AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

[H.A.S.C. No. 111–88]

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES CONSEQUENCE MANAGEMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL THREATS AND CAPABILITIES

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

HEARING HELD
JULY 28, 2009

U.S. GOVERNMENT PRINTING OFFICE

58–292 WASHINGTON : 2010

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL THREATS AND CAPABILITIES

ADAM SMITH, Washington, *Chairman*

MIKE McINTYRE, North Carolina
ROBERT ANDREWS, New Jersey
JAMES R. LANGEVIN, Rhode Island
JIM COOPER, Tennessee
JIM MARSHALL, Georgia
BRAD ELLSWORTH, Indiana
PATRICK J. MURPHY, Pennsylvania
BOBBY BRIGHT, Alabama
SCOTT MURPHY, New York

JEFF MILLER, Florida
FRANK A. LoBIONDO, New Jersey
JOHN KLINE, Minnesota
BILL SHUSTER, Pennsylvania
K. MICHAEL CONAWAY, Texas
THOMAS J. ROONEY, Florida
MAC THORNBERRY, Texas

ERYN ROBINSON, *Professional Staff Member*
ALEX KUGAJEVSKY, *Professional Staff Member*
ANDREW TABLER, *Staff Assistant*

CONTENTS

CHRONOLOGICAL LIST OF HEARINGS

2009

Page

HEARING:

Tuesday, July 28, 2009, Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives Consequence Management 1

APPENDIX:

Tuesday, July 28, 2009 27

TUESDAY, JULY 28, 2009

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES CONSEQUENCE MANAGEMENT

STATEMENTS PRESENTED BY MEMBERS OF CONGRESS

Miller, Hon. Jeff, a Representative from Florida, Ranking Member, Subcommittee on Terrorism, Unconventional Threats and Capabilities 2

Smith, Hon. Adam, a Representative from Washington, Chairman, Subcommittee on Terrorism, Unconventional Threats and Capabilities 1

WITNESSES

D'Agostino, Davi M., Director, Defense Capabilities and Management, U.S. Government Accountability Office 21

Heyman, Hon. David, Assistant Secretary for Policy, U.S. Department of Homeland Security 2

Renuart, Gen. Victor E., Jr., USAF, Commander, U.S. Northern Command and North American Aerospace Defense Command 6

Stockton, Hon. Paul N., Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, U.S. Department of Defense 4

APPENDIX

PREPARED STATEMENTS:

D'Agostino, Davi M. 64
Heyman, Hon. David 34
Miller, Hon. Jeff 32
Renuart, Gen. Victor E., Jr. 56
Smith, Hon. Adam 31
Stockton, Hon. Paul N. 45

DOCUMENTS SUBMITTED FOR THE RECORD:

[There were no Documents submitted.]

WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING:

[There were no Questions submitted during the hearing.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING:

[There were no Questions submitted post hearing.]

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES CONSEQUENCE MANAGEMENT

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL
THREATS AND CAPABILITIES,
Washington, DC, Tuesday, July 28, 2009.

The subcommittee met, pursuant to call, at 10:00 a.m., in room 2212, Rayburn House Office Building, Hon. Adam Smith (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. ADAM SMITH, A REPRESENTATIVE FROM WASHINGTON, CHAIRMAN, SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL THREATS AND CAPABILITIES

Mr. SMITH. Good morning. I will call the meeting to order.

Welcome.

I have an opening statement that I have submitted for the record and will, with unanimous consent, just if we have that read into the record, and make a couple of quick comments.

[The prepared statement of Mr. Smith can be found in the Appendix on page 31.]

Mr. SMITH. We mostly want to hear from the panel on a very important issue that we are talking about this morning on chemical, biological, radiological and nuclear—preventing those attacks on the United States. It is a very complicated issue, mainly because so many different people are working on it. Trying to make sure we keep that coordinated and have a comprehensive strategy that maximizes our resources is a challenge, and one that we will always have to work on, and something that is very important for this committee.

And more than anything, we on this committee want to make sure that this continues to be a priority within the Department of Defense (DOD). I know there are a lot of competing interests, a lot of competing challenges—certainly from Afghanistan and Pakistan, Iraq, a number of different other issues—that it is easy for this to sort of slip a little bit, just because it is not happening immediately, not happening right now.

It is a big threat that we want to make sure never happens. And to do that, I think we need to constantly work as much as possible to make sure that this stays a high priority for the Department of Defense and for our entire government. And that is the main purpose of our hearing is to get the update this morning on where we are at from our witnesses, who I will introduce in a moment.

