee if I provided some general legal background on the National Guard, the CNGB, and the Joint Chiefs of Staff.

The National Guard is a unique entity that operates at different times under Federal and State authorities. All members of the Guard are members of both their State National Guard and the Federal National Guard of the United States. The Army and Air National Guards of the United States are two of the six Reserve components of the Department of Defense; the Army, Navy, Air Force, and Marine Corps Reserves are the other four Reserve components.

Members of the National Guard can serve in three distinct statuses, each of which has differing responsibilities and authorities.

First, National Guard members may serve in what is known as "State Active Duty." State law dictates when Guard members assume this status; typical "State Active Duty" missions include first responder responsibilities after a natural disaster. The State pays for, and the State Governor commands, the National Guard when it is on "State Active Duty." The Department of Defense plays no direct role.

Second, National Guard members may be ordered to duty under title 32 of the U.S.C., which I will call "Title 32 Duty." When the Guard performs "Title 32 Duty," it is performing federally-funded military training subject to Federal standards or domestic missions, both of which are under the command and control of the State Governor. Examples of "title 32" missions include post-September 11 airport security, southwest border security, and counter-drug support.

Third, the Department of Defense may call the National Guard to "Federal service," including in times of national emergency, as authorized by law. National Guard members ordered to active duty lose their status as members of the National Guard and become members of the Reserves of the Army or the Reserves of the Air Force. For example, this is the status of Guard members who have been called to serve

in Iraq and Afghanistan. The Department of Defense both commands and funds the Guard when it is in "Federal service."

Thus, at different times, the National Guard may act as either a State or a Federal entity. Indeed, many of the functions the Guard performs are under neither the command nor the control of the Department of Defense; rather, for much of what the Guard does, State Governors are in command. When the National Guard does act in Federal service, it does so as part of the Reserves of the Army or Air Force.

Thus, the Chief of the National Guard Bureau does not command the National Guard acting in any of its three statuses. Rather, by Federal statute, the Chief of the National Guard Bureau acts as a principal adviser to the Secretary of Defense on all matters involving non-federalized National Guard forces, and he also has the statutory duty to advise the Secretaries and the Chiefs of Staff of the Army and Air Force on all National Guard matters. A Department of Defense Directive further explicates the Chief of the National Guard Bureau's authorities and responsibilities, consistent with guidance provided by Congress.

Finally, I will briefly provide some legal background on the Joint Chiefs of Staff. The Joint Chiefs of Staff serve as the senior military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The Joint Chiefs are currently composed of six statutory members: the Chairman and Vice Chairman of the Joint Chiefs and the Chiefs of the four Services. The Service Chiefs have a broad range of leadership and command responsibilities that extend throughout their respective Services, encompassing both the Active and Reserve components of the Service. Each of the Service Chiefs is the senior military officer of his respective Service.

Against this backdrop, I turn to the proposed legislation, which would make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff. I understand that the Chief of the National Guard Bureau currently attends meetings of the Joint Chiefs. The purpose of the proposed legislation is thus to make the Chief of the Guard Bureau's attendance at Joint Chiefs meetings a statutory entitlement, with its attendant statutory authorities and responsibilities.

There are no outright legal barriers to enacting this legislation. Nothing in the Constitution prohibits it, and the Joint Chiefs are a statutory creation. Congress can therefore change the membership of the Chiefs by statute if it so desires.

I think it is important, however, that the committee is aware of some of the legislation's legal implications and complexities. Here I make two points.

First, I note that the Goldwater-Nichols Department of Defense Reorganization Act of 1986 struck many carefully crafted balances of both intraservice and inter-service equities. The Chief of the National Guard Bureau represents only the Army and Air National Guards, and the proposed legislation would thus seem to me to alter some of Goldwater-Nichols's careful balances by, for example: (a) altering the fact that each Service is statutorily represented by one Service Chief in the Joint Chiefs; and (b) providing only two of the Department of Defense's six statutory Reserve components with additional Joint Chiefs representation.

Second, elevating the Chief of the National Guard Bureau to represent National Guard equities to the Joint Chiefs could create legal confusion as to whether the Army and Air Force Chiefs of Staff continue to represent their total force. Current law already requires the Chief of the National Guard Bureau to advise the Army and Air Force Chiefs of Staff on all National Guard matters.

In closing, I would note that you have already received letters from the Chairman of the Joint Chiefs of Staff and the Service Chiefs that detail their concerns with the proposed legislation. Although Congress legally could make the proposed change, the much more important question would seem to be whether it should. With respect to this latter question, the Chairman of the Joint Chiefs of Staff, the Vice Chairman, and the Service Chiefs are far more conversant than I with respect to the operational and administrative consequences of adding the Chief of the National Guard Bureau to the Joint Chiefs. From my perspective, I only hope that any legislation does not add ambiguities with respect to authorities in the place where we can tolerate such ambiguity the least: at the top of the Service hierarchies, especially in time of war.

I thank you again for the opportunity to appear here today, and I look forward to your questions.

Chairman LEVIN. Thank you very much, Mr. Johnson.
General Dempsey?

**STATEMENT OF GEN MARTIN E. DEMPSEY, USA, CHAIRMAN OF
THE JOINT CHIEFS OF STAFF**

General DEMPSEY. Thank you, Chairman Levin and Senator Inhofe.

I want to point out before we begin, I appreciate the spirit of the family metaphor you used for this. I do want to make a point that as we have talked about this, Craig McKinley has been in the room in every instance. So everything we have done to try to talk about this among ourselves has been done with the CNGB present. I thank you for the opportunity to continue that discussion here with you today.

I would also like to thank my colleagues at the table. We share a bond of trust with each other and with the Nation that will be sustained regardless of how we answer the question before us today.

Let me be clear, I am both an admirer and an advocate for the National Guard. Our entire Reserve component makes an indispensable contribution to our national security.

Throughout our Nation's history and certainly in the decade since September 11, we have depended on our citizen soldiers and airmen to help defend us, our allies, and our interests. At home and abroad, the National Guard serves with courage, discipline, skill, and distinction.

I am proud to be the chairman of our total Joint Force—Active and Reserves, civilian and families. I take seriously my responsibility to give voice to their achievements and to their needs. I ensure their voice, including the voice of the CNGB, is heard.

This said, I join the Secretary of Defense and the Service Chiefs in counseling against making the Chief of the National Guard a statutory member of the JCS. There is no compelling military need to support this historic change. Two primary concerns lead me to this conclusion—representation and accountability.

First, our success as a Joint Force is due in large measure to our ability to integrate the Active and Reserve components so that they are indistinguishable on the battlefield. I believe we have accomplished this because the Service Chiefs of the Army and Air Force are the single voice for their respective Services.

With the Service Secretaries, they bear sole responsibility for making the key resource decisions that produce an organized, trained, and equipped force, and this includes the National Guard and Reserve components. The proposed change could undermine this unity of effort.

Each of our Services has a Reserve component, but only the Army and the Air Force have a National Guard. This proposal will also create a situation among our Reserve component forces whereby two of the six, as Mr. Johnson mentioned, would be represented differently, creating what could at least be the perception of inequity.

My second and more important concern, though, is one of accountability. Each of the Joint Chiefs is subject to the civilian oversight of a single appointed and confirmed Secretary. The CNGB has no such oversight.

Elevation to the JCS would make him equal to the Service Chiefs without commensurate accountability. This seems to me to run

counter to the carefully crafted organizational and advisory principles established by Goldwater-Nichols.

I don't find the argument to change the composition of the JCS compelling. It is unclear to me what problem we are trying to solve. Here is what I do know with certainty. The CNGB has and will continue to attend meetings of the Joint Chiefs that I chair. I want and I need him in the tank.

The Chief provides valuable insights and experience for matters of importance to the National Guard and, therefore, the Nation. This advice is also carefully considered when the Army and Air Force Chiefs make decisions that affect their Service. The CNGB has a voice, and it is heard.

Over the last 10 years, the relationship between our Active and Reserve components has grown into a well-integrated fighting force. You really can't spot the difference between Active and Reserve component soldiers or airmen. We are and we will remain one force.

Again, I would like to thank the committee for its continued support to all of our men and women in uniform, as well as their families, and I look forward to answering your questions.

[The prepared statement of General Dempsey follows:]

PREPARED STATEMENT BY GEN MARTIN E. DEMPSEY, USA

Chairman Levin, Ranking Member McCain, members of the committee, thank you for the opportunity to discuss the proposal to make the Chief of National Guard Bureau a statutory member of the Joint Chiefs of Staff. I would also like to thank my colleagues at the table. We share a bond of trust with each other and the Nation that will be sustained regardless of how today's question is answered.

Let me be clear, I am both an admirer and an advocate for the National Guard. Our entire Reserve component makes an indispensable contribution to our national security. Throughout our Nation's history, and certainly in the decade since the September 11 attacks, we have depended on our citizen soldiers and airmen to help defend us, our allies, and our interests. At home and abroad, the National Guard serves with courage, discipline, skill, and distinction.

I am proud to be their Chairman—the Chairman of our total Joint Force—Active and Reserves, civilian and families. I take seriously my responsibility to give voice to their achievements and needs. I ensure their voice—including the voice of the Chief of the National Guard Bureau—is heard.

This said, I join the Secretary of Defense and the Service Chiefs in counseling against making the Chief of the National Guard Bureau a statutory member of the Joint Chiefs of Staff. There is no compelling military justification to support this historic change. Two primary concerns lead me to this conclusion—representation and accountability.

First, our success as a Joint Force is due in large measure to our ability to integrate the Active and Reserve components—they are indistinguishable on the battlefield. I believe this is because the Service Chiefs of the Army and Air Force are the single voice for their respective branches. With the Service Secretaries, they bear sole responsibility for making the resource decisions that produce an organized, trained, and equipped force. This includes the National Guard and Reserve components. The proposed change could undermine this unity of effort. Each of our Services has a Reserve component but only the Army and Air Force have a National Guard. This proposal will also create a situation among our Reserve Forces whereby two of the six Reserve components would be represented differently creating at least a perception of inequity.

My second and more important concern is one of accountability. Each of the Joint Chiefs is subject to the civilian oversight of a single appointed and confirmed Secretary. The CNGB has no such oversight. Elevation to the JCS would make him equal to the Service Chiefs without commensurate accountability. This proposal runs counter to the carefully crafted organizational and advisory principals established in the Goldwater-Nichols legislation.

The argument to change the composition of the JCS is simply not compelling. It's uncertain to me what problem we're trying to solve.

Here is what I do know with certainty. The Chief of the National Guard Bureau has and will continue to attend meetings of the Joint Chiefs that I chair. I want and need him in the Tank. The Chief provides valuable insight and experience for matters of importance to the National Guard and the Nation. This advice is also carefully considered when the Army and Air Force Chiefs make decisions that affect their service. The CNGB has a voice and it is heard.

Over the last 10-years, the relationship between our Active and Reserve components has grown into a well integrated fighting force. You can't spot the difference between Active and Reserve component soldiers or airmen—we are and will remain one force.

Again, I would like to thank the committee for its continued support to ALL our men and women in uniform, as well as their families. I look forward to answering your questions.

Chairman LEVIN. Thank you very much, General Dempsey.
Admiral Winnefeld?

**STATEMENT OF ADM JAMES A. WINNEFELD JR., USN, VICE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF**

Admiral WINNEFELD. Good morning, Mr. Chairman, Senator Inhofe, distinguished members of the Armed Services Committee. Thank you for the opportunity to appear before you today.

Let me start by saying how much I honor and have a deep appreciation for the men and women of our Nation's entire Reserve component, including the fine citizen soldiers and airmen of our National Guard for their incredible contributions to our Nation's defense and security, as well as their considerable sacrifices both at home and abroad.

There should be no doubt that I am a huge supporter of and believer in America's National Guard, and I have a personal connection to the Guard. Indeed, when I was nominated to be the commander of NORTHCOM and North American Aerospace Defense Command (NORAD), my first call was to my friend and soon-to-be partner, General Craig McKinley.

While there, I worked very closely with my Guard partners and the Council of Governors to bring to life the dual-status commander concept. We migrated more chemical, biological, radiological, and nuclear response to the Guard while I was at NORTHCOM. With the help of the National Guard Bureau, we brought more guardsmen into the NORTHCOM headquarters, including doubling the number of National Guard flag officers in the headquarters.

When I walked around my NORTHCOM and NORAD headquarters, I could not have told you who was a guardsman and who was not. I wouldn't want it any other way.

Along the way, I have come to count many of the States' adjutants generals as my personal friends. It was not by chance that my first speaking engagement as Vice Chairman was at the National Guard Association of the United States annual conference this past August.

During my time as Vice Chairman thus far, we have been successful in bringing the CNGB into more senior-level DOD forums. I have personally advocated for the expansion of the State Partnership Program, which I think is so important to our country.

I fully advocate elevating the position of the Deputy CNGB to three-star rank and would happily support a future NORTHCOM commander being a guardsman, as well as key component commanders being guardsmen, though I do not believe the law should

go any further than it already does in specifying which components hold which billets. I have put my money where my mouth is in support of the Guard, and they can count on my continued support.

Nonetheless, and despite my support for this great institution, I am concerned about the pending National Guard Empowerment Act legislation regarding full membership of the CNGB on the JCS.

The spirit of jointness kindled by the Goldwater-Nichols reform legislation is truly alive and has served our Nation well and reflects the wisdom of Congress. I do not believe it needs to be fixed, and we don't need to take a step backward in the unity of effort that that legislation did so much to promote.

As General Dempsey said, the Service Chiefs who serve on the JCS have great responsibility for manning, training, and equipping both the Active and Reserve components of their Services. The CNGB, despite being my great friend and for whom I have great respect, does not have the same level of responsibility or command authority, and we should not send the signal that we have two different U.S. Armies or U.S. Air Forces.

Second, while this legislation may send a very positive message to the terrific men and women of the Guard, I am concerned that it will send a negative message to the remaining 46 percent of our Nation's Reserve component that they are somehow of lesser importance and that future decisions could be taken at their expense. I hear that from some members of the Title 10 Reserve components whom I have asked.

Third, some may believe that this legislation would provide a tangible benefit by empowering the Guard with a vote on the JCS. Mr. Chairman, I would tell you there is no voting process on the Joint Chiefs. Instead, we all provide our best military advice to the Chairman, who then formulates his advice to the Secretary of Defense and to the President.

We already receive fantastic military advice from General McKinley, who, as General Dempsey said, is always invited to that table, just as we do from the Commandant of the Coast Guard, who is also always invited to that table, although the Coast Guard is not asking for similar legislation.

In the end, I am not sure what is broken and what we are fixing. But I also would assure you, as General Dempsey did, Mr. Chairman, I would assure the members of this committee—because we are, indeed, a family—that my colleagues and I will do everything to prevent this issue from driving a wedge between our fantastic, capable, and brave National Guard and the rest of the U.S. military's fantastic, capable, and brave Active and Reserve components.

I thank you again for the opportunity to appear this morning. Thanks again for your continued support and that of your staff for our men and women in uniform, and I look forward to your questions.

[The prepared statement of Admiral Winnefeld follows:]

PREPARED STATEMENT BY ADM JAMES A. WINNEFELD, JR., USN

Mr. Chairman, Senator McCain, distinguished members of the Armed Services Committee, thank you for the opportunity to appear before you today.

Let me say at the outset, I honor the men and women of our National Guard for their incredible contributions to our Nation's defense and security, both abroad and

at home, there should be no doubt that I am a huge supporter of and believer in America's National Guard.

When I was nominated to be the Commander of U.S. Northern Command (NORTHCOM) and North American Aerospace Defense Command, my first call was to my friend and partner, General Craig McKinley.

While there, I worked closely with my Guard partners on bringing to life the Dual Status Commander concept, and migrating more chemical, biological, radiological and nuclear response capability into the Guard. With the help of the National Guard Bureau, we brought more guardsmen into the NORTHCOM headquarters, including, two additional general officers. When I walked around my NORTHCOM headquarters, I could not have told you who was a guardsman and who was on active duty, and I liked it that way.

It was not by chance that my first speaking engagement as Vice Chairman was at the National Guard Association of the United States annual conference this past August. During my time as Vice Chairman, we've been successful in bringing the Chief of the National Guard Bureau into more senior-level DOD forums. I have advocated for expansion of the State Partnership Program. I fully advocate elevating the position of the Deputy Chief of the National Guard Bureau to three star rank, and would happily support a future commander of NORTHCOM and key NORTHCOM component commanders being guardsmen, though I do not believe the law should go any further than it does in specifying which components hold which billets.

I have put my money where my mouth is on support for the Guard, and they can count on my continued support. Nonetheless, and despite all my support for this great institution, I am concerned about the pending National Guard Empowerment Act legislation provision regarding full membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff.

The spirit of Jointness kindled by the Goldwater Nichols reform legislation is alive, and has served our Nation well. I do not believe it needs to be fixed. The Service Chiefs who serve on the Joint Chiefs of Staff (JCS) have great responsibility for manning, training, and equipping both the Active and Reserve components of their services. They also provide Title 10 military advice on strategy and the use of force to the Chairman, the Secretary and the President. The Chief of the National Guard Bureau does not have commensurate responsibility, nor should we send the corrosive signal that we have two different U.S. Armies and two U.S. Air Forces.

Second, while the legislation may send a positive message to the terrific men and women in the Guard, I'm concerned that it will send a very negative message to the remaining 40-plus percent of our Nation's Reserve component that they are somehow of lesser importance, and that future decisions could be taken at their expense.

Third, some may believe this legislation would provide a tangible benefit by empowering the Guard with a vote on the JCS. Mr. Chairman, there is no voting process on the Joint Chiefs. Instead, we all provide our best military advice to the Chairman, who then formulates his advice to the Secretary of Defense and to the President. We already receive fantastic military advice from General McKinley, who is always invited to that table, just as we do from the Commandant of the Coast Guard, who also is at the table. Yes, statutorily we have the right of dissent through the Chairman and Secretary to the President, but that is very, very seldom used.

In the end, however this is resolved Mr. Chairman, I can assure the members of the committee that my colleagues and I will do everything we can to prevent this issue—despite having been elevated to this level—from driving a wedge between our fantastic, capable, and brave National Guard and the rest of the U.S. military.

Thank you for the opportunity to appear this morning, and I look forward to your questions.

Chairman LEVIN. Admiral, thank you so much.
General Odierno.

STATEMENT OF GEN RAYMOND T. ODIERNO, USA, CHIEF OF STAFF OF THE ARMY

General ODIERNO. Thank you, Mr. Chairman, Senator Inhofe, other members of the committee. It is an honor to be here in front of you, as always, today.

I have had the opportunity both in my current position, and in my previous positions to see firsthand the power and capabilities of the total Army. The performance, selfless service, and dedication

of our Active component, our Army National Guard, and our Army Reserves all have contributed directly to our successes. I am proud and humbled that I am currently the Chief of Staff of the U.S. Army, the total Army.

The Reserve component connects the Army to the American people. The Guard and Reserve soldiers that live and work in over 3,000 communities have shared the burdens of war, with over 900 killed in action and more than 7,500 wounded. They are a critical component of the Joint Force and connect us to Main Street America.

We have built a strong relationship between all of our Army components, and I would argue probably the strongest we have ever had. It is our goal to sustain and increase this momentum as we move forward. But with all due respect to the CNGB, my good friend Greg McKinley, with whom I have the utmost respect for and have worked closely with on numerous critical issues, I am bound to communicate my explicit opposition to this post as a member of the JCS.

First, representing only two of the six Reserve components, the Army National Guard and the Air National Guard, at the JCS level will create confusion, imbalance, and potentially challenge interoperability. It would run counter to intraservice and interservice integration and negatively impact the progress we have made toward jointness.

Second, the proposed legislation would complicate the central principle of civilian control of our Nation's military. This proposal risks creating a bifurcated force—one focused internally, another focused abroad. It is important that we have clear authorities and responsibilities to ensure effective employment of the total force.

Third, this could lead to divided or redundant force management, funding, modernization, and training and doctrine, creating a high level of complication and friction.

The Reserve component forces will continue to play a critical role in our national security strategy, and the advice of the CNGB will always be, as it has been, extremely valuable and essential within the context of our total Army in a balanced joint portfolio. The integration of the regular Army, the Army National Guard, and the Army Reserves has proven over the last decade to be unbeatable on the battlefield and irreplaceable at home and abroad. Now, more than ever, we are truly one Army, and we cannot sacrifice the fact that we are truly one Army as we face many critical challenges ahead.

Mr. Chairman, members of the committee, I thank you again for allowing me the opportunity to appear before you and for your support, and I look forward to your questions.

Thank you very much, Mr. Chairman.

[The prepared statement of General Odierno follows:]

PREPARED STATEMENT BY GEN RAYMOND T. ODIERNO, USA

Thank you, Mr. Chairman, Senator McCain, and members of the committee.

I have seen first-hand the power and capabilities of the Total Army. The performance, selfless service, and dedication of both the Army National Guard and the Army Reserves have contributed directly to our successes.

The Reserve component connects the Army to the American people. The Guard and Reserve soldiers that live and work in over 3,000 communities have shared the

burdens of war, with over 900 killed in action and more than 7,500 wounded. They are a critical component of our Joint Force and connect us to "Main Street America."

We have built a strong relationship between all of our Army components; probably the strongest we have ever had. It is our goal to sustain and increase this momentum as we move forward.

With all due respect to the Chief of National Guard Bureau—with whom I have worked closely on a variety of critical issues—I am bound to communicate my explicit opposition to this post as a member of the Joint Chiefs of Staff for several reasons.

First, representing only two of the seven Reserve components—the Army National Guard and the Air National Guard—at the Joint Chiefs of Staff level, will create confusion, imbalance, and challenge interoperability. It would run counter to intra-service and inter-service integration and negatively impact the progress we've made toward jointness.

Second, the proposed legislation will complicate the central principle of civilian control of our Nation's military. This proposal risks creating a bifurcated force—one focused internally and another focused abroad. It is important that we have clear authorities and responsibilities to ensure effective employment of the Total Force.