But first, I will turn it over to the ranking member, Mr. Miller, for any opening comments he might have.

STATEMENT OF HON. JEFF MILLER, A REPRESENTATIVE FROM FLORIDA, RANKING MEMBER, SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL THREATS AND CAPABILITIES

Mr. MILLER. Thank you very much, Mr. Chairman. I appreciate you having this timely hearing. I thank the witnesses who are going to testify before us today. I have a statement that I would also like to have entered into the record.

But we know that ensuring that DOD can provide a much-needed capability really is the reason that we are here today, and to hear testimony from Government Accountability Office (GAO) and DOD on the military's consequent management capability.

I would like to ask that, as we delve into this critical and important topic, that I would like to hear comments on the national strategy and the national military strategy to combat weapons of mass destruction, which I am sure we will hear more about. And as we noted in this year's defense bill, there seems to be a divergence in the application of the concepts contained in those strategy documents.

So, I would like to hear your thoughts on what might be lacking, what might be effective in our overall plan in organizing to deal with this threat. And I look forward to hearing your testimony today.

[The prepared statement of Mr. Miller can be found in the Appendix on page 32.]

Mr. MILLER. Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Miller.

With that, I will introduce the panel, and then I will take you left to right.

We have the Honorable David Heyman, who is the assistant secretary of homeland security for policy in the United States Department of Homeland Security—welcome.

The Honorable Paul Stockton, who is the assistant secretary of defense for homeland defense and America's security affairs, the United States Department of Defense.

We are joined again also by General Victor "Gene" Renuart, the United States Air Force commander of U.S. Northern Command (NORTHCOM) and North American Aerospace Defense Command.

They don't give out short titles over at the Pentagon to anybody, I don't think.

So, welcome.

Mr. Heyman, we will start with you.

STATEMENT OF HON. DAVID HEYMAN, ASSISTANT SECRETARY FOR POLICY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. HEYMAN. Chairman Smith, Ranking Member Miller, thank you for inviting me here today and for the opportunity to address you.

The topic of the hearing is consequence management of chemical, biological, radiological, nuclear or high-consequence or high-yield explosive attacks—otherwise known as CBRNE. It is a topic that

sits at the intersection of what I believe are three winding roads: the spread of transnational terrorism; the proliferation of nuclear weapons; and the advancement and diffusion of biotechnology.

Our top priority at the department is to secure the American people from a range of terrorist threats. Preventing CBRNE attacks is at the core of Department of Homeland Security (DHS)'s mission and the reason the department was, in fact, created. So, too, is ensuring we are prepared to respond for any attack that may occur despite the nation's best efforts.

Consequence management is a critical element in our nation's efforts to ensure that we are resilient in the face of an attack. We can be a more resilient nation. The more robust we are, the more agile we are responding to an attack, the more rapidly we can recover.

But I want to stress that, alongside any discussion of our ability to respond to and recover from an attack, we need to also talk about prevention. Prevention and resiliency are two sides of the same coin, or to mix metaphors, they are the yin and yang of the nation's ability to manage risk.

My testimony, which I will submit for the record, focuses primarily on biological and nuclear threats, because they are particularly of high consequence. Our best CBRNE defense is to put in place national and, in some cases, international systems consisting of robust prevention, protection, response and recovery capabilities.

This is not simply a DHS responsibility. It is a national interest, requiring a comprehensive, integrated and layered approach, which combines the capabilities and resources of many entities across not only the federal government, but across levels of society. I have detailed these layers in my written statement.

As Secretary Napolitano has said, one of our principal priorities within the department's all-hazard mission is to ensure that the nation can respond and recover from any incident, including terrorist attacks. The Homeland Security Act of 2002 tasked DHS with coordinating the federal government's civilian efforts to identify and develop countermeasures to CBRNE and other emerging terrorist threats.

A number of national security and homeland security presidential directives, including particularly HSPD–5, the Management of Domestic Incidents, further defined the department's roles and responsibilities for consequence management. These authorities are also detailed in my written statement.

When we consider nuclear threats, our emphasis must be primarily on preventing an attack, because the consequences would be catastrophic. As such, the nation's first line of defense against a nuclear attack is to ensure the control of nuclear materials and prevent the proliferation of nuclear technologies.

If radiological materials and nuclear weapons cannot be controlled at its source, the next layer is to detect and interdict their movement. That is where DHS plays a critical role.

Should these defenses fail, however, DHS and its partners must be ready to respond. Like natural disasters, a terrorist nuclear attack would be handled by the primary response arm of the Department of Homeland Security, and that is the Federal Emergency

Management Agency, or FEMA. FEMA rapidly deploys to assist state and local officials in disaster-stricken areas.