Third, this could lead to divided or redundant force management, funding, modernization, training, and doctrine creating a high level of complication and friction.

The Reserve component forces will continue to play a critical role in our National Security Strategy and the advice of the Chief of the National Guard Bureau will always be—as it has been—extremely valuable and essential within the context of our Total Army in a balanced Joint Portfolio.

The integration of the Regular Army, Army National Guard, and Army Reserves has proven—over the last decade—to be unbeatable on the battlefield and irreplaceable at home and abroad. Now, more than ever, we are truly one Army.

Mr. Chairman, members of the committee, I thank you again for allowing me the opportunity to appear before you and for your support. I look forward to your questions.

Chairman LEVIN. Thank you very much, General Odierno.
Admiral Greenert.

STATEMENT OF ADM JONATHAN W. GREENERT, USN, CHIEF OF NAVAL OPERATIONS

Admiral GREENERT. Thank you, Mr. Chairman.

Chairman Levin, Senator Inhofe, members of the committee, thank you for the opportunity to comment on and to testify in the matter of including the CNGB as a member of the JCS.

I fully support continued participation by the CNGB in Joint Chiefs deliberations, particularly regarding the issues that deal with or affect the National Guard. Our National Guard Chief, General McKinley, who we really do consider a brother in the tank, has made notable input and provided valuable contributions to issues of importance to those of us serving in the tank and DOD. I think this relationship should continue.

However, in my opinion, making the CNGB a member of the JCS adds unnecessary complexity to the principle of unity of command. Unlike the Service Chiefs, the CNGB does not represent a branch of Service, nor is he responsible for organizing, manning, training, and equipping the National Guard to the extent of the Service Chiefs and their respective Services.

Making the CNGB a member of the Joint Chiefs may also insert an ambiguity regarding the status of the Army National Guard and the Air National Guard as Reserve components of the Army and Air Force, respectively. This could create a perception that the National Guard is a separate service, and that perception could instigate an inequality sense among the National Guard and its Army, Marine Corps, Navy, and Air Force Reserve counterparts.

I appreciate the committee's longstanding support for the men and women of the Navy, and I look forward to continue working with this committee as we address the challenges we face, both for the Nation and for our Navy.

Thank you very much.

[The prepared statement of Admiral Greenert follows:]

PREPARED STATEMENT BY ADM JONATHAN GREENERT, USN

Thank you for the opportunity to comment on the matter of including the Chief of the National Guard Bureau (CNGB) as a member of the Joint Chiefs of Staff (JCS).

Making the CNGB a member of the JCS adds unnecessary complexity to the principle of "unity of command", and could confuse the intended clear and unambiguous source of best military advice to the Secretary of Defense and President.

In my opinion, the Service Chiefs (Army, Air Force, Navy, and Marine Corps) should continue to be held singularly accountable to the executive and legislative branches of government for the readiness and combat effectiveness of all personnel in their respective Services, and for the welfare of all their respective servicemembers and families. I believe they are best positioned to report to the President and Congress on their Services' readiness and preparation for military missions that support our national interests.

After 10 years of war, the Guard and Reserve are more fully integrated with our Active component than ever before. Today's synergy of effort is outstanding and unprecedented. Making the CNGB a member of the JCS could create ambiguity in the chain of command and erode this momentum.

This assessment is consistent with the Commission on the National Guard and Reserves Second Report to Congress—which recommended the CNGB not be made a member of the JCS.

Making the CNGB a member of the JCS may insert ambiguity regarding the status of the Army and Air National Guard as Reserve components of the Army and Air Force and create the appearance the National Guard is a separate Service. This could also introduce an inequity between the National Guard and its Army, Marine Corps, Navy, and Air Force Reserve counterparts.

I concur with the Chairman of the Joint Chiefs of Staff that the CNGB's advisory roles under 10 U.S.C. 1050(c) are essential and sufficient. The CNGB should continue to advise the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense. Additionally, I fully support continued CNGB participation in JCS deliberations that deal with issues that affect the National Guard, and to provide insight on National Guard concerns.

I appreciate the committee's longstanding support of the men and women of the Navy. I look forward to continue working with the committee as we address the challenges we face as a nation and as a service.

Chairman LEVIN. Thank you so much, Admiral.

Next, General Amos.

**STATEMENT OF GEN. JAMES F. AMOS, USMC, COMMANDANT
OF THE MARINE CORPS**

General AMOS. Chairman Levin, Senator Inhofe, fellow committee members, thank you for the opportunity to provide my advice on whether the CNGB should become a voting member of the JCS.

In my view, there should be no change to the status quo. Let me first acknowledge my colleague, General Craig McKinley, the current CNGB, and the many men and women who have faithfully served in our States' National Guard units.

They have served our Nation and their States well for many decades, for this and much more, we owe them our great debt of gratitude.

By virtue of its limited role in DOD and its supporting role in Army and Air Force affairs, the CNGB lacks the requisite broad in-

sight into all levels of strategic planning for JCS membership. Additionally, the CNGB's dual mission and State focus creates an unavoidable conflict of interest inconsistent with voting membership.

In this sense, voting membership would introduce irrevocable State interest into an inherently Federal activity and process. CNGB membership in the JCS could complicate unity of command for both the Army and the U.S. Air Force.

Congress intended the current structure ensures that the Service Chiefs are singularly accountable to the executive and legislative branches of the Government for the combat readiness of their respective Services, to include their Reserve components. I think it is critical that we safeguard this unity of command.

Lastly, the Chiefs of Staff of the Army and the Air Force are best suited to advise on the most effective employment of their supporting elements. Under law, the National Guard has a supporting relationship with the Army and Air Force when federalized as their Reserve component.

Providing JCS membership to the CNGB creates unnecessary leadership duplication in the JCS, contrary to Congress' long-standing policy. This duplication could unfairly amplify Army and Air Force concerns and create a representational imbalance prejudicial to the Reserve components other than the National Guard. The CNGB's advisory voice in the JCS is appropriate and adequate as it currently stands.

Thank you for the opportunity to offer this statement, and I look forward to your questions.

[The prepared statement of General Amos follows:]

PREPARED STATEMENT BY GEN. JAMES F. AMOS, USMC

Thank you for the opportunity to address with you the important question of whether the Chief, National Guard Bureau (CNGB), should be a member of the Joint Chiefs of Staff (JCS). I cannot overstate the dedication and bravery of our Reserve Forces in the current fight. Because of their contributions and sacrifices, there is an understandable desire to extend to our Reserve Forces an appropriate level of recognition. While I would support almost any effort to provide such well-deserved recognition, I do not think that changing the national command structure is a necessary or appropriate tribute. In my view, the CNGB's current, limited supporting role is an appropriate one inasmuch as the CNGB lacks the overarching strategic insight necessary for JCS membership. I also believe that CNGB membership would create unnecessary duplication within the Department of Defense (DOD) and the JCS, complicate unity of command within the Army and Air Force, fragment the Reserve community, and create uncertainty with regard to National Guard leadership.

Although the National Guard is without doubt a key player in today's conflicts, I believe the CNGB lacks the requisite insight into all levels of strategic planning by virtue of his limited role in DOD, and more specifically, Army and Air Force affairs. The JCS provides direct military advice to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. In order for the JCS to carry out this duty, its members must be able to address the strategic direction of the Armed Forces. They must be capable of preparing strategic plans, to include plans which conform with resource levels; preparing joint logistic and mobility plans to support those strategic plans; performing net assessments to determine the capabilities of the Armed Forces; preparing contingency plans conforming to the guidance of the President and the Secretary of Defense; advising the Secretary on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support); establishing and maintaining a uniform system of evaluating the preparedness of each command to carry out missions; and providing advice concerning the extent to which the program recommendations and budget proposals of DOD conform with the priorities established in strategic plans and with the priorities established for the requirements of the unified and specified

combatant commands. Additionally, JCS members provide advice concerning doctrine, training, and the education of the Armed Forces. The JCS' responsibilities therefore require a leadership structure that is wholly dedicated to the national defense, and thoroughly knowledgeable of the processes that resource and develop our defense strategies and the programs and resources required to develop and maintain responsive capabilities. The staffs of each Service Chief gain this detailed understanding through multi-layered integration with the joint staff and key DOD staffs. The integration of the staffs is a key enabler of success. The preparation of strategic and other plans outlined above therefore requires much more than the ability to cast a vote; it requires participation at every level and an undivided focus. With its dual mission, supporting role, and state focus, the CNGB is not structured for full participation in the roles set for the Chiefs in Title 10. Accordingly, I do not believe the CNGB has the currency or capability to assume the necessary level of engagement requisite for JCS membership.

Additionally, contrary to Congressional policy, including the CNGB into the JCS would create unnecessary duplication within the JCS because the federalized National Guard, as the Army and Air Force's Reserve component, serves a supporting role. This duplication could result in an unfairly amplified representation of Army and Air Force concerns. It will also create a representational imbalance with regard to Reserve affairs in favor of the federalized National Guard. The Army and Air Force Chiefs of Staff are best suited to equitably advise on the most effective employment of their supporting elements.

Moreover, providing full voting membership to the National Guard Bureau—an organization not primarily responsible for the planning and execution of national strategy—would not only be unprecedented; it would be an extraordinary “solution” to an unclear problem. When Congress established DOD, it codified a policy that called for eliminating unnecessary duplication in the DOD. Congress designed this policy, which exists in Title 10 today, in effort to seek more effective, efficient, and economical administration not only in the DOD but in the National command structure.

The role of the National Guard, when executing a Federal mission, is to fold in with and execute missions in support of the Army and Air Force Chiefs of Staff. In preparation for these missions, and in recognition of its supporting role, the Guard is permitted to train with these Services and at their schools.

For title 32, non-federalized National Guard matters, the CNGB serves as the principal advisor to the Secretary of Defense through the CJCS. In this title 32 capacity, no unnecessary duplication exists because the CNGB is uniquely situated to channel communications between the several States and the Secretary of Defense. Where Congress federalizes the National Guard, however, the CNGB serves as the principle advisor to the Secretary of the Army, the Army Chief of Staff, the Secretary of the Air Force, and the Air Force Chief of Staff. Due to the importance of this supporting role, the CNGB appropriately maintains an advisory voice within the JCS. This structure is intuitive; it reflects the manner in which Congress intended to use the federalized National Guard and Air National Guard as the Army's and Air Force's Reserve component.

As noted in the recent JCS letter to this committee, CNGB membership in the JCS would also complicate unity of command for both the Army and the Air Force and contribute to Service balkanization. The current organizational structure ensures that the Chiefs of Staff of the U.S. Army and the U.S. Air Force are held singularly accountable to the executive and legislative branches of Government for the readiness and combat effectiveness of their respective Services, including their Reserves. This is as it should be, and this is what Congress intended when it created the existing structure. Unity of purpose and of command is crucial in both the preparation and employment phases of the Armed Forces. When it comes to making decisions for the defense of the Nation and the preparations necessary for the achievement of its national objectives, success requires single-mindedness.

Also as noted in the JCS letters to this committee, elevating the role of the CNGB would further segment one community of reservists—a community that is already challenged with executing its dual mission. When the National Guard is federalized, the command relationship between the CNGB and the Army Chief of Staff and the Air Force Chief of Staff mirrors the Navy and Marine Corps' unified command relationship for their Reserve components. Marine Forces Reserve, for example, as the Reserve component for the Marine Corps, is organized, trained, and equipped under the Commandant of the Marine Corps. This Service identification and matriculation enhances unity of command and the cohesion of combat units. In my interactions with Marine reservists, I've noted their pride and motivation in simply continuing their service to the Nation as marines. I applaud the lack of cultural distinction between Active Duty and Reserve marines, and I am confident that this same motiva-

tion also drives reservists in other Services to step forward. The proposed elevation of the CNGB risks fracturing the successful dynamic that our forces have achieved by diluting the understanding of the supporting and supported command relationships, and unbalancing the appropriate preparation of our Active and Reserve Forces.

Lastly, I believe that CNGB membership on the JCS could create an unhealthy ambiguity in the responsibility for leading the men and women of the National Guard. As a Service Chief, I fully subscribe to the notion that I am singularly accountable for the welfare of all marines and their families, Active and Reserve. As Commandant of the Marine Corps, I have the same responsibility to the Marine Forces Reserve as I do to the regular forces.

The missions for which all marines are trained and equipped is unified with the command structure that leads them. The families that decide to stay with the Corps know whose job it is to ensure their best care: it is mine. Bifurcating leadership, however, might lead to critical leadership gaps recognizable only after some future failure occurs. Most concerning, these gaps could affect the responsibility of caring for these troops and their families. For the sake of our reservists and their families, we cannot afford such a risk.

Chairman LEVIN. Thank you, General Amos.
General Schwartz.

STATEMENT OF GEN. NORTON A. SCHWARTZ, USAF, CHIEF OF STAFF OF THE AIR FORCE

General SCHWARTZ. Mr. Chairman, Senator Inhofe, and members of the committee, I am grateful for the opportunity to offer my views today.

On behalf of the men and women of the U.S. Air Force, I thank you for your ongoing support of our servicemembers and, importantly, their families.

I join my colleagues in definitively stating that the CNGB is a very important senior leader under our total force construct. Through his role in advising the Secretary of the Air Force directly and the Secretary of Defense through the Chairman of the JCS, the National Guard Bureau Chief is a daily contributor to many of the consequential decisions that are made by the total force leadership.

Title 10 of the U.S. Code provides the Bureau Chief's advisory role and preserves unified service leadership. This advisory role and the Bureau Chief's relationship to each Service continues to be important and is currently appropriate in the performance of organizing, training, and equipping functions for which the Service Secretaries and the Service Chiefs are singularly responsible.

But because the National Guard Bureau Chief does not represent a single or separate branch of Service, making him or her a statutory member of the Joint Chiefs would reach beyond the appropriate role for the Bureau Chief. Because the Bureau Chief's advisory role to the Service Secretaries and Chiefs is for all National Guard matters, including notably those that are related to the Federal service of the National Guard, providing statutory Joint Chiefs membership to the National Guard Bureau Chief would disrupt the lines of authority and representation that are already in place for the Chiefs of the Army and the Air Force. Therefore, the current arrangement should not be altered.

The Joint Chiefs exist in large part to provide military advice on the employment of Federal forces. Total force employment considerations are best served by those who possess supervisory and moral authority over fielded forces; who organize, train, and equip per-

sonnel of all components of each Service; and who are responsible as force providers to the combatant commanders.

Consequently, the National Guard Bureau Chief's membership on the Joint Chiefs presents issues concerning his or her appropriate role in offering advice on the employment of the Armed Forces in a designated title 10 role. Moreover, beyond the established relationships among the military services, interactions with the interagency and international partners also could be confused.

Existing law and policy provide appropriate roles and requirements for the CNGB. His or her authorities, augmented by the JCS Chairman's standing invitation to the Bureau Chief to attend meetings of the Joint Chiefs, ensure that the Chief of the Bureau will continue to have a strong voice and will remain an essential and a highly valued partner for any Air Force Chief of Staff or Joint Chiefs team.

But for the foregoing reasons, the CNGB should not be included as a statutory full voting member of the JCS independent of service leadership.

Mr. Chairman, Senator Inhofe, and members of the committee, I thank you for your time. We look forward to your questions.

If I may, sir, I would like to publicly recognize and state our admiration and respect for our teammates from the U.S. Marine Corps, who celebrate their 236th birthday today.

Thank you, sir.

[The prepared statement of General Schwartz follows:]

PREPARED STATEMENT BY GEN. NORTON A. SCHWARTZ, USAF

The Chief of the National Guard Bureau (CNGB) is a very important senior leader in our Total Force construct, and through his role in advising the secretaries of the Air Force and the Army directly, and the Secretary of Defense (SECDEF) through the Chairman of the Joint Chiefs of Staff (CJCS). CNGB is a daily contributor to many of the consequential decisions that are made by the Total Force leadership.

Title 10 of the U.S. Code (10 U.S.C. § 10502(c)) provides for CNGB's principal advisory role, through CJCS, to SECDEF for matters involving non-federalized National Guard forces. By contrast, his advisory role to the Service Secretaries and Chiefs is for all National Guard matters—notably, including those that are related to the Federal service of the National Guard. Providing statutory JCS membership to CNGB will blur this crucial distinction.

The CNGB relationship to each service is important and currently sufficient in the performance of the organizing, training, and equipping functions for which the Service Secretaries and Chiefs are singularly responsible. But because CNGB does not represent a single or separate branch of Service, making CNGB a statutory member of the Joint Chiefs of Staff (JCS) would reach beyond the appropriate CNGB role and disrupt the lines of authority and representation that are already in place for the Chiefs of Staff of the U.S. Army and Air Force. This current effective arrangement should not be altered.

The Joint Chiefs of Staff exists, in large part, to provide military advice on employment of Federal forces. Total Force employment considerations are best served by those who possess supervisory and moral authority over field units; who organize, train, and equip personnel of all components of each Service; and who are responsible as force providers to the combatant commands. Consequently, CNGB membership on the JCS presents issues concerning his or her appropriate role in offering advice on employment of the Armed Forces in a designated title 10 role. Moreover, beyond the established relationships among the Military Services, interactions with interagency and international partners also could be confused.

Existing law and policy provide appropriate roles and requirements of CNGB and the National Guard Bureau. The authorities of CNGB, augmented by CJCS's standing invitation for CNGB to attend all JCS meetings, ensure that CNGB will continue to have a strong voice, and will remain an essential and highly valued partner for any Air Force Chief of Staff and the Joint Chiefs. But, for the reasons above,

CNGB should not be included as a statutory member of the Joint Chiefs of Staff, independent of service leadership.

Chairman LEVIN. Happy birthday, General Amos. [Laughter.]

General AMOS. Thank you, sir. I appreciate it.

Chairman LEVIN. Didn't know you were that old, but—[Laughter.]

General AMOS. Thank you.

Chairman LEVIN. Yes. We congratulate you and all the marines. Thank you, General Schwartz.

General McKinley?

**STATEMENT OF GEN. CRAIG R. MCKINLEY, USAF, CHIEF,
NATIONAL GUARD BUREAU**

General MCKINLEY. Good morning, Mr. Chairman.

Let me take a point of personal pride in thanking you for co-hosting a Public Broadcasting Service special that will be seen tonight, "Where Soldiers Come From," honoring eight of your soldiers from the upper peninsula of Michigan.

Senator Inhofe, thanks for your support of the 45th. Your relationship with your Oklahoma National Guard is one to be emulated, as all the other members of this great committee.

All the distinguished members of this committee, it is an honor to be sitting before you today to provide my opening comments on the matter at hand.

I admire all the Service Chiefs, the Vice Chairman, and the Chairman very, very much. I can tell you that our relationship will not be broken by the testimony given here today, and I thank them for the honor of letting me be part of this dais today.

Mr. Chairman, for me to be here today to provide my personal views on whether the CNGB should be a member of the JCS, I am sitting here believing now in the 21st century, after 3 years in the job as CNGB and 11 total years serving in the Pentagon, that it is now in the best interests of the American people for the CNGB to be made a full member of the JCS.

While the 2008 National Defense Authorization Act (NDAA) and resulting DOD initiatives made important fundamental changes in the role of the CNGB and the Bureau, only full JCS membership for the CNGB will ensure that the responsibilities and capabilities of the non-federalized National Guard are considered in a planned and deliberate manner that is not based upon ad hoc or personal relationships but is, instead, firmly rooted in the law and the national strategy.

The domestic mission of the National Guard must be taken into account when making military contingency plans, when allocating scarce readiness resources, and when advising the President, the Secretary of Defense, the National Security Council, and the Homeland Security Council on strategies and contingency response options. Homeland defense and civil support must be at the core of our National strategy due to the changing threat environment, one that is asymmetrical and more dangerous within our homeland than at any time in our history.

It is for those reasons now that I now believe that the CNGB should be a member of the JCS. Our Nation's military planning

and resourcing would be vastly improved, in my opinion, more comprehensive, more effective, and more efficient.

I do not personally support a change in the Title 10 relationships among the Services and the Army and the Air Guard, nor do I support the National Guard becoming a separate service. We in the National Guard are all very proud members of the U.S. Army and the U.S. Air Force.

The issue at hand, in my opinion, does not in any way impact unity of command, which will remain unchanged; or fragment the Reserve component, as only the National Guard has a dual Federal/State mission; or create uncertainty, in my opinion, with respect to National Guard leadership, which clearly resides in our Governors and adjutants general when the Guard is non-federalized and with the Federal commanders when it is.

Nor does it increase the risk, in my opinion, of over-representation of any Service at the highest levels of our military. Rather, this would add to the JCS in an enduring manner the expertise and knowledge of the CNGB as it pertains to the National Guard in its non-federalized role in the defense and safety of the homeland.

Indeed, the CNGB, who is a Title 10 officer under the law, and the DOD directive pertaining to the National Guard should be counted on as the Federal officer best postured to advise the JCS and their clients on the capabilities of the non-Federal National Guard.

I have read the letters of the Service Chiefs submitted to your committee, and I provided the Chairman of the JCS a copy of this DOD directive on Monday. These letters and other comments focus, whether directly or indirectly, primarily on five discrete themes: budget authority; the CNGB's statutory advisory role as it currently exists, that it is sufficient; that the National Guard could become a separate service or will be somehow advantaged over the other Reserve components; maintaining Title 10 command authority; and, finally, civilian oversight.

In the area of budget authority, the CNGB plans, programs, and administers the budgets of the Army and Air National Guard, and I am directly responsible for nearly \$28 billion annually. I am the appropriation sponsor for the Army National Guard Military Personnel Account, Operation and Maintenance (O&M), Military Construction (MILCON), and the Air National Guard Military Personnel Account, O&M, and MILCON.

By law, the CNGB is responsible for the entire planning, budgeting execution, and accounting of these appropriations. The CNGB competes for, defends, and validates the requirements for the above appropriation and submits budget materials through the Services to DOD.

The CNGB is required to provide an annual financial report to Congress that states how the specific National Guard appropriations funding was spent.

In my regard as a statutory adviser, there is sufficient and significant difference between the CNGB's principal adviser authorities and the JCS members' military adviser authorities. The JCS members advise the President, National Security Council (NSC), Homeland Security Council, and the Secretary of Defense. The JCS

members may also submit advice or an opinion, in addition to the advice presented by the Chairman.

Additionally, the President, NSC, Homeland Security Council, and Secretary of Defense may request advice directly from the JCS members, and JCS members may make recommendations to Congress after first informing the Secretary of Defense. In contrast, the CNGB advises the Secretary of Defense through the CJCS on matters involving non-federalized National Guard forces.

The CNGB must declare an interest in order to have a voice on these limited matters. Without statutory JCS membership, the CNGB's role in the JCS is ad hoc, as determined by each successive Chairman.

In regards to separate service or advantage over other Reserve components, the National Guard is unique, thanks to Article 1, section 8, clauses 15 and 16 of the U.S. Constitution and title 32 of the U.S. Code. It is unlike the other Reserve components, which can perform title 10 duties under title 10 command authority.

The National Guard performs the same title 10 duties when federalized, plus diverse non-Federal duties and State duties under State command authority. The command chains are unambiguous. The other Reserve components have no analogy to the National Guard's non-federalized duties and command authorities.

The non-Federal National Guard's missions include, but are not limited to, air defense, ballistic missile defense, weapons of mass destruction response, disaster response, counterdrug support, border security, airport security, and national special security events.

In regard to unclear title 10 command authority, the issue discussed today, in my opinion, would not alter title 10 command authorities or accountability over federalized National Guard forces. There would be no change to the title 10 authorities of the Service Secretaries or the Service Chiefs. Conversely, they would take on no new title 32 responsibilities.

The CNGB is not, nor would he be, within the title 10 chain of command for Title 10 National Guard forces. When federalized, National Guard forces are and will remain under the command of Federal commanders.

Total force integration would not be compromised. If anything, it would be enhanced by greater situational awareness of Title 32 National Guard missions, capabilities, and leadership on which the CNGB is uniquely qualified to advise. Total force integration would also benefit from enhanced understanding of the homeland defense and civil support missions that are performed by non-federalized National Guard forces.

In regards to civilian oversight, since 2008, under the provisions of the DOD directive, the CNGB is under the authority, the direction, and control of the Secretary of Defense. The Secretary normally exercises authority, direction, and control through the Secretaries of the Army and of the Air Force for matters pertaining to their responsibilities in law or DOD policy.

To conclude, much has changed since 2008. The National Guard Bureau is now a joint activity of DOD, and the CNGB has enhanced authorities short of JCS membership, and for those, we are very appreciative.

Yet the CNGB still does not have an institutional position from which I can advise the President, the NSC, the Homeland Security Council, and Congress on non-federalized National Guard forces that are critical to homeland defense and civil support missions.

Adding the CNGB to the JCS, in my opinion, would ensure that in the post-September 11 security environment the National Guard's non-federalized role in homeland defense and civil support missions will be fully represented in all JCS deliberations. This would not detract, in my opinion, in any way from its other critical JCS functions.

Without statutory membership on the JCS, the CNGB's ability to participate in deliberations is determined solely by the discretion of the Chairman. I believe this role should be established in law. This view is also fully shared by former assistant Secretary of Defense for Homeland Security Paul McHale, who has consented to let me inform you that he, like me, did not have this opinion several years ago, but now agrees that the CNGB should be made a full member of the JCS.

In my role as the channel of communication for the States, the territories of Guam, Virgin Islands, and Puerto Rico, and the District of Columbia, I would be remiss without speaking on behalf of the 54 adjutants general. In a letter I would like to submit for the record, Mr. Chairman, the adjutants general have provided their unqualified support for placing the CNGB on the JCS.

I appreciate very much again sitting with these distinguished gentlemen on this dais and the opportunity to discuss this issue with you today, and I look forward to your questions.

[The prepared statement of General McKinley follows:]

PREPARED STATEMENT BY GEN. CRAIG R. MCKINLEY, USAF

OPENING REMARKS

Chairman Levin, Ranking Member McCain, distinguished members of the committee; I am honored to appear before you today, representing 465,000 citizen-soldiers and airmen in the Army and Air National Guard, an organization that is historically part of the foundation of our great democracy. America's National Guard remains ready, reliable, and accessible. As members of an operational force, regularly used by the President and State Governors, the soldiers and airmen of the National Guard contribute daily to our Nation's overseas and domestic security objectives. I thank you for the opportunity to discuss the possibility of making the Chief, National Guard Bureau (CNGB) a statutory member of the Joint Chiefs of Staff (JCS). I would like to address some of the issues surrounding this debate.

THE NATIONAL GUARD AS A RESERVE COMPONENT

The National Guard of the United States is by statute a Reserve component of the U.S. Army and Air Force, and representation on the JCS would not degrade that relationship. We are very proud of our history with and lineage to the U.S. Army and Air Force. Never have we contemplated abandoning our historical ties, and suggestions that adding the CNGB as a JCS member would create a separate military service are divisive and unfounded. Pride in our Service affiliations is a core competency of the National Guard. The Secretaries of the Army and the Air Force would continue to prescribe the training of the National Guard, procure its equipment, and validate its requirements. The Directors of the Army and Air National Guard would continue to participate in planning and budgeting meetings as representatives of the Reserve components of those Services.

THE NATIONAL GUARD AND THE SECRETARY OF DEFENSE

Statutorily, the CNGB is a principal advisor to the Secretary of Defense through the Chairman of the JCS on matters involving non-federalized National Guard matters that are not under the authority and direction of the Secretaries or the Chiefs

of Staff of the Army and the Air Force. As the “channel of communications,” the CNGB is the most current and knowledgeable source of information within the Federal Government about the National Guard in its non Title 10 roles, and is thus the best single source of advice for leaders about unique Guard-related matters, particularly those which are critical to homeland defense.

UNIQUE ROLE OF THE NATIONAL GUARD

Two unique roles that stand out are the CNGB’s expertise in the National Guard’s employment and deployment for domestic purposes, and experience in the vitally important interagency collaboration needed for domestic response in the homeland. Indeed, roughly 70 percent of the Department of Defense’s (DOD) response to Weapons of Mass Destruction is comprised of National Guard forces. Threats faced by the United States have significantly grown since the 1990s, especially in the decade since September 11 when America herself became a battleground. Domestic response in the homeland is a matter of national security with international ramifications. In light of these changes, the duties of the JCS were adjusted; in 2006, providing military advice to the Homeland Security Council was added to the JCS statutory responsibilities. The CNGB is uniquely positioned to both provide situational awareness of State and Federal military forces operating in unity of effort in the homeland and to ensure that resourcing decisions fully consider the domestic mission. Adding CNGB as a full member of the JCS would be the next logical step to improve the Joint Chiefs’ ability to provide the best possible military advice to civilian leaders.

The CNGB’s advice and opinion are also uniquely relevant because DOD policy charges CNGB with responsibility to “facilitate and deconflict the use of National Guard forces among the States to ensure that adequate and balance forces are available and responsive for domestic and foreign military operations, consistent with national security objectives and priorities.” Whereas the Service Chiefs provide definitive advice as to the capabilities of their Federal Reserve component to perform foreign military operations and domestic title 10 missions, only the CNGB can speak with authority on the strategic balancing required to ensure that the National Guard forces of 54 States and territories have the capability to perform their Federal missions and their domestic title 32 and State missions.

NATIONAL GUARD BUDGET

Under U.S. Code, title 10, chapter 1011, which establishes the National Guard Bureau, the Secretary of Defense-approved charter (DOD Directive 5105.77) specifies CNGB’s functions and responsibilities, both as identified in the statute and others. Relative to National Guard budgets and capabilities, the DOD Directive indicates the CNGB shall:

- (a) Plan, program, and administer the budget of the Army National Guard of the United States and the Air National Guard of the United States. The CNGB is directly responsible for nearly \$25 billion annually, and is the appropriation sponsor for National Guard Military Personnel, Operations and Maintenance, Military Construction, and Procurement (via National Guard and Reserve Equipment Appropriation), and thus responsible for producing a President’s budget submission to Congress for these appropriations.
- (b) Supervise the acquisition and supply of Federal property through the U.S. Property and Fiscal Officers (USPFO) appointed under section 708 of title 32, U.S. Code. The USPFO’s work directly for the CNGB and provide the Federal oversight and accountability of Federal funds and property issued to the States, Territories, and District of Columbia, to ensure compliance with the Purpose and Anti-Deficiency Acts as well as with diverse DOD directives and regulations.

Although the CNGB has clearly delineated budgetary authority, this authority and responsibility are not necessary to perform JCS members’ statutory duties, which include providing military advice to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. This advisory role is separate and distinct from the role they fulfill in leading and administering their respective Services, whose budgets are ultimately the responsibility of the Service Secretaries. Duty as a Joint Chief is additive to, and not a function of, Service responsibilities.

SIMILAR EXAMPLES

Considering the example of the Navy and Marine Corps Chiefs both being members of JCS contradict any contention as to a separate Service being divisive, or a

Service having authority without accountability. The Marine Corps is part of the Department of the Navy and their budget request to Congress is included inside the Navy request. Yet no one would argue that the marines are hindered by this construct in being able to articulate their requirements or deliver their unique capabilities. The CNGB has a similar departmental-level role, and, as outlined above, also possesses significant budget authorities and responsibilities.

CLOSING REMARKS

Thank you for the opportunity to be here today, I look forward to your questions.

Chairman LEVIN. Thank you very much, General McKinley.

That letter will be made part of the record, as will a statement of Senator Rockefeller, who has also asked that his statement be made part of the record.

[The information referred to follows:]



November 8, 2011

General Craig R. McKinley
Chief
National Guard Bureau
111 S. George Mason Dr.
Arlington, VA 22204

Dear General McKinley,

I am writing on behalf of the Adjutants General of the states, territories and the District of Columbia (hereafter, "the states") to urge you to inform the President, the Secretary of Defense and all other federal officials of the states' support for S. 1025, *the National Guard Empowerment and State-National Defense Act of 2011*, to make the Chief of the National Guard Bureau (CNGB) a statutory member of the Joint Chiefs of Staff.

The National Guard is uniquely authorized by the U.S. Constitution to carry out the laws of the states, to execute missions under state control "in the service of" the federal government and to serve as a reserve component "of" the United States Army and Air Force. No other American military component has such unique constitutional responsibilities or adaptive capabilities. Article 1, Section 8 of the U.S. Constitution grants Congress the "Power...to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of Officers, and the Authority of training the Militia according to the discipline prescribed by Congress." Article 1 also authorizes Congress "To raise and support Armies" and "to provide and maintain a Navy". All powers not expressly granted to the federal government by the U.S. Constitution nor prohibited by it, are expressly reserved to the States.

Consistent with these provisions, Congress has long designated the Chief of the National Guard Bureau as the statutory "channel of communications" between the states and the federal government on all non-federalized National Guard matters. The

scope and necessity of state-federal "communications" have grown exponentially in the decades since the CNGB's designation. The American homeland has become part of a global battle space. Since the terrorist attacks of September 2001, Adjutants General and state military departments have assumed substantial homeland security as well as homeland defense responsibilities. Since 2006, military advice to the Homeland Security Council has also been added to the Joint Chiefs of Staff statutory responsibilities.

Just as the advice of Adjutants General has become essential to the states' national security activities, CNGB advice to principal federal officials is uniquely required by DoD policy to "facilitate and deconflict the use of the National Guard forces among the States to ensure that adequate and balanced forces are available and responsive for domestic and foreign military operations." The shared national security responsibilities of the states and federal government can only be effectively synchronized by having the Chief of the National Guard Bureau on the JCS to assure federal officials receive fully informed advice about Guard matters and that the National Guard forces of the 54 states, territories and the District of Columbia are able to perform their warfighting missions and their unique domestic security missions.

Guard Soldiers and Airmen are as proud of their membership in the Army and Air Force as Marines are of their membership in the Department of the Navy. Assertions that CNGB membership on the JCS would detract from intra-service unity are dispelled by the Marine Corps' long and distinguished record of service on the JCS and as a component of the U.S. Navy. National authorities have long required specialized Marine Corps advice. 21st Century national security requirements demand the unique advice and counsel of the Chief of the National Guard Bureau.

The Chief of the National Guard Bureau can no longer fully perform the duties of his office without being a member of the Joint Chiefs of Staff. We respectfully ask you to convey the states' strong and unqualified support for S.1025 to federal authorities.

Sincerely,



Michael D. Dubie
Major General
President

[The prepared statement of Senator Rockefeller follows:]

PREPARED STATEMENT BY SENATOR JOHN D. ROCKEFELLER IV

Chairman Levin, Senator McCain, members of the committee, thank you for holding this hearing on whether the Chief of the National Guard Bureau should be a member of the Joint Chiefs of Staff. Thanks to all of the Chiefs of our Armed Forces—both Active Duty and Reserve—for being here today. There is no question—as a matter of both principle and of national security—that the Chief of the National Guard Bureau should be elevated to the Joint Chiefs of Staff. The Guardians of Freedom Act, which passed overwhelmingly in the House of Representatives on May 25, would accomplish this goal. I hope that today's hearing will lead to swift action on this important legislation, and I look forward to the testimony of each of the witnesses.

It is important to acknowledge that the role of the National Guard has evolved over the last 10 years. Since September 11, National Guardsmen have mobilized

more than 700,000 times to support overseas and domestic missions. They have played an essential role in the conflicts in both Afghanistan and Iraq and are a critical Operational Reserve for our Armed Forces. Today's National Guard accounts for more than 460,000 servicemembers from every State in the Union—roughly 25 percent of all of our 1.9 million-member force.

The Guard has also become an essential part of our Nation's response to both man-made and natural disasters. This August, when Hurricane Irene slammed the East Coast, the National Guard responded by calling up over 11,000 soldiers and airmen from 24 States to coordinate the relief efforts. Our Guard is being trained to respond to chemical, biological, nuclear and radiological attacks. It is being trained to deal with pandemics. It is asked to be the first on the scene after major earthquakes, snowstorms, and hurricanes. These Homeland defense responsibilities will continue to increase, as well.

The National Guard also brings capabilities and efficiencies to the table that we need in these tough economic times. For example, the Air National Guard provides 35 percent of the total Air Force capability for 7 percent of the cost. The Army National Guard provides 40 percent of the Army's capability for just 11 percent of the Army budget. Together, 464,900 members of the National Guard provide a capable, operational and affordable military force—at just 6 percent of the Pentagon's annual budget.

The absence of the National Guard from the Joint Chiefs of Staff has very real consequences. Full membership of the National Guard in the Joint Chiefs could have better prepared the marines' response to the 1992 riots in Los Angeles, our Nation's initial response to the September 11 attacks, or our response to Hurricane Katrina.

In October 2005, the Government Accountability Office called into question the Army National Guard's ability to carry out its domestic mission. Then, just like now, there is no permanent system in place to replenish necessary equipment once it is removed from Guard units in individual States. The Pentagon has required National Guard units to leave behind critical equipment in Iraq and Afghanistan. A drastic shortfall in equipment levels has led to a drop in mission readiness. As a result, the Guard's ability to respond to domestic emergencies has been severely inhibited. I find it hard to believe this would be the case if the Guard had a seat at the Joint Chiefs of Staff.

With no seat at the table, the National Guard Chief must rely solely on active duty military leaders to make funding decisions. Under the circumstances, General McKinley can do nothing to stop the Joint Chiefs if they put recommend cutting a key program or ignore an opportunity to maintain critical operational capability.

In many ways, the Guard has earned the right to be in the room. Today, the Chief of the National Guard Bureau wears four stars. He attends regular Joint Chiefs meetings. While I understand that General McKinley enjoys a good relationship with Chairman Dempsey, personalities can't be everything. Now, it's time to give the National Guard a seat at the table. We need to make sure the National Guard has the voice it needs—not just to protect its capability, but because of its increasingly active role in overseas operations, because of its role in homeland security initiatives, and because of the cost efficiencies it can offer in these turbulent economic times.

Ultimately, I understand that change is hard. Some may argue that these changes are not necessary. Some may argue that the National Guard does not deserve a seat at the table, that the National Guard is well-represented on the Joint Chiefs of Staff, or that the National Guard has the resources it needs.

Critics may say that elevating the National Guard would provide a "second voice" to the Army and Air Force. That is wrong. The National Guard's participation would be no different than that of the Marine Corps, which is both part of the Navy and has its own seat on the Joint Chiefs of Staff. Today, as we all know, the Commandant is a valued member of the Joint Chiefs of Staff, and no one would argue that his advice over the last 30 years has not been valuable.

Some may counter that elevating the National Guard could muddy the Guard's dual commitments to member States and the Federal Government. In reality, it would not alter lines of authority, but better enable the Guard to provide unfiltered advice on its capabilities and resources. The Guard wouldn't just have its domestic responsibilities—it would have the capabilities, clout, and access to do them better.

Critics may also say that the Chief of the National Guard Bureau has no budgetary authority, but that argument is misleading. The role of the Joint Chiefs is to provide sound, useful advice to the President. In fact, the perspective of the Chief of the National Guard Bureau could save our country billions of dollars. Earlier this year, for example, the Air National Guard Bureau offered a proposal that would have saved up to \$42 billion. Unfortunately, the Air Force dismissed it almost im-

mediately—likely, I’ve been told, for turf reasons. That would not have happened had the Chief of the National Guard Bureau been able to make his case, offer his perspective, and share his expertise with our planners at the Pentagon. The National Guard can help the Pentagon cut costs without cutting capabilities—but only if it is an equal partner in the decision-making process.

Some may argue that a seat on the Joint Chiefs of Staff would give the National Guard too much influence at the Active-Duty components’ expense. But we know better than that. Look at the size of the Services’ congressional liaison staff, the military fellows in our offices and the attaches in the halls—or even the number of Senators, including many on this Committee, who are former Active-Duty servicemembers. An enhanced role for the National Guard would not diminish the Active-Duty Services’ clout among lawmakers.

Now is the time to give the National Guard the voice it needs on the Joint Chiefs of Staff and to give the President a broader perspective of the capabilities and resources at his disposal. Now is the time to use all of the tools in our arsenal to create a more secure Homeland.

Mr. Chairman, Senator McCain, members of the committee—thank you for holding this hearing. I look forward to swift passage of the Guardians of Freedom Act. Thank you to my good friend, Senator Leahy, for his leadership on this important issue.

We have given the National Guard the right to be in the room. Now, let’s give them a seat at the table.

Thank you.

Chairman LEVIN. Let us have a 6-minute first round for questioning here so we can perhaps all get a round in—there are a lot of us here—before the votes, and then if we need a second round, we can take that.

Mr. Johnson, let me ask you first about a statement in your prepared statement where you say that the proposed legislation would alter some of the Goldwater-Nichols careful balances by altering the fact that each Service is statutorily represented by one Service Chief in the Joint Chiefs and providing only two of DOD’s six statutory Reserve components with additional Joint Chiefs’ representation.

Now, you also said that elevating the CNGB to represent National Guard equities to the JCS, in your words, could create legal confusion as to whether the Army and Air Force Chiefs of Staff continue to represent their total force. Now, can you tell us what potential legal confusion could result that you are referring to?

Mr. JOHNSON. 10 U.S.C. 10502 spells out the role of the National Guard Bureau and the CNGB. The CNGB, in his advisory capacity, has principally two functions. One is to advise the Secretary of Defense through the Chairman on matters involving non-federalized Guard. The second component of that is to be the adviser to the Service leadership of the Army and the Air Force on matters concerning the Federal Guard.

The way this statute breaks it out, 10 U.S.C. 10502, when we are talking about the Guard in Federal status, the law contemplates that the CNGB will represent those interests to the Service leadership and to the Chiefs of Staff of the Army and the Air Force. But when we are talking about the State Guard and the State Guard role, the CNGB advises the Secretary of Defense.

This legislation that you have before you will not change any of that. So, if the CNGB is now also a member of the Joint Chiefs, he is, on the one hand, an adviser to General Schwartz and General Odierno on matters concerning the Federal Guard, but he also now has an independent seat on the Joint Chiefs as an adviser to the President and the Secretary and the National Security Council

on the very same matters. So it creates an issue of dual representation.

Second, as I think the Chairman alluded to, when the CNGB is advising with respect to the non-federalized National Guard, he is representing the interest of the State National Guard, who are commanded by the Governor of each of those States. So it creates a dynamic—which I am not saying is necessarily wrong or right—but it creates a dynamic where the interest of the State Guard, the Governors, has a seat at the Joint Chiefs advising the President, the National Security Council, and the Secretary of Defense.

Chairman LEVIN. This perhaps is a related question to you, General McKinley. Under title 10, the CNGB is the principal adviser, among others, to the Chief of Staff of the Army and the Chief of Staff of the Air Force on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

My question is this. Is there not an inconsistency with an adviser participating as an equal with the principals whom he is advising, as you would be as a member of the JCS, along with the Chief of Staff of the Army and the Chief of Staff of the Air Force?

General MCKINLEY. Thank you, Mr. Chairman.

I think the best way to answer that is to look at the Empowerment Act and the NDAA of 2008, which established the DOD directive that Secretary Gates signed in 2008 directing the conduct of my job. If I could read from the organization and management piece which you refer to, it says that the CNGB is under the authority, direction, and control of the Secretary of Defense. The Secretary normally exercises his authority and direction and control through the Secretaries of the Army and the Air Force for matters pertaining to their responsibility in law.

The second section I would like to just refer to is that as the principal adviser to the Secretary of Defense through the Chairman of the JCS, it allows me and directs me to advise on matters involving non-federalized National Guard forces.

So I think the answer to your question is, in my opinion, my personal opinion, it doesn't raise inconsistencies wearing that hat and that this DOD directive following the NDAA Act of 2008 gave me the authorities to do just what I addressed in my opening statement.

Chairman LEVIN. General Dempsey, in your opening statement you made reference to the fact that the Services have never been closer to their Reserve components, and separating them by title risks creating unnecessary friction in the ranks. Can you tell us why it is and what you meant when you said that separating the Reserve components from the Services create unnecessary friction in the ranks?

General DEMPSEY. Thank you, Senator.

The issue for me is let us call it one of branding. Does a soldier see himself as a soldier? Does a guardsman see himself as a soldier first or a guardsman first?

It seems to me that where we are today as a force, we are where we are because we have all seen ourselves as branded by a single Service Chief and his subordinate leaders into soldier, sailor, air-

man, marine, and, for that matter, coast guardsman, as the Vice mentioned.

I am just not sure that establishing, Craig's cautions notwithstanding, I think that the way this will resonate through the force—forget about the leadership you see before you—but the way this could resonate through the force is that we have kind of separated ourselves, and our brand is no longer as clear and defined as we would like it and need it to be.

Chairman LEVIN. Okay. Thank you.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I recall, General McKinley, back when we were working on the 2009 NDAA, the issue at that time was the three-star versus four-star. I was trying to remember and talking to my staff just a minute ago about what the arguments were.

I do recall the perception argument, that those in the field—and I heard that firsthand. But I also recall that—I got the impression that if we made that change, and that was in the 2009 NDAA, that that would resolve a lot of these problems. I didn't hear that we would want to come along with another change in the relationship.

Do you remember that, or would you like to comment as to what benefits came with changing that from a three- to four-star?

General MCKINLEY. Thank you, Senator Inhofe.

I obviously took this position in November of 2008. I was a beneficiary of the legislation that passed before I became the CNGB. Much has improved and much has been given to me in terms of my access to the Chairman and to participate in major meetings affecting the Services, the National Guard, the Army and the Air Guard.

I do remember the discussion of the grade, and I do work very closely with the other Reserve component chiefs—Jack Stultz in the Army Reserve, Dirk Debbink in the Navy Reserve, Steve Hummer in the Marine Corps Reserve, and Charlie Stenner in the Air Force Reserve. It is important not to get imbalanced.

I would just suggest that the 468,000 members of the National Guard who reside in the States and the territories look to me as their representative and their channel of communications to DOD. But the willingness of the men sitting before you to allow me to communicate and to conduct discourse with them and to interact with them has significantly improved since I became the Chief of the Bureau in 2008.

Senator INHOFE. All right.

General Odierno, tomorrow I am going back to your old place, Fort Sill, where you started, I think, in the middle 1970s and have had several tours there. I will be participating in their veterans celebration tomorrow morning. I know that they will be discussing this at that time.

The question I would have of you because, after asking you, I want to ask General Schwartz the same thing. Have you seen, in terms of the Army, you have the Guard coming in, fighting side by side with you guys, with any difference in equipment or capability or resources between the Guard and the Active Duty Army?

General ODIERNO. Senator, I would tell you that we have made great strides over the last 7 to 10 years in improving the capability,

more importantly, the equipping of the National Guard. In our assessment, by October 2012, the National Guard will have achieved about 92 percent of their total equipping necessary, and in the Active component, we will be at 92.5 percent.

I think that sends a strong message about how we have been able to equip. I think I would just comment that understanding the total Army is incredibly important as we walk our way through this. We have to have all these different components.

You have to have an Active component that is ready and prepared to respond immediately at a certain readiness level. We need our National Guard prepared and capable of responding, and they have to be able to work together at all times.

We have been able to work that over the last several years, and I think we have gotten the right solution, as our Army has been taxed with many, many deployments. I worry that we will lose the one, single voice that has driven us here if we move forward.

Senator INHOFE. Yes, I just wanted to ask the question. On the equipment, the quality of the resources used, are they the same?

General ODIERNO. They are.

Senator INHOFE. They are.

General Schwartz, I would ask you the same thing, because I am active in aviation, I can remember back some time ago when we were going to the Block II and the F-16. You had the two engines, the 220 and the 229, I believe the 229 having greater thrust.

When deployments were necessary, as I recall, it was my State of Oklahoma and the State of Ohio where they were not able to get for their deployment the 229 engines, which provided greater thrust. As a result of that, and I am going from memory now, I believe they deployed together as a unit and took only the 229s from Ohio and from Oklahoma, which was a disparity in how they are treated in terms of equipment.

I would say, number one, is my memory correct? Number two, has that been corrected?

General SCHWARTZ. Senator Inhofe, generally speaking, the equipage of the Active Duty, the Guard, and the Reserve is common. There are some anomalies with regard to aircraft configuration based on their maturity, and so on and so forth.

We have not corrected or normalized every single configuration in every one of our aircraft, but I think the point is, is that the Air Guard in the U.S. Air Force has always been an Operational Reserve. It has always shared the same readiness with their Active Duty and Air Force Reserve counterparts. That is still the case, and that certainly is our conviction going forward.

Senator INHOFE. But there was a disparity at that time in that particular aircraft.

General SCHWARTZ. Sir, there was a difference in the engines. There is a difference in the configuration of airplanes as they are produced. Certainly, it is the intent of the Air Force to equip the National Guard so that they remain an Operational Reserve.

Senator INHOFE. Are we in better shape on that issue now than we were back then?

General SCHWARTZ. Absolutely.

Senator INHOFE. I think that is right. Do you agree with that, General McKinley?

General MCKINLEY. Sir, we have worked closely with General Wyatt, as the director of the Air Guard, in trying to achieve the proper balance in equipage of our National Guard. I can attest over my 38 years in the Air Force that the Air Guard today has the oldest legacy fleet in its history.

I am concerned, as I am sure the Chief of Staff of the Air Force is, over future modernization plans that we can have the balanced force that has made the Air Force and the Air National Guard so close throughout its history. I am concerned about the future capitalization of the Air National Guard.

Senator INHOFE. Thank you.

My time is up. But I would like for the record, in writing for a later time, if you would respond to the—three of the witnesses talked about the confusion—the word “confusion.” I would like to have you respond for the record on that particular issue.

[The information referred to follows:]

In earlier testimony, the word “confusion” was used to describe a potential “confusion as to whether the Army and the Air Force Chiefs of Staff [would] continue to represent their total force.”

Placing the Chief of the National Guard Bureau of the Joint Chiefs of Staff would not confuse whether the Army and Air Force Chiefs of Staff represent their total force. It would not alter title 10 command authorities over federalized National Guard forces. There would be no change to the title 10 authorities of the Service Secretaries or Service Chiefs; conversely, they would take on no new title 32 responsibilities. The Chief of the National Guard Bureau is not, nor would he be, within the title 10 chain of command for title 10 National Guard forces. When federalized, National Guard forces are, and will remain, under the command of Federal commanders. Total Force integration would not be compromised; if anything, it would be enhanced by greater situational awareness of title 32 National Guard missions, capabilities, and leadership on which the Chief of the National Guard Bureau is uniquely qualified to advise. Total Force integration would also benefit from enhanced understanding of the Homeland Defense and Civil Support missions that are performed by non-federalized National Guard forces.

General MCKINLEY. Thank you, Senator.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Thanks to all of you for being here.

I guess I would say that on this interesting and important question, I am a member of the Jim Inhofe open-minded caucus because I am undecided. So this discussion has really been very helpful.

I wanted to get on the record just some basic facts. I will start with you, General McKinley. What is the number of personnel in the Army and Air Guard?

General MCKINLEY. We have approximately 468,000 combined, between Army and Air.

Senator LIEBERMAN. Right. I don't know that you would know it. I would ask General Dempsey, how about in the other Reserve components? What is the number there?

General DEMPSEY. The only one I have committed to memory is the Army Reserve, and that is about 208,000.

General SCHWARTZ. Sir, for the Air Force, 71,000 on the Air Force Reserve, 106,000 and change on the Air National Guard.

Senator LIEBERMAN. Okay. Admiral, how about the Navy Reserve?

Admiral WINNEFELD. Sixty-five thousand, Senator.

Senator LIEBERMAN. Right. General Amos?

General AMOS. Sir, 39,600 Marine Reserves.

Senator LIEBERMAN. Pretty definitive answer right there. Thank you.

Okay. Clearly, there is a larger number in the Army Guard and Air, but there is not inconsequential numbers in the other Reserve components as well. Obviously, some of us think about the Coast Guard Reserve, which is another part of the Reserve component.

Let me ask this question, and I think I am probably focused on it here because of the other hat I wear on the Homeland Security and Governmental Affairs Committee. I wanted to begin this discussion with you, General McKinley.

I take it that we start with the understanding that the other Reserve components don't have non-Federal responsibilities. Correct?

General MCKINLEY. Yes, sir.

Senator LIEBERMAN. This is an interesting issue, as I am sure you all know, because there is, of course, from our home States, we are getting tremendous support for putting the National Guard Bureau commander in chief on the JCS. There is a lot of support here in Congress, but obviously, there is a lot of opposition in the military.

One of the unique functions here, and I want to ask you to talk a little more about it than you did in your opening statement, is these what I would call "homeland defense missions" that are part of the Guard's responsibility—disaster response, border security, et cetera.

In some of the discussions I have had with folks at home about this I think involve a concern that those homeland defense missions, which are obviously critical to our national security, are not receiving sufficient attention from the Joint Chiefs now, and that if you were on the Joint Chiefs, they would receive more attention. So I wanted you to respond to that or say anything you want about that unique function. Then ask General Dempsey if you would speak from the perspective of the JCS.

General MCKINLEY?

General MCKINLEY. I think that I am not critical of the other Service components, Army or Air Force, in representing homeland security. I just think it is the unique capability of the CNGB, with its relationship to the 54 adjutants general who work for the Governors, that intricate and delicate relationship, that allows me to provide the best, and that I should be a focal point.

Our intergovernment relationships with the Federal Emergency Management Agency, Department of Homeland Security (DHS), Customs and Border Protection, Immigration and Customs Enforcement, those types of relationships that are built at the community level are significant. I wouldn't expect but wouldn't be surprised if the Chiefs of the Services know a lot about it. I just think we are uniquely qualified with our role in title 32 in State Active Duty to operate in the statuses in the several States that we represent.

Senator LIEBERMAN. Would you say that that is one of the major reasons why you support putting the CNGB on the Joint Chiefs?

General MCKINLEY. As I said in my opening statement, Senator Lieberman, that is really where I am zeroing in on, is to institu-

tionalize the role of the National Guard Bureau Chief in becoming that spokesperson through the JCS, through the Chairman to the Secretary of Defense to give my best military advice when asked so that we don't miss a beat in this very new age of asymmetric—I got it right this time—asymmetric challenges that face our Nation.

Senator LIEBERMAN. General Dempsey?

General DEMPSEY. Yes, sir.

Remember, the Joint Chiefs are statutorily responsible for the federalized portion of our defense, and the JCS would normally get its advice on Homeland security matters through NORTHCOM. So you may want to ask Admiral Winnefeld.

Senator LIEBERMAN. That is a good point.

General DEMPSEY. But—and the point there is that NORTHCOM would then—the impact statement, if you will, that Craig is talking about right now would come to us through the Service Chiefs. The Joint Chiefs would compare the impact on the Services with the demand that would be articulated by NORTHCOM, and we would figure out what to do. This adds another voice into that mix that, frankly, I don't believe we need.

Senator LIEBERMAN. Admiral, I would invite you into this, both on the direct point and also just to pose a second kind of question for you.

It is true that as General Dempsey just said, that the JCS, obviously, have focused I would say the overseas responsibility to protect our national security. On the other hand, the very reconstitution of NORTHCOM involves, post-September 11, an assumption of some responsibility for Homeland defense in the Pentagon that was a bit different than before.

Would you agree, and how does that reflect on this matter that we are discussing this morning?

Admiral WINNEFELD. Well, Senator, I think September 11 certainly was a wake-up call that was the genesis of NORTHCOM. Of course, NORAD existed all along.

He does represent, as do the other combatant commands from the other various regions of the world, represent his theater in terms of what the title 10 needs are, whether it is intelligence or action on the ground or readiness or what have you. He does a good job of that, the current commander.

I can't speak for the last commander.

Senator LIEBERMAN. We can. [Laughter.]

Admiral WINNEFELD. In partnership with DHS, there is an essential partnership there that does have the ability to respond in the event of a disaster or a security issue, sir, from your position as the chairman of that committee.

We also have a number of other robust relationships. I would point out the wisdom of Congress in encouraging the department to establish—to work with the Governors and the Council of Governors. We get very good advice and guidance, frankly, from the Council of Governors. I also would tell you we get great advice from Craig on matters that have to do with title 32 State Active Duty and the like and how the Guard, like other Reserve components and other components of the military, can contribute to a Homeland security issue.

So I think we have a pretty good situation where we are getting the advice we need. We have a good commander in the field for this who works closely with his civilian counterparts at DHS.

As I pointed out in my remarks, I am not sure what is broken that we need to fix. We have a good system going now.

Senator LIEBERMAN. Thank you.

My time is up, Mr. Chairman. Thank you.

Chairman LEVIN. Thank you very much, Senator Lieberman.

Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

Will we be able to submit questions for the record as a follow-up?

Chairman LEVIN. Yes.

Senator BROWN. Because 6 minutes really isn't—

Chairman LEVIN. We will also have a second round for questioning if we need it.

Senator BROWN. Great.

Chairman LEVIN. As you suggest, questions for the record will be welcomed.

Senator BROWN. Thank you.

I am looking at a letter from General Amos and Admiral Greenert. Paragraph three of the letter says that CNGB does not represent a branch of Service nor is CNGB responsible for organizing, manning, training, and equipping the National Guard to the extent of the Service Chiefs.

I have to respectfully disagree. Pursuant to, obviously, the DOD directive as to the responsibilities of what the Guard, in fact, does, they are responsible for entire cradle-to-grave planning program, budgeting, and execution of these budgets; provides the President's budget submission for each of the appropriations, which goes to Congress; validates those requirements; provides the annual financial reports to Congress. It is, in fact, the Service Chiefs that don't have any of that budget responsibility.

Was there a misstatement in your letter there?

Admiral GREENERT. Well, Senator, the point that I was making in the letter, we, the Service Chiefs, testify to or are held accountable to Congress for the execution of those budgets as well. We have budget submitting offices—pardon me—in the Navy who do similarly that you just listed there, that—

Senator BROWN. Yes, but you said specifically they are not responsible at all, and in fact, that is not correct. That being said, I would like to just shift gears a little bit.

Mr. Johnson, you indicated that you felt that maybe it would create confusion as to who represents the Army and Air Force. I have reference letters and General Odierno's "confusion" and "imbalance;" obviously, General Schwartz, "confusing lines of authority;" and you, sir, Admiral Greenert, "complicated unity of command."

I mean, is there really any question as to what the chain of command is with the Joint Chiefs? Obviously, General McKinley will go through General Odierno, and General Schwartz to General Dempsey. There is no chain of command breach at all. I think it is very clear.

In addition to that, I don't think there is any question that the title 10 command authority wants to change. I don't believe the

Guard or General McKinley in his capacity as seeking a seat wants to change that at all. He wants, and I believe—I don't want to speak for him. But I guess I will just ask you, sir. You don't want to change the title 10 command authority at all, do you?

General MCKINLEY. No, sir. As I said in my opening remarks, that is working well for us.

Senator BROWN. There is no confusion as to who, you have to go through the chain of command, is there?

General MCKINLEY. I have no confusion.

Senator BROWN. With regard to the total force integration, do you feel that that would be benefited by you having a seat at the table?

General MCKINLEY. It is improved greatly, as the Service Chiefs have testified. It can only get better.

Senator BROWN. Is there any question that you in your capacity of having a seat at the table would be the person that could best advise not only—in any capacity through any of the Service Chiefs or the President or anybody on the domestic mission and what the non-federalized units would be able to do, especially in light of the homeland security issues that we are facing?

Is there anyone else better qualified than you in your capacity to do that?

General MCKINLEY. These are all talented gentlemen in front of you, sir. I think it is my role and responsibility to be that person.

Senator BROWN. I would agree with you. Just to follow up on what Senator Inhofe said, General Schwartz. On the fighter aircraft issue, is it a fair statement that due to the effort to save money with the Air Force, the Guard units are going to be eviscerated when it comes to aircraft. Especially I have heard and others have commented that The Adjutant Generals (TAG) can't gain access to the plans as to what wings will be affected, how many aircraft are going to be lost.

Isn't that another reason to have somebody like General McKinley at the table that can advise those TAGs and others as to what the plan is for the Air Force in the Guard units?

General SCHWARTZ. Senator Brown, that is not a role of the Joint Chiefs. But beyond that—the reality is that if the Air National Guard is going to be eviscerated, so will the Active Duty and the Reserve. We are getting smaller together. That is what is underway here.

I would emphasize the point that we are now the smallest Air Force we have ever been. Because of that, those reductions that occur because of diminishing resources, which we all face, will be shared by all the components.

Senator BROWN. Well, it is interesting. That is another reason why we need to get back to the table and get the Select Committee to work so sequestration doesn't come in and dramatically affect that more.

What this reminds me of, in doing history and, obviously, being in the military and just understanding the relationship between the Marines and the Navy, this is very similar. The Marines, you have General Amos here, who we all have tremendous respect for. He is at the table, and yet he does all his budgeting through the

Navy and everything basically flows through the Navy to him in some respect.

I am trying to——

General AMOS. Sir, that is not correct. We do our budgeting through the Department of the Navy. I am an equal Service Chief, along with the Chief of Naval Operations. The Secretary of the Navy controls the budget.

Senator BROWN. Right. So how would that be different than General McKinley wanting that same type of opportunity that you have, actually, in working through the Guard? How would that be any different?

General AMOS. Well, I can't speak to the budgeting of the Guard aspect, but we are a Service. We have been one for 236 years.

When the Marine Corps got its seat at the table in 1978, we had been fighting our Nation's battles as a Service for over 200 years. That is different. The Guard is not a Service.

Senator BROWN. My time is up. I have other questions. I have to get to another meeting and come back. I am looking forward to Senator Graham's as well.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Brown.

Senator REED.

Senator REED. Thank you, Mr. Chairman.

General McKinley, your reputation for professionalism and skill and dedication precede you. So thank you for your service.

Having just 2 weeks ago visited the 43rd Military Police Brigade in Afghanistan and the 143rd Airlift Wing in Afghanistan, the service of the National Guard, Army and Air, is not only commendable, but essential to the Nation's security.

But as I look at title 10, U.S.C. 10502, the first step in getting your job is getting recommended by a Governor. Is that correct?

General MCKINLEY. The process by which they select the Chiefs does require the Governor's nomination. That is correct.

Senator REED. So looking ahead, effectively, some Governor is going to have to be either the nominator or vetoer of a member of the JCS. Is that correct?

General MCKINLEY. I think the initial submission of the name goes to the Departments of the Army and the Air Force for vetting, and they submit a name each to the Secretary of Defense so that they can recommend to the President. That is my understanding of the process, sir.

Senator REED. But as the law goes, the Governor will essentially recommend the National Guard Bureau Chief, who will, if this statute passed, be by law a member of the JCS. So some to-be-announced Governor will be selecting a member of the JCS, in effect.

General MCKINLEY. It is correct, sir, that we hold dual statuses in the National Guard and that we must be confirmed as a Federal officer and a member of the State. You are right.

Senator REED. So would you be adverse to eliminating the gubernatorial recommendation, since this statute would create a position on the JCS, which I don't see a gubernatorial—particularly since it is kind of a random process of which Governor would be doing it. Would you object to those changes?

General MCKINLEY. Senator, I think the Chairman can establish the process to pick my successor. I will finish my 4-year statutory term in 2012. So we are on the verge of doing that. I have no objections to doing that.

Senator REED. So you would not object to eliminating a gubernatorial recommendation for the CNGB?

General MCKINLEY. I personally would not. No, sir.

Senator REED. Okay. Now, let me ask you, to what extent do you have authority over the actual budgets of the non-Federal units and the actual policies of the non-Federal units that you would be advising the Joint Chiefs on?

General MCKINLEY. As we work within the Service lines, with our staffs here in Washington, through the Army National Guard Readiness Center and the Air National Guard Readiness Center, which work with the Army and the Air Force as we prepare the budget, once those budgets are approved, we are given the funds and push those out to the States.

Senator REED. You are talking about Federal funds, which we appropriate. I am talking about the non-Federal activities of the Guard. Can you direct a TAG or a Governor to increase their spending or to change the configuration of their forces?

General MCKINLEY. No, sir. That is their responsibility.

Senator REED. You are going to be advising the JCS on non-Federal functions which you have no authority to affect on the ground.

General MCKINLEY. The constitutionality of my role would be that the Governors and their TAGs decide what small percentage of the budgets are given through the State. It is the large preponderance of funds, 98-plus percent, which are Federal funds given to the Guard.

Senator REED. But they are Federal funds that we provide in anticipation of units being federalized to perform Federal missions that fall clearly—and I don't think you dispute this—within the chain of command of the Service Chiefs and, ultimately, General Dempsey and the Secretary of Defense.

General MCKINLEY. The Federal missions certainly are as you stated, but the State missions are under the command and control of the Governor.

Senator REED. Right. But as I understand this whole procedure is to give you access to talk about those State missions, which you effectively don't have any control of because you can't force them to change their budgets. You can't force them to take particular people and make them—you have no say in who is running the show.

In fact, there is one State in which the TAG is elected by popular vote, one State in which he is elected by the assembly. Just raises serious questions, I think, about what you are going to do on the Joint Chiefs that you cannot do effectively and perhaps more effectively now.

But let me conclude just simply by saying once again, you have done a superb job and your colleagues in the Guard and Reserve. I must tell one story. I was out with General McBride, the TAG in Rhode Island, and I was asking what units he was commanding, the 43rd Military Police Brigade. When he mentioned my old bat-

talion of the 82nd Airborne Division, I knew this was one Army and one Air Force.

We want to get this right, and I think there are some serious questions here.

Thank you very much.

General MCKINLEY. Thanks, Senator Reed.

Chairman LEVIN. Thank you, Senator Reed.

Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I just wanted to follow up, General Amos, on what Senator Brown had asked you about. Isn't it true that in 1978 the Chairman of the JCS opposed having the Commandant of the Marines be a member of the JCS?

General AMOS. Senator, I don't know whether he did or not. I just know that it became law in 1978.

Senator AYOTTE. Well, if I would represent to you, certainly, Admiral Greenert, that your predecessors, Admiral Holloway and Admiral Hayward, at the time opposed having the Commandant of the Marines before the Chairman and JCS, I assume you would disagree with that position now?

Admiral GREENERT. I certainly would, Senator.

Senator AYOTTE. I assume that having the Commandant is incredibly valuable on the Chairman of the JCS and that it has not resulted in any confusion on the role of the Navy with respect to the Marine Corps and advising the Chairman?

Admiral GREENERT. No, ma'am, it has not.

Senator AYOTTE. Do you have any reason to believe that General McKinley or his successors would not be able to draw any distinctions clearly as to what the appropriate role he would have if a member of the JCS?

Admiral GREENERT. General McKinley may not. Most of my concern, as stated, is really what is in the force. How do the forces see it? Is there a clarity of, again, the unity of command? Who is ultimately accountable for the budgeting, the source of the budget to Congress, to the Secretary of Defense?

It is really a lot of what Chairman Dempsey stated before, not what we can work out, because we work fine in the tank. It is very clear how we can work together. It is what is the perception out there and perhaps confusion.

Senator AYOTTE. I certainly have great confidence in all of you and the tremendous service that you have that whatever decision Congress makes, that it will be very clear to our service men and women as to the chain of command. I know that all of you will work very well together, as you do now, on behalf of our country, and we deeply appreciate it.

General Dempsey, I wanted to follow up on something that Admiral Winnefeld had stated. Do you also support the potential of making the next commander of NORTHCOM a Guard officer?

General DEMPSEY. I do. But I also would add that I would rather that none of that be legislated because it is my job to find the best athlete available. It is also my job to grow the athletes who are competitive to do those jobs.

Senator AYOTTE. But certainly it would be an appropriate athlete to have a Guard officer as a candidate for that position?

General DEMPSEY. Yes.

Senator AYOTTE. Thank you.

General Dempsey, do you think it would be right not to bring forward the NDAA for the first time in 50 years in the history of our country this year?

General DEMPSEY. No, Senator. I think we should have a NDAA as soon as possible.

Senator AYOTTE. Is that very important to our military and to what you need to accomplish?

General DEMPSEY. It is, Senator.

Senator AYOTTE. Thank you, sir.

General Schwartz, on a different topic, and I just feel the need to ask about this. I am deeply troubled by the reports about what has happened at the mortuary at the Dover Air Force Base. I am sure you would agree with me, this is outrageous that remains of our soldiers would be put in a landfill and not treated with the appropriate dignity and honor which they deserve.

Can you tell me where we are with this and how we are going to ensure that this never happens again? Most importantly, those who have participated in this outrage are going to be held accountable?

General SCHWARTZ. Senator Ayotte, first of all, let me clarify the allegation about putting remains in a landfill. These were portions prior to 2008 which were sent away from the Dover mortuary to a funeral home for cremation, which is an authorized method of dealing with remains, particularly those that are separated from the larger portion of remains returned to the family.

After that, the results of the cremation came back to the mortuary, were sent to a medical support company for incineration. So you had cremation, then incineration, and it was at that point that this medical support organization placed the residuals from that effort to a landfill.

In 2008, the Air Force came to the conclusion that that was not the best way to deal with those remains, and so it is now done in the traditional fashion of burial at sea. It has been that way since 2008. It will continue to be that way in the future.

Let me just conclude by saying the Secretary of the Air Force, Mike Donley, and I take personal responsibility for this. Our obligation is to treat our fallen with reverence and dignity and respect and to provide the best possible support and care for their families. That is our mission. The people who did not fulfill our expectations were disciplined, and there is no doubt what our expectations are today.

Senator AYOTTE. General Schwartz, I appreciate your updating on that. When I think about the fact that we have Veterans Day tomorrow, this is so important that we obviously treat the remains of our fallen with dignity and respect. I know that you share that concern as well.

Please know that members of this committee will be there to support you in any way, to make sure that the families know that we certainly won't allow this to happen again.

Thank you.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman.

I would like to add my welcome to our very distinguished panel of witnesses that we have today, on the eve of Veterans Day. I thank you and the men and women you lead in serving our country and defending our freedoms.

I have read that most of you are opposed to elevating the Guard Bureau Chief to the JCS. I want you to know that while I might disagree on this issue, I have the complete respect for you and the opinions that all of you hold.

Let me take a moment to say that, understandably, change is not always a welcome concept. In the evolution of the JCS, there has been significant opposition to structural changes. However, there is precedent in changing the composition of the JCS to account for readiness, policy, and budgetary issues.

For example, in 1953, President Truman signed the law to add the Commandant of the Marine Corps to the JCS to discuss issues related to the Marines. It was controversial at that time, but several years later, the Commandant was elevated to full voting member status. Today, I think we would all agree that making the Commandant a voting member was the correct decision.

While the National Guard is not a separate Service, it does have a complex set of needs based on the dual missions it must be prepared to execute. Guard members are in every State and for the last decade have been heavily involved in the wars in Iraq and Afghanistan.

No one better understands their requirements than the CNGB. Future force structure adjustments will have a direct impact on the task and missions the Guard will be asked to perform. I am sure they will be asked to do more, and not less, in the future.

Now making the CNGB a full-fledged member will update the structure of the JCS to reflect the operational reality in wars overseas, as well as in homeland defense and security missions. It would also enhance the effectiveness of the total force.

No one knows exactly what the next conflict will entail, but we can be confident that we will again call upon the 460,000 men and women of the National Guard to do their part. I believe that elevating the CNGB to the JCS is something that is overdue and will show our guardsmen and their families that they are a true partner. It will also let them know that their voices and views will be represented at the highest levels of Government.

General Dempsey, you have stated that the CNGB will be invited to attend JCS meetings as long as you are Chairman. I think this is great for cooperation and transparency and overall effectiveness of the group.

However, I am concerned that if a future Chairman is not as inclusive as you are, the CNGB would be left out in a Pentagon hallway while relevant discussions take place in the tank. Do you think, General Dempsey, that an CNGB advice to the Secretary of Defense would be different if he were a full-fledged member versus an invited nonmember? If so, how different is it?

General DEMPSEY. First, Senator, thanks for remembering that it is the day before Veterans Day, and I was hopeful to get a chance to mention that at the end, but thanks very much for that.

I don't know whether his advice would change. I also want to make it clear that I am not the first Chairman to include the CNGB. My predecessor certainly did that as well.

It seems to me to be a reasonable assumption that we would continue to do that no matter who the Chairman was, and I don't know whether his advice would change. I don't know what additional influences might be brought to bear. I just can't answer that question hypothetically.

Senator AKAKA. Thank you, General.

General McKinley, the Guard has carried a tremendous load for this country to include their efforts in Iraq and Afghanistan. In the future, I am certain the National Guard will again be called to serve abroad while continuing its required domestic missions.

Can you say something about how things would improve for both the Guard and the total force should the CNGB be given a seat at the table?

General MCKINLEY. I can assure you, Senator Akaka—and congratulations to you also for being the recipient of the Harry S. Truman Award recently. I can assure you that we have made significant progress over the last 8 years in terms of the transparency and integration.

I will not dispute the fact that this Chairman and the former Chairman have opened their doors willingly. I am concerned that that continue, and I believe it needs to be institutionalized to ensure that that service continues.

I also believe, like what is going on in your home State right now, in Hawaii, the Asia-Pacific Economic Cooperation (APEC) summit is going on. Your National Guard is being heavily used in security and administrative duties. I need to be able to service that issue unfettered to the top, and I think the seat will give me the advantage, as my fellow Service Chiefs, the Service Chiefs who sit before you have, to go in an unfettered fashion and give those types of homeland security issues to the Chairman and, if requested, by the Secretary of Defense. Those are very important things.

We have about seven more NSSEs in the upcoming 8 months that I feel the CNGB should be fully integrated with, so that we can dedicate the forces—as you have 5,000 members of the National Guard in Hawaii—to the task. I think elevating and institutionalizing the position will give me a better opportunity to fulfill my responsibilities.

Senator AKAKA. Thank you very much, General McKinley.

Thank you very much.

Chairman LEVIN. Thank you, Senator Akaka.

Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman. Thank you for having the hearing.

This has been very informative. I appreciate all of you. I respect you greatly, appreciate the comments you have made and the advice you are giving. This is ultimately up to Congress and the President to decide what to do.

General Amos, pound for pound, do you agree the Marine Corps is the best fighting force in the world? [Laughter.]

General AMOS. Yes, sir. We celebrate that today on our birthday.

Senator GRAHAM. Okay, good. I agree with you. Do you agree with me the only thing older than the Marine Corps when it comes to defending America is the citizen soldier?

General AMOS. Sir, I believe that is true.

Senator GRAHAM. Okay. So I am here to tell everybody, I appreciate it, but the citizen soldier's time has come. You are going to get a seat at the table, General McKinley, if I have anything to say about it.

We are long into this fight as a Nation. The first shot was fired by the citizen soldier. It is time for the citizen soldier to be sitting at the table, not just for political reasons, but for substantive reasons. So let us talk a little bit about substance.

General Dempsey, do you agree that one of the great threats America faces is not just attack from a foreign enemy, but from nature and natural disasters?

General DEMPSEY. Yes, Senator.

Senator GRAHAM. Okay. When it comes to front-line service against natural disasters and the havoc it can reap on the American people, do you agree the National Guard is the front-line force?

General DEMPSEY. Generally law enforcement, then National Guard, then Active—

Senator GRAHAM. When it comes to uniformed personnel?

General DEMPSEY. Yes, I do.

Senator GRAHAM. Okay. General McKinley, Hurricane Irene, is that right? Is that the name of the last big hurricane?

General MCKINLEY. That was our latest event, yes, sir.

Senator GRAHAM. Okay. Tell me, who talked to you about Hurricane Irene?

General MCKINLEY. I was consulted by the assistant Secretary of Defense for Homeland Defense, Paul Stockton, and that was the extent of my discussions.

Senator GRAHAM. Did anybody from the Chairman of the Joint Chiefs call you and ask, "Hey, what is going on?"

General MCKINLEY. No, it was incumbent upon me to pass that information up, but nobody made that call.

Senator GRAHAM. Okay. So did anybody from the White House call you?

General MCKINLEY. No, sir.

Senator GRAHAM. All right. So if you believe that the Nation is threatened by natural disasters and the front-line uniformed force is the National Guard, I would like to have you sitting there—not by invitation, by the way. General Dempsey, you are a very fine man, but if you got ticked off at him, could you tell him to get out of the room?

General DEMPSEY. Yes, I could.

Senator GRAHAM. Okay. Good. Well, at the end of the day, I think you need to be in the room with some weight behind you, not just an invitation.

Now let us talk about the structure of the State-Federal responsibility. Who talks more to the adjutant generals of each State, you or General McKinley, General Dempsey? Who has more contact?

General DEMPSEY. I don't have any contact with the adjutant generals.

Senator GRAHAM. Okay. Well, if you believe that the adjutant generals who have responsibilities over the National Guard, if you don't have any contact with them, how much contact do you have, General McKinley?

General MCKINLEY. Daily.

Senator GRAHAM. All right. If you can't tell them how to spend their money, you can at least tell the Chairman of the Joint Chiefs, if you are in the room, what is going on. Don't you think it would be important institutionally, beyond the life of you and General Dempsey, to have somebody in that room advising the Chairman of the Joint Chiefs exactly what is going on in the States?

General MCKINLEY. I think in a post-9/11 world, it is essential.

Senator GRAHAM. I couldn't agree with you more.

Now let us talk about the history of the Joint Chiefs, the Chairman of the Joint Chiefs, when it comes to supporting legislation that we now all agree is important. Do you agree that the Marine Corps, being a voting member of the Chairman of the Joint Chiefs, hasn't give the Navy two votes? Do you agree with that, General Amos?

General AMOS. It has not given the Navy two votes.

Senator GRAHAM. Well, that was the big concern. Senator Webb was your biggest advocate. That was a real fight back in 1978, that if you put the Commandant on, all hell's going to break loose. The Navy is going to run the world.

Well, that did work. I don't think the National Guard being in the room is going to change the world as we know it—only for the better.

Now, Mr. Johnson, headlines are made at every hearing. Is the headline from this hearing, "Obama administration opposes putting the National Guard Bureau Chief on the Joint Chiefs?"

Mr. JOHNSON. Senator, you have heard the best military advice from—

Senator GRAHAM. Well, I am going tell you what Vice President Biden said in 2008 when he spoke to the National Guard conference in Baltimore. "It is time for change. Change begins with giving the Guard a seat at the table, that table in the Pentagon where the Joint Chiefs sit."

President Obama's campaign document, "Blueprint for Change," page 55, if you want to read it. I haven't read it, and I will be the first one to admit to it. But this part I do like.

"Obama will restore the readiness of the National Guard and Reserves. He will permit them adequate time to train and rest between deployments, provide the National Guard with equipment they need for foreign and domestic emergencies. He will also give the Guard a seat at the table by making the Chief of the National Guard a member of the JCS."

Has he changed his mind?

Mr. JOHNSON. Not to my knowledge—

Senator GRAHAM. Well, don't you think when he said that, he thought long and hard about this, and he came to conclude, as a prospective commander in chief, this would be a good idea? You are not here to tell us he is wrong, are you?

Mr. JOHNSON. The President and the Vice President are above my pay grade.

Senator GRAHAM. Well, I think they are wrong a lot, but I think they are right on this.

Now let us talk about Goldwater-Nichols. How many of you believe it works? Who believes it doesn't work? Speak up. Nobody. All right. Let me give you a little history.

There is an article that I read called "The Campaign for Goldwater-Nichols" by John T. Correll. I will read a brief excerpt.

"The bill was being prepared and had been written in final draft, and Senators Nunn and Goldwater go to have a meeting with the Joint Chiefs. Admiral Crowe was the new chairman. He supported it. But during that meeting, everyone else opposed and said in no uncertain language. The hot-tempered Goldwater took their criticism as attack on his efforts to make improvements and roared, 'If you think you can bully Sam and me, you are mistaken.'

"The next day, he got eight letters from the Pentagon talking about how bad of an idea this would be. Senator Goldwater said, 'I will not be deflected or sidetracked in this effort, even if I get a letter a day from everyone in the Pentagon.'"

The only reason I mention that is that the institution resisted Goldwater-Nichols, the institution resisted having the Commandant of the Marine Corps on the Chairman of the Joint Chiefs. I think we should consider the time has come, given post-September 11 duties of the National Guard, to have a seat at the table. It doesn't change command authority, doesn't turn the world upside down.

But if any group ever deserved recognition now, it is the members of the National Guard. Their voice needs to be heard, not through invitation, but by us saying, "You have a seat."

Thank you very much.

Chairman LEVIN. Thank you, Senator Graham.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

You can all relax. I am not going to try to top Senator Graham. But as a former Governor—and I know there are two other former Governors seated here—we have had that special, unique relationship with the Guard. Now we have a relationship with the entire military, the total force.

I suppose having called out the Guard on occasions, that it gives me a special feeling of a relationship with the Guard, going back to my adjutant general, the late Stanley Heng, who was an outstanding military officer and an outstanding TAG. In addition, since I have been in the U.S. Senate, I have had a relationship with former TAG Gene Lempke and the current Adjutant General, General Lyons.

The relationship is clearly a unique one from the standpoint that has been described by everyone so far of having a Federal and a State component to the relationship. It isn't like any other branch of the Service or any branch of the Service in particular. It is unique to the Guard.

It would be unique if it applied to one of the other branches, not just the Air Guard or the Army Guard, but if there was another Guard, it would be the same situation. General McKinley, you said in your letter, "The CNGB is uniquely positioned to both provide situational awareness of State and Federal military forces oper-

ating in unity of effort in the Homeland and ensure that resourcing decisions fully consider the domestic mission.”

I think you are right about that, and I think, as we have looked back, we have seen at times that the Guard has not been adequately resourced. I am not going to suggest that that will go on indefinitely in the future because we are seeing the change to an Operational Reserve that will have to be adequately resourced.

But I can tell you that as Governor, I would feel much better that that resourcing would occur if I knew that the head of the Guard was seated at the table. It doesn’t take anything away from any of you, distinguished as you are and committed to the total force and to the total security of our country, both at the Homeland and nationally, internationally, as well.

I understand that change is difficult. It is not easy to come by. Whether or not something occurred 20 years ago or not probably doesn’t necessarily mean that we can’t look at it today in light of the changes that the Guard has gone through as we have seen it throughout these last 10 to 12 years.

General Schwartz, I do have a question—because I know that part of the requirement for adding CNGB is at least a recognition that his advice would be more critical than ever heading into a period of budget austerity. I know as you are looking toward your future requirements for the Air Force, how are you going to work with General McKinley to have a total force approach in terms of your resources and your readiness?

General SCHWARTZ. Senator Nelson, I think it is important to say at the outset that the Joint Chiefs is not a resource forum. It is a strategic forum for, again, employment of the Armed Forces and for providing best military advice in that context. There are other resource fora in the department where the CNGB clearly has a seat at the table.

But with regard to the Air Force specifically, Craig McKinley’s Deputy, Lieutenant General Bud Wyatt from the great State of Oklahoma, is our principal staff officer regarding National Guard matters. He and his people have complete access to all of our internal activities with regard to the headquarters, whether it is resourcing, whether it is making decisions on equipment, and so on and so forth.

Additionally, we have offered—and the adjutants general will take us up on this—to have a presence on what we call our Air Force council, which is the senior-most resourcing activity within our headquarters. The bottom line is that the Air National Guard has a consistent seat at the table for internal deliberations.

We certainly interact with Craig, as I think he will verify, on all matters, including management of senior officers. This is a partnership between us. But I would go back to first principles in that the Joint Chiefs is not a resourcing fora.

Senator NELSON. No, I understand. But the recommendations that you make are based on what you think the resources that you would require and are necessary for carrying out your mission. So whether it is establishing the resources or making the recommendations, you still have to discuss what resources are necessary, in your opinion, for you to be able to carry out your mes-

sage—or your mission. General McKinley obviously has a role there.

I would assume that would be true, General Odierno, with the Army Guard as well?

General ODIERNO. Senator, as we develop the Army budget every year, there is complete transparency. The Guard plays a critical role in developing our budget. So that happens today, and this change does not impact that at all. That will happen today and will always happen, no matter whether he becomes a member of the JCS or not.

Senator NELSON. I commend you all on your ability to sit at a table and disagree, but not be disagreeable, and appreciate very much your input. Obviously, it is a challenge to try to decide how to best take care of our national defense. You do it every day, and we appreciate and thank you for your service, particularly as we, on this eve of Veterans Day, go home and speak to our veterans at home.

Thank you all.

Chairman LEVIN. Thank you, Senator Nelson.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Thank you for holding this hearing. I think it has been very healthy for this discussion.

General Dempsey, has any former Chairman of the JCS supported this legislation?

General DEMPSEY. Not to my knowledge, Senator, no.

Senator WEBB. Mr. Johnson, has any current or former Secretary of Defense supported this legislation?

Mr. JOHNSON. I have no knowledge of that, Senator.

Senator WEBB. Do you have any knowledge of anyone supporting it?

Mr. JOHNSON. I don't have knowledge of the contrary either. Correct.

Senator WEBB. All right. I would like to start by saying I think that anyone who is saying that citizen soldiers are not at the table right now is being unnecessarily divisive and, I think, unfair to the stewardship and leadership of the Army and the Air Force. Citizen soldiers are at the table.

They have been respected throughout the entire history of this country. When we talk about the operational changes since September 11, and we all have great appreciation for that, but at the same time we need to recognize that throughout history the National Guard has frequently answered the call.

If you looked at the number of the forces that came from the National Guard in World War I, World War II—100,000 National Guardsmen went to Korea—this has always been the case. I think particularly since the total force concept was announced—and I had the privilege of being the Assistant Secretary of Defense for Reserve Affairs at a time that we were really working these matters out—the National Guard has really been able to have an input in a very measurable way.

I believe this legislation is unnecessary. I would like to respond to some of the comments that have been made about the Marine Corps and my role, which I am very proud of, by the way, in terms

of articulating the legitimacy of the Marine Corps role in Joint Chiefs.

I wrote an article in 1972—hard to believe this. This article has been circulated by the proponents of this legislation. I wrote it for the Marine Corps Gazette. I was a 25-year-old captain of the Marine Corps. I am flattered, by the way, that somebody remembered this article from 39 years ago.

But at the same time, the most important aspect of that article was that the Marine Corps is a separate Service. To state the obvious, take a look at General Amos and Admiral Greenert. They are wearing different uniforms.

The Army National Guard has a history of being trained and equipped as a part of the U.S. Army. The Air National Guard has a history of being trained and equipped as a part of the U.S. Air Force. That is conceptually an entirely different matter.

I don't believe that the JCS have been failing to represent the interests of the Army Guard in the Army or the Air Guard in the Air Force. General Dempsey, would you say there has been any indication of that?

General DEMPSEY. Absolutely no indication. Not only is there no indication, it just isn't accurate. They are represented by the two Service Chiefs.

Senator WEBB. Would you also agree that the Guard is as well represented as the Air Force Reserve and the Army Reserve?

General DEMPSEY. I do, Senator.

Senator WEBB. Would there be any justification for adding the Reserve Chiefs as members of the JCS?

General DEMPSEY. I would recommend against it for the same reason I recommend against adding the Guard.

Senator WEBB. With respect to non-Title 10 obligations, I have an observation from having spent 3 years being Secretary Weinberger's principal adviser on Guard and Reserve matters. There are a number of other jurisdictions in which non-Title 10 obligations of the National Guard are considered, and some of them, to be quite frank, are jealously guarded by the political processes of the Governors. I certainly don't think they are in any way disregarded.

To make a further point on this, we do have an Assistant Secretary of Defense who is responsible for Homeland security matters and is a direct adviser to the Secretary of Defense.

Mr. Chairman, I would just have to say that I am opposed to this legislation. I believe it is unnecessary. I don't see a value, and I do understand the complications.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Webb.

Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

I have more respect than I can ever describe for the guy that is sitting to my immediate left here for a myriad of reasons, including his incredible service to our country as a member of our armed services and as a Marine. I also appreciated the incredibly effective cross-examination that Lindsay Graham did. You can tell he has spent some time in the courtroom.

I do think that this is a difficult question, and the only thing I want to point out with Mr. Johnson is I have looked at your testi-

mony very carefully, Mr. Johnson, and it appears to me that you have not said whether or not you support or oppose this legislation but have rather asked to make sure that it is not legally ambiguous. Is that a correct characterization of your testimony?

Mr. JOHNSON. Yes. I am not here to state a policy position one way or the other. I was asked to attend to point out the legal implications and potential ambiguities of this becoming law. I think that, as you have noted, I have laid that out in my prepared remarks.

Senator McCASKILL. I just wanted to put that on the record because I was a little surprised that we were going to campaign materials as part of this hearing. It seems like we have enough politics around this building. It doesn't seem like we have to bring it into this hearing also.

I want to specifically for a minute, General Schwartz, go to the situation at Dover. I don't want to dwell on how hard this has to be for you and the leadership at the Air Force. No one needs to convince me that you want to get this right at Dover.

I will tell you what I do want to bring to your attention, and I have done so with a letter today, and that is the finding of the Office of Special Counsel. So people understand what the Office of Special Counsel is, it is an investigatory and prosecution-oriented agency whose primary responsibility under our law is to be independent of all of the agencies and protect whistleblowers.

What I am concerned about is their investigation into what the Air Force did in response to the whistleblowers. Specifically, the fact that the IG of the Air Force, failed to admit wrongdoing in their report. While I understand people have been moved around as a result of the problems that have occurred because of the mishandling of the sacred remains of the fallen, I am not sure that they have been held as accountable, for example, as what we saw happen at Arlington Cemetery in connection with that heart-breaking incompetence.

What I want to make sure is that there is an independent investigation as to whether or not the IG shaded it a little bit because everyone was feeling protective of the institution, for all the right reasons. The vast majority of people who serve at Dover and who do this work I am sure do it with a heavy heart, but with a passion for getting it right.

But when we have a circumstance like this arise, I want to make sure that the inspector generals are not so busy looking after the institution that they fail to point out wrongdoing, which was not ever acknowledged, and that there is accountability for the people involved. So, I want you to address the special counsel's report as it relates to the Air Force investigation.

General SCHWARTZ. Senator McCaskill, there clearly were unacceptable mistakes made. Whether they constitute wrongdoing is another matter entirely.

When you look at a situation like this, you look at the facts of the case, as an attorney might say. You look at the context in which the event or the mistakes occurred, and you also consider the demands that are placed on individuals and organizations.

With respect to accountability, we also had an obligation to ensure that the statutory requirements for due process were followed. We did that precisely.

I can only speak for the case of the uniformed officer, but the uniformed officer received a letter of reprimand. We established an unfavorable information file. We removed him from the command list and his anticipated job as a group commander at Shaw Air Force Base was redlined. This is not a trivial sanction.

Senator MCCASKILL. I understand that is not a trivial sanction. I am worried that there was a conclusion that there was not an obligation to notify the families in these instances. Obviously, this deals with more than uniformed personnel, and obviously, the Secretary of the Air Force is also copied on the letter that I sent today calling for this independent investigation.

What happened at Arlington, nobody was intentionally mismarking graves. They were mistakes, too. I just want to make sure that we have really clear eyes while we have full hearts about the right, aggressive need for investigations by inspector generals in circumstances like this.

Thank you very much, and thank all of you for being here today. Chairman LEVIN. Thank you, Senator McCaskill.

Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Let me, first of all, thank each and every one of you. It is very impressive to have the leaders of the Services of the greatest defense of a country one could ever hope to live in, and I appreciate it. The respect you all have for each other is evident, and I appreciate that also.

I must say that my experience as a Governor, which I think is the greatest honor that I could ever have bestowed upon me as a citizen of the great State of West Virginia is to be Governor of my great State, and also with that having a close relationship with my Guard. That close relationship, you get a title as Governor, which is commander in chief, which is a little bit much, if you will. But I can assure you that watching the performance of my Guard and the guardsmen that I have met all over this country is unparalleled to anything I have been witness to.

I had the chance also to travel with other Governors, and we would go, and you all would be so kind to take us over to visit in Afghanistan and Iraq. We would go in and be able to say thank you to our troops for the Services they gave. To a "T" I will say this. Every one of the commanders of every base that we attended and visited, they would make a point to come up to me and say, "I want to tell you of the expertise, the professionalism, the commitment that your guardsmen have and what an asset they are to our command."

With that, I would say that I didn't see the difference. I really didn't. I never really thought about why it hadn't been looked upon equally at the Pentagon or the Joint Chiefs.

I have thought about this quite a bit since then. I know change is hard. Being in the positions, I have had to make a lot of decisions, and I know it comes very, very hard. The thing I would ask, and whoever would want to answer this—and General Dempsey, you might want to start with yourself. Do any of you believe—and

I think you can tell there has been some wonderful questions here and some wonderful testimonies. Senator Graham does such an expert job of holding his emotions back and his feelings.

But with that being said, do any of you believe that this legislation—and I believe it will be passed—that you would have a hard time cycling and being able to do the job that you are charged with doing at the level that needs to be done for the defense of our country?

General DEMPSEY. I will start, Senator. Thanks for the opportunity.

Also, you are the second Senator to sort of imply that we are averse to change. We are, I promise you, one of the most change-oriented organizations you are going to see appear before you at any time. That change will be clear to you, as you see the effect of some of the budget decisions that are being made.

So we are not averse to change, nor are we resistant. In fact, this body charges us to give you our personal best military advice. That is what you are getting today. You are getting it because we have a system in place right now that actually works remarkably well. We have one Army. We have one Air Force.

I don't know what impact this will have. Therefore, you are sensing some reluctance on our part to embrace something. It could be that nothing changes. That would be the best possible outcome. But then one might say, well, if nothing is going to change, why are we changing?

I would say the decision before you is one of context, the context of adding Craig McKinley to the Joint Chiefs, which, in some ways, would be a powerful symbol to our citizen soldiers. I got that.

But the other context is the, for me, more compelling argument about turning to Ray Odierno and saying, "I want soldiers from you," and I don't care if they are Active, Guard, or Reserve.

So I don't know the answer to your question, Senator. But I am concerned about it.

Senator MANCHIN. Well, let me just say this. I have the utmost confidence in all of you. I know that you wouldn't be in the position you were if the orders that were evaluated and then accepted and then fulfilled. I don't anticipate anything different from that.

The thing that I observe is that truly the Guard is the only visible part of our Defense Department right now that the citizens of this great country can connect to. If it wasn't for the Guard, we wouldn't even know there was a conflict.

But it is the moms and the pops and uncles and aunts and brothers and sisters that get redeployed, and that we are all there, sending them off. Our towns come out, and our States come out. They come home, and we welcome them home. We will cry with them. We mourn with them when we have a loss of one of our loved ones.

So they are the fabric of our whole defense system. I think that is why some of us are so passionate about this piece of legislation to have an equal footing.

I will finally say this, that there is not—I think you have to be as frustrated as maybe myself and other people around this country as they look at the functions of Congress right now. We can't come to agreement on anything. This is one thing I think we are agreeing on. Please don't deny us this moment. [Laughter.]

Please don't deny us the chance to come together as Democrats and Republicans for the sake of this great country and put America first. That is what we are asking.

So, with that, we might respectfully disagree, but we sure do respect—and hopefully that we respect you at the highest levels. I want to thank you, and we hope you would consider this legislation.

I want to encourage the chairman to make sure that our leader, majority leader, knows how important it is for the NDAA—I am sure this will be an amendment to that legislation—but for this bill to move forward. I know you have been working diligently, sir, and I support you 100 percent. We have to get this bill, and I support the Guard being a full standing member.

Thank you so much.

Chairman LEVIN. Thank you, Senator Manchin.

This has been a very important hearing. We obviously have very divided views on this committee. I hope we get the bill to the floor. I hope we get it to the floor before we get to Thanksgiving.

In any event, we have commitments that our bill will be coming to the floor. I am sure there will be an amendment, and I am sure there will be a very vigorous debate on an amendment on this particular issue.

I think the fact that you have all appeared here today with such dignity, such character, and such directness, which we welcome—and it is important that we hear the views unvarnished. We got them from all of you.

We got the legal opinion, which is what we sought, which was a legal opinion from you, Mr. Johnson. We did not seek policy from you, nor do you give policy when you are asked as a lawyer to appear before the committee.

We are very grateful to you for your service. We thank our vets on the eve of Veterans Day, and we will stand adjourned.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR CARL LEVIN

HURRICANE IRENE

1. Senator LEVIN. Admiral Winnefeld, during the hearing there was a reference to preparations for Hurricane Irene, including the actions of the Joint Chiefs of Staff (JCS). Can you describe the role of the JCS, including The Joint Staff, related to preparations for Hurricane Irene, and provide a description of the role and actions of U.S. Northern Command (NORTHCOM)—the combatant command responsible for Homeland defense and defense support to civil authorities—to prepare for natural disasters such as Hurricane Irene?

Admiral WINNEFELD. As a former Commander of NORTHCOM, I have a great appreciation for the synergy and coordination between the Department of Defense (DOD), including the National Guard, and other Federal agencies in response to a natural disaster. Hurricane Irene was no exception and indeed showcased a key initiative with—and extensive coordination with—the National Guard and the Chief of the National Guard Bureau (CNGB). The DOD as a whole was proactive in establishing communications early and offering its collective support to the overall response effort. To facilitate enhanced coordination at the senior echelon, the Joint Staff stood up a Crisis Management Team responsible for synchronizing efforts of the JCS, the Office of the Secretary of Defense (OSD), NORTHCOM and the NGB on requests for assistance from the Federal Emergency Management Agency (FEMA), the primary coordinating agency for Federal disaster response.

During Hurricane Irene, the Commander, NORTHCOM exercised his authority under the Secretary of Defense-approved Defense Support of Civilian Authority execution order by providing resources requested by Federal FEMA. DOD also ap-

pointed four National Guard officers as dual-status commanders in support of relief efforts for Hurricane Irene, marking the first time the dual status commander concept has been implemented in support of a natural disaster. The dual-status commander concept, developed to foster effective and efficient cooperation among Federal and State assets during a domestic incident like Hurricane Irene, allows the appointed commander to direct both Federal Active-Duty Forces and State National Guard Forces.

Extensive formal and informal DOD coordination also occurred throughout the response effort. For example, the NGB Director of Operations (J-3) had daily two-star level communications with the Joint Staff, J-34, who serves as the Joint Staff lead for homeland issues. OSD, Joint Staff, and NGB also participated in daily NORTHCOM coordination meetings (three daily) during the response. Lastly, all DOD agencies participated in daily FEMA senior leader update meetings.

NORTHCOM continuously prepares for and exercises its civil support mission through policy and product refinement, engagement, conferences, tabletop exercises, interagency rehearsal of concept drills, and large-scale exercises.

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

JOINT CHIEFS OF STAFF DUTIES

2. Senator CHAMBLISS. Mr. Johnson, General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, could you explain what the official duties of the JCS are, as reflected in the statutes that prescribe those duties?

Mr. JOHNSON. Section 151 of title 10, U.S.C., establishes the duties of the JCS. Section 151 provides that the Chairman of the JCS is the principal military advisor, and that the other members of the JCS are military advisors, to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. In addition, after first informing the Secretary of Defense, a member of the JCS may make such recommendations to Congress relating to DOD as he considers appropriate.

General DEMPSEY and Admiral WINNEFELD. The Chairman of the JCS is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The members of the JCS are also military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the JCS is responsible for advising and assisting the President and the Secretary of Defense with: providing for the strategic direction of the Armed Forces; strategic planning; contingency planning; combatant command preparedness; requirements, military programs and budgets; and joint doctrine, training and education. The members of the Joint Chiefs may be required to consult with and provide advice to the Chairman, as he considers appropriate, in carrying out the Chairman's functions, duties and responsibilities.

A member of the JCS (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman must present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense, as the case may be.

The members of the JCS, individually or collectively, in their capacity as military advisers, provide advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, the Homeland Security Council, or the Secretary requests such advice.

Additionally, after first informing the Secretary of Defense, a member of the JCS may make such recommendations to Congress relating to DOD as they consider appropriate.

General ODIERNO. Under 10 U.S.C. section 151(b), the Chairman of the Joint Chiefs of Staff (CJCS) is the principal military advisor to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. Under 10 U.S.C. section 151(c), the members of the JCS are also military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

Under 10 U.S.C. section 153, subject to the authority, direction, and control of the President and the Secretary of Defense, the CJCS is responsible for advising and assisting the President and the Secretary of Defense with: providing for the strategic direction of the Armed Forces; strategic planning; contingency planning; combatant command preparedness; requirements, military programs and budgets; and joint doctrine, training and education. The members of the Joint Chiefs may be required to consult with and provide advice to the Chairman, as he considers appropriate, in carrying out the Chairman's functions, duties and responsibilities.

Under 10 U.S.C. section 151(d), a member of the JCS (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman must present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense, as the case may be.

Under 10 U.S.C. section 151(e), the members of the JCS, individually or collectively, in their capacity as military advisors, provide advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, the Homeland Security Council, or the Secretary requests such advice.

Additionally, under 10 U.S.C. section 151(f), after first informing the Secretary of Defense, a member of the JCS may make such recommendations to Congress relating to DOD as they consider.

Admiral GREENERT. The Chairman of the JCS is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The members of the JCS are also military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the JCS is responsible for advising and assisting the President and the Secretary of Defense with: providing for the strategic direction of the Armed Forces; strategic planning; contingency planning; combatant command preparedness; requirements, military programs and budgets; and joint doctrine, training and education. The members of the Joint Chiefs may be required to consult with and provide advice to the Chairman, as he considers appropriate, in carrying out the Chairman's functions, duties and responsibilities.

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Additionally, after first informing the Secretary of Defense, a member of the JCS may make such recommendations to Congress relating to DOD as they consider appropriate.

General AMOS. Under 10 U.S.C. section 155, the Joint Staff assists the CJCS, and subject to the Chairman's control, other members of the JCS in carrying out their responsibilities. The Joint Staff is independently organized and operated to support the CJCS in providing for the unified strategic direction of combatant forces, unified command of combatant forces, and to their integration into an efficient team of land, naval, and air forces.

General SCHWARTZ. The Joint Staff assists the Chairman of the JCS in accomplishing his responsibilities for: the unified strategic direction of the combatant forces; their operation under unified command; and for their integration into an efficient team of land, naval, and air forces.

3. Senator CHAMBLISS. Mr. Johnson, General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, what is it that the law really requires the JCS to do?

Mr. JOHNSON. Section 151 of title 10, U.S.C., establishes the duties of the JCS. Section 151 provides that the Chairman of the JCS is the principal military advisor, and that the other members of the JCS are military advisors, to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. In addition, after first informing the Secretary of Defense, a member of the JCS may make such recommendations to Congress relating to DOD as he considers appropriate.

General DEMPSEY and Admiral WINNEFELD. The CJCS is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The members of the JCS are also military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

Subject to the authority, direction, and control of the President and the Secretary of Defense, the CJCS is responsible for advising and assisting the President and the Secretary of Defense with: providing for the strategic direction of the Armed Forces; strategic planning; contingency planning; combatant command preparedness; requirements, military programs and budgets; and joint doctrine, training and education. The members of the Joint Chiefs may be required to consult with and provide advice to the Chairman, as he considers appropriate, in carrying out the Chairman's functions, duties and responsibilities.

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Additionally, after first informing the Secretary of Defense, a member of the JCS may make such recommendations to Congress relating to DOD as they consider appropriate.

General ODIERNO. The CJCS is the principal military advisor to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The members of the JCS are also military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

Subject to the authority, direction, and control of the President and the Secretary of Defense, the CJCS is responsible for advising and assisting the President and the Secretary of Defense with: providing for the strategic direction of the Armed Forces; strategic planning; contingency planning; combatant command preparedness; requirements, military programs and budgets; and joint doctrine, training and education. The members of the Joint Chiefs may be required to consult with and provide advice to the Chairman, as he considers appropriate, in carrying out the Chairman's functions, duties and responsibilities.

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Additionally, after first informing the Secretary of Defense, a member of the JCS may make such recommendations to Congress relating to DOD as they consider appropriate.

Admiral GREENERT. The Chairman of the JCS is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The members of the JCS are also military advisers to the

President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the JCS is responsible for advising and assisting the President and the Secretary of Defense with: providing for the strategic direction of the Armed Forces; strategic planning; contingency planning; combatant command preparedness; requirements, military programs and budgets; and joint doctrine, training and education. The members of the Joint Chiefs may be required to consult with and provide advice to the Chairman, as he considers appropriate, in carrying out the Chairman's functions, duties and responsibilities.

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Additionally, after first informing the Secretary of Defense, a member of the JCS may make such recommendations to Congress relating to DOD as they consider appropriate.

General AMOS. The CJCS is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The members of the JCS are also military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

Subject to the authority, direction, and control of the President and the Secretary of Defense, the CJCS is responsible for advising and assisting the President and the Secretary of Defense with: providing for the strategic direction of the Armed Forces; strategic planning; contingency planning; combatant command preparedness; requirements, military programs, and budgets; and joint doctrine, training, and education. The members of the Joint Chiefs may be required to consult with and provide advice to the Chairman, as he considers appropriate, in carrying out the Chairman's functions, duties, and responsibilities.

A member of the JCS (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman must present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense, as the case may be.

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Additionally, after first informing the Secretary of Defense, a member of the JCS may make such recommendations to Congress relating to DOD as they consider appropriate.

General SCHWARTZ. The JCS are military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense as specified in title 10, U.S.C., subsections 151 (d) and (e).

Subsection 151(d) provides that a member of the JCS (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense, as the case may be.

Subsection 151(e) provides that the members of the JCS, individually or collectively, in their capacity as military advisers, shall provide advice to the President,

the National Security Council, the Homeland Security Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, the Homeland Security Council, or the Secretary requests such advice.

4. Senator CHAMBLISS. Mr. Johnson, General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, in light of the statutory requirements of the JCS, can you provide your views on how adding the CNGB to the JCS would be either consistent or inconsistent, help or not help, the JCS's ability to carry out their statutory responsibilities?

Mr. JOHNSON. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 struck many carefully crafted balances of both intra- and inter-service equities. The CNGB represents only the Army and Air National Guards, and the proposed legislation would thus alter some of Goldwater-Nichols's careful balances by, for example: (a) altering the fact that each Service is statutorily represented by one Service Chief in the Joint Chiefs; and (b) providing only two of DOD's six statutory Reserve components with additional Joint Chiefs representation.

In addition, elevating the CNGB to represent National Guard equities to the Joint Chiefs could create legal confusion as to whether the Army and Air Force Chiefs of Staff continue to represent their total force. Current law already requires the CNGB to advise the Army and Air Force Chiefs of Staff on all National Guard matters.

Finally, any legislation should not add ambiguities with respect to authorities in the place where we can tolerate such ambiguity the least: at the top of the Service hierarchies, especially in time of war.

General DEMPSEY and Admiral WINNEFELD. If I believed that not having the CNGB sitting as a member of the JCS would expose the United States to otherwise avoidable risk, no matter how small, I would not hesitate to offer my full and unreserved endorsement for his full membership. This should be the litmus test: Would the CNGB add something that currently is missing from the JCS' present organization? As I've previously stated before the Committee, the CNGB already participates in all JCS meetings and I look to him as a trusted advisor. But my statutory responsibility to the President and Secretary of Defense is to act as the Nation's principal military advisor, and I personally do not believe that the CNGB's formal membership on the JCS would materially improve the quality or timeliness of my advice. I am ably supported by the Service Chiefs and the Vice Chairman, and can already count on the expert and frank advice of the CNGB, to aid my deliberations and understanding of the National Guard's key non-Federalized roles.

To the extent that the JCS is charged with providing advice on the Federal military capability of the United States, I believe including the CNGB on the JCS with a mandate to advise on the National Guard in its non-Federal capacity is inconsistent with the purpose of the JCS. Similarly, were the CNGB to offer his advice on the National Guard's Federal role, this would conflict with his statutory obligation to provide such advice through the Chiefs of Staff and Secretaries of the Army and Air Force. At the very least, I see the potential for a very confusing and inefficient arrangement being established.

General ODIERNO. Adding the CNGB to the JCS would complicate title 10 relationships for the Army, confuse the lines of authority and responsibility over the Army National Guard, and potentially interfere with the Secretary of the Army's (SecArmy) ability to support the Joint Force.

Under 10 U.S.C. section 151(e), the members of the JCS, individually or collectively, in their capacity as military advisors, provide advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, the Homeland Security Council, or the Secretary requests such advice. Under 10 U.S.C. section 151(e), the CSA is the principal advisor to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense on matters pertaining to the Army. Addition of the CNGB as a standing member of the JCS, creates the potential to skew JCS decision making and advice in favor of (or against) the employment of Guard units, adversely affecting the ability of the Army to execute its mission.

Under 10 U.S.C. section 10502, the CNGB is responsible for the organization and operations of the National Guard Bureau; is a principal advisor to the Secretary of Defense, through the CJCS, on matters involving non-Federalized National Guard forces and on other matters as determined by the Secretary of Defense; and is the principal advisor to the Secretary of the Army and the Chief of Staff of the Army (CSA), and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

Addition of the CNGB as a standing member of the JCS, may place the CNGB in direct conflict with his duties under 10 U.S.C. section 10502 to serve as the principal advisor to the Secretaries of the Army and Air Force and their Chiefs of Staff. The "Total Army" concept is well grounded in statute. The ARNGUS and Army National Guard are, by definition, part of the Army while "in service of the United States." The SecArmy has responsibility for organizing and preparing the Army for combatant command missions and the CSA is his agent in this respect and is the Army's representative on the JCS. There should only be one voice representing the Army's interests on the JCS. Elevating the CNGB to the JCS creates the possibility of friction and differing opinions with respect to the organization, training, and deployment of National Guard forces. To the extent that the CNGB's advice differs from the CSA's, it may interfere with the SecArmy's authority to administer the Army in the manner he deems best to achieve its mission pursuant to his statutory mandate.

Admiral GREENERT. Making the CNGB a member of the JCS adds unnecessary complexity to the principle of "unity of command", and could confuse the intended clear and unambiguous source of best military advice to the Secretary of Defense and President. In my opinion, the Service Chiefs (Army, Air Force, Navy, and Marine Corps) should continue to be held singularly accountable to the executive and legislative branches of Government for the readiness and combat effectiveness of all personnel in their respective Services, and for the welfare of all their respective servicemembers and families. I believe the Service Chiefs are best positioned to report to the President and Congress on their Services' readiness and preparation for military missions that support our national interests.

General AMOS. I cannot overstate the dedication and bravery of our National Guard and Reserve Forces in the current fight. Because of their contributions and sacrifices, there is an understandable desire to extend an appropriate level of recognition to our Reserve Forces. However, I do not think that changing the national command structure is a necessary measure.

Although the National Guard is undoubtedly instrumental in waging today's conflicts, I believe the CNGB lacks the requisite insight into all levels of strategic planning by virtue of his limited role in DOD, and more specifically, Army affairs. The JCS provides direct military advice to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. In order for the JCS to carry out this duty, its members must be able to address the strategic direction of the Armed Forces. They must be capable of preparing strategic plans (to include plans that conform with resource levels); preparing joint logistic and mobility plans to support those strategic plans; performing net assessments to determine the capabilities of the Armed Forces; preparing contingency plans conforming to the guidance of the President and the Secretary of Defense; advising the Secretary of Defense on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support); establishing and maintaining a uniform system of evaluating the preparedness of each such command to carry out missions; and providing advice concerning the extent to which the program recommendations and budget proposals of DOD conform with the priorities established in strategic plans and with the priorities established for the requirements of the unified and specified combatant commands. Additionally, JCS members provide advice concerning the doctrine, training, and education of the Armed Forces. The JCS' responsibilities therefore require a leadership structure that is wholly dedicated to the national defense, and thoroughly knowledgeable of the processes that resource and develop our defense strategies and the programs and resources necessary to develop and maintain responsive capabilities. The staffs of each Service Chief gain this detailed understanding through multi-layered integration with the Joint Staff and key DOD staffs. The integration of the staffs is a key enabler of success. The preparation of strategic and other plans outlined above, therefore, requires much more than the ability to cast a vote. It requires participation at every level and an undivided focus. With its dual mission, supporting role, and State focus, the CNGB is not structured for full participation in the roles set for the Chiefs in title 10. Accordingly, I do not believe the CNGB has the currency or capability to assume the necessary level of engagement requisite for JCS membership.

Additionally, including the CNGB into the JCS would create unnecessary duplication within JCS because the federalized National Guard, as the Army's Reserve component, serves in a supporting role. This duplication could result in an unfairly amplified representation of Army and Air Force concerns. It will also create a representational imbalance with regard to Reserve affairs in favor of the federalized National Guard. The Army and Air Force Chiefs of Staff are best suited to equitably advise on the most effective employment of their supporting elements.

Moreover, providing full membership to the National Guard Bureau—an organization not primarily responsible for the planning and execution of national strategy—would not only be unprecedented; it would be an extraordinary solution to an unclear problem. When Congress established DOD, it codified a policy calling for the elimination of unnecessary duplication in DOD. This policy exists in title 10 today, in an effort to seek more effective, efficient, and economical administration not only in DOD but in the national command structure. The role of the National Guard, when executing a Federal mission, is to integrate with and execute missions in support of the Army and Air Force Chiefs of Staff. In preparation for these missions, and in recognition of its supporting role, the Guard trains with these Services and at their schools.

For title 32, non-federalized National Guard matters, the CNGB serves as the principal adviser to the Secretary of Defense through the CJCS. In this title 32 capacity, no unnecessary duplication exists because the CNGB is uniquely situated to channel communications between the several States and the Secretary of Defense. Where Congress federalizes the National Guard, however, the CNGB serves as the principle adviser to the Secretary of the Army, the Army Chief of Staff, the Secretary of the Air Force, and the Air Force Chief of Staff. Due to the importance of this supporting role, the CNGB appropriately maintains an advisory voice within the JCS. Not only is this structure intuitive, it reflects the intent behind current policy to use the federalized National Guard and Air National Guard as the Army's and Air Force's Reserve component.

General SCHWARTZ. Adding the CNGB to the JCS would be inconsistent with the statutory requirements of the JCS and would not help the JCS's ability to carry out their statutory responsibilities. The JCS exists, in large part, to provide military advice on employment of Federal forces. Under existing law, for matters concerning National Guard forces operating in a non-Federal capacity, the Chief of the Guard Bureau provides the Secretary of Defense with input through the Chairman of the JCS. Because the Chief of the Guard Bureau does not represent a single or separate branch of Service, making the Chief of the Guard Bureau a statutory member of the (JCS) would reach beyond the appropriate authorities of the Chief of the Guard Bureau and disrupt the lines of authority and representation that are already in place for the Chiefs of Staff of the U.S. Army and Air Force. Also, Total Force employment considerations are best served by those who organize, train, and equip personnel of all components of each Service, and are responsible as force providers to the combatant commands. Consequently, Chief of the Guard Bureau membership on the JCS presents issues concerning his or her appropriate role in offering advice on employment of the Armed Forces in a designated title 10 role. Beyond the established relationships among the military Services, interactions with interagency and international partners could also be confused.

GUARD AND RESERVE

5. Senator CHAMBLISS. General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, please elaborate on how including the Chief of the Guard Bureau on the JCS would affect the role, status, and relative influence of the other Reserve components, the Army, Air Force, Navy, and Marine Corps Reserve.

General DEMPSEY and Admiral WINNEFELD. The disproportionate influence of any Service component, real or imagined, has the potential for causing some significant negative second and third order effects. I am concerned with the perception of inequity among the Reserve component that could stem from the CNGB membership on the JCS, and how this might then degrade the balance and unity of effort so deliberately and painstakingly built into our very effective Total Joint Force. For any of the Federal Reserves to become (or feel) disenfranchised by what they view as the fundamental elevation of the National Guard—in terms of importance and influence—would erode this balance. This would be occurring at a critical juncture in our history, when fiscal realities are compelling DOD to seek even greater efficiencies from the Total Force and increased reliance on the Reserve component.

With respect to the role and status of the Federal Reserves, I do not believe these would be affected by membership of the CNGB as they are largely the object of law and policy. Whereas the actual or perceived influence of a component might impact organizational efficiencies, component roles and status are relatively fixed. The Service Chiefs and Service Secretaries bear sole responsibility for the resource decisions necessary to produce an organized, trained and equipped force, and this includes their Federal Reserves and the National Guard. Each Service determines the

resourcing, readiness, and projected roles for its Reserve component—this fact would not be affected by CNGB's JCS membership.

General ODIERNO. It is absolutely vital in today's uncertain and complex strategic environment that we maintain One Army. The Secretary of the Army is responsible for generating Total Army readiness under a fully integrated set of title 10 processes. There is no benefit to dividing up Army components.

The JCS serve a vital role to the national leadership, as well as exercising collective judgment regarding future capabilities and requirements. Separating the Army interests may lead to improper representation since the CNGB represents only two of the seven Reserve components.

Admiral GREENERT. Making the CNGB a member of the JCS may add ambiguity to the status of the Army and Air National Guard as Reserve components of the Army and Air Force. The creation of this additional member of the JCS can create the appearance that the National Guard is a separate service and potentially create inequity between the National Guard and the Navy Reserve component.

General AMOS. As noted in the JCS letters to this committee (see letters following this answer), elevating the role of the CNGB would further segment one community of reservists—a community that is already challenged with executing its dual mission. When the National Guard is federalized, the command relationship between the CNGB and the Army Chief of Staff mirrors the Navy and Marine Corps' unified command relationship for their Reserve components. The Marine Forces Reserve, for example, as the Reserve component for the Marine Corps, is organized, trained, and equipped under the Commandant of the Marine Corps. This Service identification and matriculation enhances unity of command and the cohesion of combat units. In my interactions with Marine reservists, I have noted their pride and motivation in simply continuing their service to the Nation as marines. I applaud the lack of cultural distinction between Active Duty and Reserve marines, and I am confident that this same motivation also drives reservists in other Services to step forward. The proposed elevation of the CNGB risks fracturing the successful dynamic that our forces have achieved by diluting the understanding of the supporting and supported command relationships, and unbalancing the appropriate preparation of our Active and Reserve Forces.

Including the CNGB into the JCS would create unnecessary duplication within the JCS contrary to current policy because the federalized National Guard, as the Army's Reserve component, serves in a supporting role. This duplication could result in an unfairly amplified representation of Army and Air Force concerns. It will also create a representational imbalance with regard to Reserve affairs in favor of the federalized National Guard. The Army and Air Force Chiefs of Staff are best suited to equitably advise on the most effective employment of their supporting elements.



CHAIRMAN OF THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20318-9999

CM-0008-11
18 October 2011

The Honorable John McCain
Ranking Member
Committee on Armed Services
United States Senate
Washington, D.C. 20510

Dear Senator McCain,

In response to your letter of 6 October 2011, I recommend against including the Chief of the National Guard Bureau (CNGB) as a member of the Joint Chiefs of Staff (JCS). I do so with the full concurrence of the Joint Chiefs.

As you know, I am a strong admirer of the National Guard and a strong advocate for ensuring that the CNGB's voice is heard. The CNGB has and will continue to attend each meeting of the Joint Chiefs that I chair.

Over the past ten years, the Active, Guard, and Reserve Components of our armed forces have become a single team. The team is strong because one individual from each Service—the Service Chief—has the responsibility, the authority, and the accountability for providing air, sea, and land forces for the Nation. The case to change this is simply not compelling. I would also note that unlike the CNGB, each of the Service Chiefs, the Vice Chairman, and the Chairman of the Joint Chiefs is subject to the civilian oversight of a single appointed and confirmed Secretary.

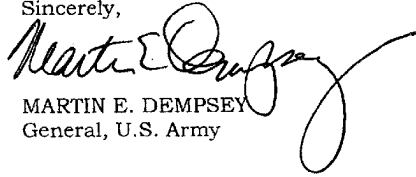
In our judgment, the CNGB's advisory roles under 10 USC 10502(c) are essential and sufficient.

Although the Chiefs and I recommend against adding the CNGB to the JCS, we are supportive of other ways of strengthening the National Guard. In particular, we support a Vice Chief of the NGB at the three-star level as an important leadership development opportunity.

The current advisory authorities recognize and value the Guard as both a state and federal force. And, it ensures the Guard is best positioned to participate in the deliberations of the JCS and provide counsel to the National Command Authority. I remain personally committed to ensuring the CGNB's voice is not just heard but is influential.

Your continued concern and support of our men and women in uniform are greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin E. Dempsey", with a large, stylized flourish extending from the end of the signature.

MARTIN E. DEMPSEY
General, U.S. Army

Copy to:
The Honorable Carl Levin
Chairman, Committee on Armed Services



DEPARTMENT OF THE NAVY
 COMMANDANT OF THE MARINE CORPS
 CHIEF OF NAVAL OPERATIONS
 WASHINGTON, DC 20350-3000

CNO

CMC

JOINT LETTER

The Honorable John McCain
 Ranking Member
 Committee on Armed Forces
 United States Senate
 Washington, D.C. 20510

Dear Senator McCain,

Thank you for the opportunity to comment on the matter of including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff (JCS); we recommend against this initiative. JCS membership would violate the principle of unity of command, run counter to integrating the Joint force as laid out in the Goldwater-Nichols Department of Defense Reorganization Act of 1986, and would potentially confuse best military advice, as well as, create an inequity in advocacy.

Making the CNGB a member of the JCS would complicate unity of command for both the Army and the Air Force. The Chiefs of Staff of the United States Army and the United States Air Force should be held singularly accountable to the Executive and Legislative Branches of Government for the readiness and combat effectiveness of their respective service, and for the welfare of the men, women, and families in their respective services. Making the CNGB a member of the JCS would create unhealthy ambiguity in the responsibility for leading the men and women of the National Guard. After ten years of war, the Guard and Reserve are more fully integrated with our active component than ever before. Making the CNGB a member of the JCS is unnecessary. This recommendation is consistent with the Commission on the National Guard and Reserves Second Report to Congress that the CNGB should not be a member of the JCS.

Unlike the service chiefs, the CNGB does not represent a branch of service nor is the CNGB responsible for organizing, manning, training and equipping the National Guard to the extent of the service chiefs. On matters relating to federalized forces of the National Guard of the United States and its subcomponents; the Army National Guard of the United States and the Air National Guard of the United States, the Chief of Staff of the Army and the Chief of Staff of the Air Force are the appropriate advocates to render best military advice as members of the JCS.

Moreover, making the CNGB a member of the JCS is inconsistent with the status of the Army and Air National Guard as reserve components of the Army and Air Force. Additionally, JCS membership would create an inequity between the National Guard and its Army, Marine Corps, Navy and Air Force Reserve counterparts.

We concur with the Chairman of the Joint Chiefs of Staff that the CNGB's advisory roles under 10 USC 1050(c) are essential and sufficient. The CNGB serves as the principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving


Subj: CHIEF OF THE NATIONAL GUARD BUREAU

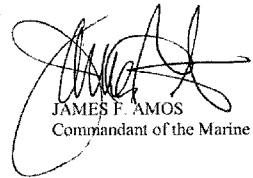
non-federalized National Guard forces and on other matters as determined by the Secretary of Defense. In these matters, it is appropriate for the CNGB to participate in JCS deliberations. Additionally, we fully support CNGB participation in JCS deliberations that deal with issues that affect the National Guard and to provide key insight on National Guard concerns.

In sum, elevating the CNGB to the JCS risks sending the message that the National Guard is a separate service, which runs contrary to its status as an integral part of the United States Army and United States Air Force.

Your longstanding support of the men and women of the Naval service is greatly appreciated.

Sincerely,


J. W. GREENERT
Chief of Naval Operations


JAMES F. AMOS
Commandant of the Marine Corps

Copy to:
The Honorable Carl Levin
Chairman, Committee on Armed Services



THE SECRETARY OF THE AIR FORCE
CHIEF OF STAFF, UNITED STATES AIR FORCE
WASHINGTON DC



The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20515

NOV 2 2011

Dear Senator Levin:

Thank you for the opportunity to share our views concerning the legislative proposal to make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff (JCS).

Over many decades, the U. S. Air Force has made great strides integrating the active and reserve components, creating the world's most lethal air force. We admire, value and rely upon the contributions our reserve components make daily as a part of our total force. We can assure you that the Air National Guard has a seat at the table and its voice is heard.

The roles, functions, and reporting relationships for the National Guard Bureau (NGB) are among the most complex in the Department of Defense (DoD). As you know, the NGB is a joint activity of DoD and the Chief of the NGB is a principal advisor to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on matters involving non-federalized National Guard forces. The Chief of the NGB is under the authority, direction, and control of the Secretary of Defense, but the Secretary normally exercises authority, direction and control through the Secretaries of the Army and the Air Force for matters pertaining to their responsibilities. The Office of the Director, Air National Guard (ANG) is an element of the NGB and supports the Chief of the NGB in his advisory role.

The Chief of the NGB is the principal advisor to the Secretaries and Chiefs of Staff of the Army and Air Force for matters pertaining to their Title 10 responsibilities, and he implements the Title 10 organize, train and equip direction of the Secretaries and Chiefs of Staff of the Army and the Air Force as they pertain to the National Guard. The ANG of the United States is a reserve component of the United States Air Force and, together with the Air Force Reserve and the Active Duty components of the Air Force, is a fully integrated element of the total forces that the Secretary and Chief of Staff provide to the Combatant Commanders. As the senior leadership of the Air Force, we are responsible for ensuring ANG requirements for capabilities and functions are fully considered in DoD's Planning, Programming, Budgeting and Execution System and policy making processes. With that, the Director, ANG and his representatives participate without limitation in the corporate Air Force decision making process.

One of the continuing challenges we face lies in the dual nature of Title 10 and Title 32 relationships. Specifically, for our Total Force development and employment to remain effective and efficient in all aspects of Air Force operations, unified Title 10 leadership is paramount. As recognized in the congressionally mandated Charter for the National Guard Bureau, the Secretaries of the Army and the Air Force exercise authority, direction, and control over the NGB on matters pertaining to the respective Secretary's responsibilities in law or DoD policy, except as otherwise directed by the Secretary of Defense. This is essential for them to meet their responsibilities to the nation, and to integrate all

components of their respective Services. The legislation passed by the House and proposed by the Senate to make the Chief of the NGB a member of the JCS would add further complexity to Title 10 relationships, confusing the lines of authority and representation already in place for Chiefs of Staff of the Army and Air Force to meet their JCS responsibilities.

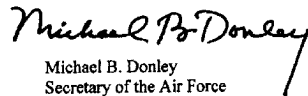
For these reasons, we strongly encourage you not to proceed with designating the Chief of the NGB as a member of the JCS. We believe that the current advisory role established under 10 USC 10502 continues to be both important and sufficient for advocacy of the National Guard's non-federal needs and missions. The Chief of the NGB will continue to have a strong voice and is an essential partner for the Secretary of Defense, Service Secretaries, and the Joint Chiefs of Staff, but he should not be put in a Title 10 position independent of Service leadership.

In summary, the Title 10 roles and requirements of the Air National Guard are appropriately addressed in law, in the Charter of the National Guard Bureau, and within the U.S. Air Force. Consistent with the unity of effort embodied in our Total Force approach, military advice in all matters concerning the U.S. Air Force should come from the Chief of Staff. In its Title 10 context, the National Guard Bureau (including its Army and Air elements), is not a separate service and should not be included as such within the statutory membership of the Joint Chiefs of Staff.


We support the proposal to establish a Vice Chief of the National Guard Bureau.

Thank you for your valued and continued strong support of the U.S. Air Force. Similar letters have been sent to Senator McCain and Senator Webb.

Sincerely,


Michael B. Donley
Secretary of the Air Force

Sincerely,


Norton A. Schwartz
General, USAF
Chief of Staff

General SCHWARTZ. Consistent with the unity of effort embodied in our Total Force approach, military advice in all matters concerning the U.S. Air Force should come from the Chief of Staff. It is not a matter of whether the Chief of the Guard Bureau is the most knowledgeable source of information regarding the National Guard Bureau, it is whether the Chief of the Guard Bureau is in a position to balance and speak for all the components of the Air Force, of which the National Guard Bureau is only one part. In addition, resource decisions that implicate the National Guard also implicate all other components of the Services and cannot be addressed in a vacuum. They must take into account the simultaneous requirements of all combatant commanders (not just NORTHCOM). Indeed, only a holistic service voice within the JCS can provide the JCS the integrated representation of the Air Force that is needed to capture Total Force capabilities.

6. Senator CHAMBLISS. General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, much has changed over the past decade with respect to the role the Guard and Reserve have played in DOD's daily activities and deployments. We will probably never go back to the pre-September 11 days of the Strategic Reserve. How does this influence the way you view this issue?

General DEMPSEY and Admiral WINNEFELD. While I devote considerable energy on Reserve component aspects of our Joint Total Force, I don't see how the increased employment of the Reserve component fundamentally is germane to the issue of adding the CNGB to the JCS. It does not matter whether the Reserve component is assigned a minimal role and cast as a "Strategic Reserve" or is assigned to execute key missions and is postured as an "operational force"—Reserve component utilization ultimately is a Service function.

The organization of our Armed Forces is defined in law. The Army consists of the Regular Army, the Army National Guard of the United States, and the Army Reserve, the whole of which is overseen by the Chief of Staff of the Army. Likewise, the Air Force is comprised of the Regular Air Force, the Air National Guard of the United States, and the Air Force Reserve (AFR), the whole of which is managed by the Chief of Staff of the Air Force. While all the Reserve component chiefs, to include the CNGB, possess significant Service-directed responsibilities related to maintaining their components' readiness, they nevertheless remain but parts of the larger whole. The Service Chiefs bear ultimate responsibility for preparing their

Total Force. Rising OPTEMPO and increasing interdependence among all components has not altered this fact.

General ODIERNO. The Army's intent is to develop and sustain an enduring operational Reserve component. Reserve component forces, both Guard and Reserve, are crucial elements of the Army's overall deployable strength and warfighting team. They provide essential operational capabilities and serve specific functions to the Total Army. The Reserve component provides necessary capacity to address global operational requirements, maximize readiness, and provide rotational availability while preserving Homeland Defense and Homeland Security capabilities. The Total Army cannot function as it has over the past decade without tightly integrated Active and Reserve Forces.

Both Active and Reserve components will contribute to Army force requirements. The Reserve component will contribute mission trained steady state, Homeland Defense and surge forces. As an Operational Reserve, Reserve component forces maintain readiness levels that enable them to serve as part of an enduring commitment to the Total Army operations.

Admiral GREENERT. I agree that much has changed with respect to the role the Guard and Reserve plays in the DOD's daily activities and deployments. After more than a decade of conflict, the Navy Reserve is more fully integrated with our Active component than ever before and is no longer strictly a Strategic Reserve, but an integrated part of Navy's Total Force. The past 10 years have proven that the Navy Reserve can operate anywhere along the spectrum of military operations. As long as the Navy has assured access to their Reserve component sailors, naval commanders can confidently assign missions to members of the Navy Reserve where it makes operational and fiscal sense. This subordination of the Reserve component to the Service Chief enables the CNO to be held singularly accountable to the executive and legislative branches of government for the combined readiness and combat effectiveness of their service for military missions that support our national interests. Adding the CNGB to the JCS could erode this unity of command for the Army and Air Force.

General AMOS. I believe these facts enhance my position. As noted in the recent JCS letter to this committee (see response to question #5), CNGB membership in the JCS would complicate unity of command for both the Army and the Air Force and contribute to Service balkanization. The current organizational structure ensures that the Chiefs of Staff of the U.S. Army and the U.S. Air Force are held singularly accountable to the executive and legislative branches of Government for the readiness and combat effectiveness of their respective Services, including their Reserves. This is as it should be, and is the intent behind current policy. Unity of purpose and of command is crucial in both the preparation and employment phases of the Armed Forces. As it relates to making decisions for the defense of the Nation and the preparations necessary for the achievement of its national objectives, success requires single-mindedness.

CNGB membership on the JCS also could create an unhealthy ambiguity in the responsibility for leading the men and women of the National Guard. As a Service Chief, I fully subscribe to the notion that I am singularly accountable for the welfare of all marines and their families, Active and Reserve. As Commandant of the Marine Corps, I have the same responsibility to Marine Forces Reserve as I do to regular Active-Duty Forces. The missions for which all marines are trained and equipped are unified with the command structure that leads them. Bifurcating leadership, however, might lead to critical leadership gaps recognizable only after some future failure occurs. Most concerning, these gaps could affect the responsibility of caring for these troops and their families. For the sake of our reservists and their families, we cannot afford such a risk.

General SCHWARTZ. Senator Chambliss, your comments resonate with the experience we have gained over the past decade. Much has changed with respect to the role of the Guard and Reserve in our National defense and I would say for the betterment of the Department and the Nation. The Air Force has learned that the operations we have conducted would not have been possible without the superlative teamwork of the Total Force. I have walked the flightlines at Balad Air Base in Iraq, Bagram Air Base in Afghanistan, Dover AFB, and Hickam, and I have met outstanding Airmen from across the Nation. I cannot tell the difference between a guardsman, a reservist, or an Active Duty airman. All are doing exceptional work for this country.

Our challenge now is to develop and maintain the operational training and capacity we need with a smaller force and fewer dollars while maintaining the edge as the world's greatest air force. The Air Force will stay focused on strategic priorities and continue to build a Total Force that improves key capabilities and supports strategic priorities while reducing other capabilities we can no longer offer to the

joint team. Even though it is likely that substantial reductions will be required to meet budget projections—including force structure and infrastructure—we will continue to rely on the capabilities of the Total Force Enterprise to meet our mission.

7. Senator CHAMBLISS. General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, does the larger role the Guard and Reserve are playing now make a difference when you are considering this issue of whether to add the Chief of the Guard Bureau to the JCS?

General DEMPSEY and Admiral WINNEFELD. I believe that the overall role of the National Guard and Reserve—regardless of how big that role is—really is a separate issue from that of the CNGB's membership on the JCS. The Services are responsible to organize, equip and train their Reserve components, and the Reserve components' ability to accomplish their assigned missions largely is a function of this Service preparation. We unquestionably have depended on our Citizen soldiers, airmen, sailors, and marines to help defend the United States as well as our allies and national interests to a greater degree than prior to September 11. This dependence is unlikely to fundamentally change in the future. The security threats we face at home and abroad, as well as the expectations levied on our military to respond to these threats, have increased significantly over the past two decades, and largely have driven our increased utilization of the Reserve component for overseas and domestic requirements. But this increased utilization was accommodated within the Service Chiefs' existing authorities. JCS membership clearly was not necessary for the CNGB to exercise his statutory duties related to leveraging the National Guard in support of DOD's operational objectives, and I do not believe it will be necessary in the future.

General ODIERNO. The Guard and Reserve are part of the Total Army; Active and Reserve component. The number of deployments and the size of their role are not central to this issue. The Guard and Reserve have assumed an expanded role over the past decade because the Nation needed increased resources from the Total Army. As we go forward, their active involvement in contingencies will continue and is a vital component of land power within the Joint Force. The efforts of all three components of the Total Army need to be integrated. This integration requires one civilian and one military leader supported by the Department of the Army staff. Any dilution of command unity runs counter to professional military principals and is not in the best interest of our Army and the Nation.

Admiral GREENERT. In my statement to the committee and my testimony on this issue, I have thought about and considered the larger role the National Guard and Reserve component assumed over the past 10 years and will continue to hold in the future. However, I still believe the Service Chiefs (Army, Air Force, Navy and Marine Corps) should continue to be held singularly accountable to the executive and legislative branches of Government for the readiness and combat effectiveness of all personnel in their respective Services, and for the welfare of their respective servicemembers and families. The Service Chiefs are best positioned to report to the President and Congress on their Services' readiness and preparation for military missions that support our national interests.

General AMOS. As noted in the recent JCS letter to this committee (see response to question #5), CNGB membership in the JCS would complicate unity of command for both the Army and the Air Force and contribute to Service balkanization. The current organizational structure ensures that the Chiefs of Staff of the U.S. Army and the U.S. Air Force are held singularly accountable to the executive and legislative branches of Government for the readiness and combat effectiveness of their respective Services, including their Reserves. This is as it should be, and is the intent of current policy. Unity of purpose and of command is crucial in both the preparation and employment phases of the Armed Forces. As it relates to making decisions for the defense of the Nation and the preparations necessary for the achievement of its national objectives, success requires single-mindedness.

CNGB membership on the JCS could also create an unhealthy ambiguity in the responsibility for leading the men and women of the National Guard. As a Service Chief, I fully subscribe to the notion that I am singularly accountable for the welfare of all marines and their families, Active and Reserve. As Commandant of the Marine Corps, I have the same responsibility to Marine Forces Reserve as I do to regular Active-Duty Forces. The missions for which all marines are trained and equipped are unified with the command structure that leads them. Bifurcating leadership, however, might lead to critical leadership gaps recognizable only after some future failure occurs. Most concerning, these gaps could affect the responsibility of caring for these troops and their families. For the sake of our reservists and their families, we cannot afford such a risk.

General SCHWARTZ. No. Because the CNGB does not represent a single or separate branch of Service, making CNGB a statutory member of the JCS would reach beyond the appropriate authorities of the CNGB and disrupt the lines of authority and representation that are already in place for the Chief of Staff of the Air Force. Also, Total Force employment considerations are best served by those who organize, train, and equip personnel of all components of each Service, and are responsible as force providers to the combatant commands. Consequently, CNGB membership on the JCS presents issues concerning his or her appropriate role in offering advice on employment of the Armed Forces in a designated title 10 role. Beyond the established relationships among the Military Services, interactions with Interagency and international partners could also be confused.

8. Senator CHAMBLISS. General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, can you explain what role the Guard and Reserve play in the Joint Requirements Oversight Council (JROC) process?

General DEMPSEY and Admiral WINNEFELD. The Total Force includes significant capability provided by the National Guard. Because the Guard and Reserve use the same equipment as the Active component, their requirements are an integral part of Service processes. Accordingly, the National Guard Bureau does not have a voting member on the JROC. Title 10 equities are advocated by the individual Service Chiefs. Additionally, as part of the Joint Capabilities Integration and Development System (JCIDS) process, the National Guard Bureau is given the opportunity to coordinate on every requirements proposal that comes before the Joint Staff.

The Reserves are represented individually by each of their corresponding Services.

General ODIERNO. The Total Force includes significant capability provided by the National Guard. The National Guard Bureau does not have a voting member on the JROC. Their requirements and budgets are planned and executed as an integral part of Service processes. Their title 10 equities are advocated by the individual Service Chiefs. Additionally, as part of the JCIDS process, the National Guard Bureau is given the opportunity to coordinate on every requirements proposal that comes to the Joint Staff.

The Reserves are represented individually by each of their corresponding Services.

Admiral GREENERT. The Total Force includes significant capability provided by the National Guard and the respective Service Reserve components. The National Guard Bureau does not have a voting member on the JROC. Their requirements and budgets are planned and executed as an integral part of service processes. Their title 10 equities are advocated by the individual Service Chiefs. Additionally, as part of the JCIDS process, the National Guard Bureau is given the opportunity to coordinate on every requirements proposal that comes to the Joint Staff.

As the Navy principal to the JROC, the Vice Chief of Naval Operations (VCNO) represents Navy's Total Force (Active and Reserve) perspective for requirements and warfighting.

General AMOS. The Total Force includes significant capability provided by the National Guard. The National Guard Bureau does not have a voting member on the JROC. Their requirements and budgets are planned and executed as an integral part of Service processes. Their title 10 equities are advocated by the individual Service Chiefs. Additionally, as part of the JCIDS process, the National Guard Bureau is given the opportunity to coordinate on every requirements proposal that comes to the Joint Staff.

The Reserves are represented individually by each Service.

General SCHWARTZ. Under current guidance, the NGB does not have an official role in the JROC process. However, the NGB will have an advisory role to the JROC Chairman in the revised JROC Charter (CJCSI 5123.01F). The Reserve does not have an advisory role in the JROC process.

Both the Air National Guard and Air Force Reserve Command (AFRC) are permanent (voting) members of the Air Force Requirements Oversight Council (AFROC). The AFROC reviews, validates, and recommends approval of all Air Force operational capability requirements. The AFROC directly supports the JROC process.

In addition, both the Air National Guard and AFRC have the authority to sponsor operational capability requirements for capabilities needed to accomplish their assigned missions.

Finally, the Guard and Reserve have the opportunity to review all Air Force and Joint operational requirements documents through the formal staffing process associated with the JCIDS and the JROC.

9. Senator CHAMBLISS. General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, how are Guard and Reserve inputs received and incorporated?

General DEMPSEY and Admiral WINNEFELD. As part of the Total Force, National Guard and Reserve requirements can be advocated by any combatant command (including and especially NORTHCOM or U.S. Pacific Command), by the individual Services, and by other DOD components and agencies.

General ODIERNO. Reserve components actively participate in both Army and Joint requirements forums. They provide essential insights and advice to the Service Chiefs and Secretaries on matters that pertain to resourcing and producing an organized, trained and equipped force. The success of our Army is due to the integration of our Active and Reserve components to the point they are indistinguishable on the battlefield. The integration of the Regular Army, the Army National Guard, and the Army Reserves has proven over the last decade to be unbeatable on the battlefield and irreplaceable at home and abroad. We have built a strong relationship between all of our Army components, probably the strongest we have ever had. At the Joint level, the CNGB has a standing invitation to attend all meetings with the Joint Chiefs which will further strengthen our relationship and ensure their voice is heard.

Admiral GREENERT. Navy Active and Reserve warfighting requirements are received and integrated through the Navy's requirements management process. The Chief of Navy Reserve (CNR) and Navy Reserve personnel have the opportunity to submit requirements, and to review and comment on Navy requirements in development. The Deputy CNR is invited to all Navy Requirements and Resources Review Boards (R3B), the Navy equivalent of the JROC.

After Navy review, Navy requirements are submitted for Joint Review and JROC validation. As the Navy principal to the JROC, the Vice Chief of Naval Operations (VCNO) represents the Navy's Total Force (Active and Reserve) perspective on requirements and warfighting.

General AMOS. Our Reserve component submits its requirements through the Marine Corps requirements management process. The Commander, Marine Forces Reserve (MARFORRES) and the MARFORRES staff may also review and comment on Marine requirements in development to ensure that the process addresses any criteria unique to the Reserve component. The Marine Corps provides a Total Force perspective to the JROC, including requirements arising from MARFORRES.

General SCHWARTZ. The Reserve components contribute to our national security in support of every combatant commander and Air Force core function, delivering the right capabilities to the right place at the right time. The Reserve components' contributions to the Joint and Coalition team are felt worldwide. Guard and Reserve members have inputs into Air Force decisions at all levels, through the Air Force Corporate Structure (AFCS) and throughout Air Force Strategic Planning System processes. This integration of effort allows for senior-level cross component discussions to refine our Total Force planning, requirements, programming, budgeting, execution, and acquisition efforts. Initiatives are vetted through the AFCS for approval and linked to resource allocation, ensuring the initiatives approved are appropriately funded. The Corporate Structure is the formal Air Force process to inform Air Force senior leaders so they can provide strategic direction on total force planning, programming, and execution. The AFR and Air National Guard have membership at each level of the AFCS, to include voting members on the Air Force Group, Board and Council. The AFCS increases overall management effectiveness by applying cross-functional judgment, experience, and analysis to program adjustments in a resource limited environment. The Air Force will continue to refine integration efforts of all three components to ensure the most efficient and effective capabilities are delivered to meet strategic requirements.

10. Senator CHAMBLISS. General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, do you feel those inputs are adequately considered?

General DEMPSEY and Admiral WINNEFELD. The Services have never been closer to their Reserve components. Because they use the same equipment as the Active component, National Guard, and Reserve requirements are not normally broken out as distinct and separate from the Total Force requirements being considered during combined staffing during the JCIDS process, or by the JROC when validating those requirements.

General ODIERNO. Absolutely. Now more than ever we are one Army and an integrated Joint Force that is indistinguishable as a fighting force. The integration of the Regular Army, the Army National Guard, and the Army Reserves has proven over the last decade to be unbeatable on the battlefield and irreplaceable at home

and abroad. The Reserve component forces will continue to play a critical role in our National Security Strategy, and the advice of the CNGB will always be, as it has been, extremely valuable to our Army and Joint Forces. The relationship between all of components is the strongest it's ever been. The Reserve components will continue to have a voice in Army and Joint forums to keep the relationship strong. They actively participate and provide essential insights and advice to the Service Chiefs and Secretaries on matters that pertain to resourcing and producing an organized, trained and equipped force. At the joint level, the CNGB has a standing invitation to attend all meetings with the Joint Chiefs.

Admiral GREENERT. Yes, they are adequately considered. There is no distinction in consideration of Reserve and Active requirements input into the Navy requirements process or the joint requirements process.

General AMOS. Yes, they are adequately considered. There is no distinction in the consideration of Reserve component and Active component requirements input into the Marine Corps requirements process or the joint requirements process. We are one fighting force.

General SCHWARTZ. Yes. The AFR and Air National Guard (ANG) are an integral part of the Total Air Force and we would not be able to do what we do on a daily basis without soliciting and incorporating their inputs. The AFR and ANG are Total Force partners and are completely embedded in our staffing, planning, and execution of operations on a daily basis.

11. Senator CHAMBLISS. General Dempsey, Admiral Winnefeld, General Odierno, Admiral Greenert, General Amos, and General Schwartz, in your view do the Guard and Reserve have any separate and unique requirements, or are their requirements essentially the same as the Active Duty's requirements?

General DEMPSEY and Admiral WINNEFELD. As part of the Total Force, the National Guard and Reserve make critical contributions to the overall military capabilities of the United States. While the National Guard may have some unique requirements to meet their title 32 missions, all their title 10 missions are met with the same equipment used by the other Title 10 forces, whose requirements are determined and addressed through coordination with the applicable combatant command (NORTHCOM or U.S. Pacific Command) and/or Service.

General ODIERNO. As part of the Total Force, the National Guard and Reserve make critical contributions to the overall military capabilities of the United States. While the National Guard may have some unique requirements to meet their title 32 missions, all their Title 10 missions are met with the same equipment used by the other title 10 forces, whose requirements are determined and addressed through coordination with the applicable combatant command (NORTHCOM or U.S. Pacific Command) and/or Service.

Admiral GREENERT. Navy Reserve warfighting requirements are the same as Active Navy requirements. Reserve Forces have unique manning and training challenges to achieve those requirements, but the warfighting requirements and associated systems are the same.

General AMOS. Under title 10 U.S.C. section 10102, each Reserve component is to provide trained units and qualified persons available for Active Duty in the Armed Forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the Armed Forces whenever more units and persons are needed than are in the regular components. Reserve Forces have unique manning and training challenges to achieve these requirements, but the warfighting requirements and associated systems are the same.

General SCHWARTZ. The operational requirements of the AFRC are essentially the same as the requirements for the Active-Duty Force. AFRC addresses the same combatant commander concept of operations shortfalls as does the Active-Duty Force.

The operational requirements associated with the title 10 mission of the Air National Guard are essentially the same as the requirements for the Active-Duty Force. However, the requirements associated with title 32 and State Active Duty are unique. These Guard missions focus on Homeland defense and civil support. They include direct support for Homeland security missions such as border patrol, counter drug, and law enforcement. These mission sets have the potential to drive separate operational capability requirements for the Air National Guard.

12. Senator CHAMBLISS. General McKinley, I am particularly interested in how you believe being a member of the JCS will help the DOD and the Nation. I understand it may help the Guard, particularly in terms of stature. However, I would like your views on how your inclusion on the JCS would help provide better advice to the President on issues under DOD's purview, and how it would help DOD better carry out their own responsibilities on behalf of the Nation.

General McKINLEY. The National Guard Bureau is currently a joint activity of DOD, and the CNGB has gained enhanced authorities since 2008. And yet, the CNGB still does not have an institutional position from which he can advise the President, National Security Council, Homeland Security Council, and Congress on non-Federalized National Guard forces that are critical to Homeland defense and civil support missions. In contrast, the CNGB advises the Secretary of Defense through the Chairman of the JCS on matters involving non-Federalized National Guard forces. The CNGB must declare an interest in order to have a voice on these limited matters; without statutory JCS membership, CNGB's JCS participation is ad hoc as determined by each successive Chairman.

Adding the CNGB to the JCS would ensure that, in the post-September 11 security environment, the National Guard's non-Federalized role in Homeland defense and civil support missions will be fully represented in all JCS deliberations. Only full JCS membership for the CNGB will ensure that the non-Federalized National Guard responsibilities and capabilities are considered in a planned and deliberate manner that is firmly rooted in the law and the National strategy.

The domestic mission of the National Guard must be taken into account when making military contingency plans, when allocating scarce readiness resources, and when advising the President, the Secretary of Defense, the National Security Council and the Homeland Security Council on strategies and contingency response options. Homeland Defense and Civil Support must be at the core of our National strategy due to the changing threat environment, one that is asymmetric and more dangerous within our Homeland than at any time in our history.

13. Senator CHAMBLISS. General McKinley, do you believe the Reserve components are adequately represented on the JROC and, related to that, do you believe the Guard and Reserve have any truly unique requirements that necessitate specific representation by the Guard and Reserve on the JROC?

General McKINLEY. The JROC consists of officers in the grade of general or admiral from the Army, Navy, Air Force, and Marine Corps. The JROC also includes advisors from the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Comptroller as well as the Director of Cost Assessment and Program Evaluation. Combatant commanders and members of the Functional Capabilities Board (FCB) have a standing invitation to participate in JROC events. The National Guard Bureau participates on the JROC as a member of the FCB. The FCB is a permanently established body that is responsible for supporting the Chairman of the JCS in his title 10 responsibilities of providing independent military advice to the Secretary of Defense. FCBs provide the assessments and recommendations required for the JROC to validate and prioritize (if required) joint military capabilities needed to comply with the guidance provided by the Quadrennial Defense Review, National Defense Strategy, Guidance for Development of the Force, Guidance for Employment of the Force, and National Military Strategy.

The National Guard has unique dual capabilities. The JROC has validated numerous unique National Guard capabilities for domestic operations including: State Joint Force Headquarters; CBRNE Enhanced Response Force Packages; Joint Interagency Training Capability; and Critical Infrastructure Protection—Mission Assurance Assessment Teams.

14. Senator CHAMBLISS. General McKinley, what are your views on how including the Chief of the Guard Bureau would affect the other Reserve components who would, presumably, not be members of the JCS? In your view, why would this not negatively affect joint-ness and the total force concept that we have worked so hard to achieve?

General McKINLEY. The National Guard is unique, thanks to the Militia Clauses of the U.S. Constitution and title 32 of the U.S.C. It is unlike the other Reserve components which can only perform title 10 duties under title 10 command authority. The National Guard performs the same title 10 duties when Federalized plus diverse non-Federal duties and State duties under state command authority. The command chains are unambiguous. The other Reserve components have no analogy to the National Guard's non-Federalized duties and command authorities. The non-Federal National Guard missions include but are not limited to: air defense, ballistic missile defense, weapons of mass destruction response, disaster response, counterdrug support, border security, airport security, and national event security.

Placing the CNGB on the JCS would not alter current title 10 relationships. There would be no change to the title 10 authorities of the Service Secretaries or Service Chiefs. Total Force integration would not be compromised; if anything, it would be enhanced by greater situational awareness of title 32 National Guard missions, capabilities, and leadership on which the CNGB is uniquely qualified to ad-

wise. Total Force integration would also benefit from enhanced understanding of the Homeland Defense and Civil Support missions that are performed by non-Federalized National Guard forces.

15. Senator CHAMBLISS. General McKinley, the JCS was established by the National Security Act of 1947 and at that time consisted of a Chairman and the Chiefs of Staff of the Army and Air Force and the Chief of Naval Operations. The Commandant of the Marine Corps was added in the late 1970s and the position of Vice Chairman was added in 1986 as a result of the Goldwater-Nichols Act. It is clear that those who initially created the JCS did not see a need to include the Chief of the Guard Bureau. In your view, should the Chief of the Guard Bureau have been included in the first place, or what has changed since the creation of the JCS that necessitates inclusion of the Guard Bureau Chief at this point?

General MCKINLEY. The events of September 11, 2001 have changed the threats this nation faces. Homeland Defense and Civil Support must be at the core of our national strategy due to this changing threat environment, one that is asymmetric and more dangerous within our Homeland than at any time in our history. On average, 5,800 National Guard members are activated for Homeland missions at any given time. Therefore, domestic mission of the National Guard must be taken into account when making military contingency plans, when allocating scarce readiness resources, and when advising the President, the Secretary of Defense, the National Security Council and the Homeland Security Council on strategies and contingency response options.

[Whereupon, at 12:25 p.m., the committee adjourned.]