Unlike radiological and nuclear threats, however, we face a much different set of challenges with respect to bio. For biological attacks, the emphasis must be on consequence management and ensuring resiliency, because prevention is more difficult, and there are ways we can save lives after an attack to prevent it from becoming catastrophic.

The biggest building blocks of the nation's biodefense strategy are to detect, to treat, to protect people from the attack, to partner with the National Center for Medical Intelligence and, finally, to strengthen the public health community at the state and local levels.

Let me conclude by saying that the challenges of responding to high-consequence terrorist attacks are real. Our top priority will always be to mitigate the risk in the best possible way. Prevention and consequence management are central elements to our CBRNE defense, an approach that requires continued collaboration with our federal, state and local and international partners.

We look forward to continuing to strengthen these partnerships and, thus, to improve our nation's resilience. And we also thank the subcommittee for inviting me here today, for its support, as DHS continues to carry out this important mission.

Thank you. I look forward to your questions.

[The prepared statement of Mr. Heyman can be found in the Appendix on page 34.]

Mr. SMITH. Thank you very much.

Dr. Stockton.

STATEMENT OF HON. PAUL N. STOCKTON, ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND AMERICAS' SECURITY AFFAIRS, U.S. DEPARTMENT OF DEFENSE

Dr. STOCKTON. Chairman Smith, Ranking Member Miller, distinguished members of the committee, thanks for the opportunity to testify today.

My formal statement has been submitted to the record. I would like to make some brief oral remarks now, to provide a bit of context for the substance that I have put into my prepared statement.

I want to have a key goal today with you, and that is, begin a dialogue that I hope will continue for years to come. Let me say a few words about why I hope that is going to be the case.

It is my responsibility, obviously, to faithfully execute the laws. But there is much more at stake here. That is not nearly enough. Since well before 9/11, Congress has exercised a leading role in the policy realms over which I now have responsibility as assistant secretary of defense for homeland defense and Americas' security affairs.

Today's hearing gives me the opportunity to listen to you and learn from your perspectives as I carry out my policy responsibilities in support of the undersecretary for policy, the deputy secretary and Secretary Gates, and, most importantly, as we all work together to help strengthen the security of the United States.

Let me say a few words about the importance of the missions that we are going to be discussing today.

The U.S. government's preeminent national security goal is to prevent a CBRNE attack on the United States. But as David Heyman just mentioned—and as you did, Mr. Chairman, in your opening remarks—we also have to be prepared for the eventuality that, despite our best prevention efforts, our adversaries will succeed in conducting an attack.

So, today, as we examine how DOD can best support preparedness for CBRNE response, a key word that I keep in mind here is that of support. DOD is going to be in support of civil authorities in responding to catastrophic natural or manmade disasters when directed by the President or as authorized by the secretary of defense.

At the federal level, this means being in support of DHS and the other lead federal agencies. But it is also important to remember that federal civil authorities aren't the only ones who are vital in response and preparedness. Governors, mayors, county executives, state and local contribution to preparedness in response for disasters is absolutely vital. It is enshrined in our Constitution. And we take that support role very, very seriously at the Department of Defense.

It is something I thought a lot about as an academic, and now that I have the honor of serving here, something I am going to continue to take very, very seriously.

Let me close by offering a few words of thanks. First of all, thanks to all of you for keeping the heat on, for creating the position that I now have the privilege to occupy. Thank you for the creation of National Guard Weapons of Mass Destruction (WMD) civil support teams, and then many other initiatives on which Congress took the lead that have helped strengthen the nation.

Secondly, I want to take a moment to thank the brave women and men in uniform today for serving both in far-off places, like Afghanistan and Iraq, but also here at home, whether it is defending our skies in Operation Nobel Eagle, or whether it is assisting first responders in dealing with fires, earthquakes or other natural hazards.

Mr. Chairman, I look forward to your questions.

[The prepared statement of Dr. Stockton can be found in the Appendix on page 45.]

Mr. SMITH. Thank you very much.

General Renuart.

I should point out for you, and I didn't mention this in the opening, we do have a second panel, or a second person as the second panel. It is a panel of one, I guess. Ms. D'Agostino is going to be testifying from the Defense Capabilities and Management from the GAO's office. So, we will go through this round. That is for members' information as much as anybody's.

We will do questions with you and then move on to the next panel.

Go ahead, General.

STATEMENT OF GEN. VICTOR E. RENUART, JR., USAF, COMMANDER, U.S. NORTHERN COMMAND AND NORTH AMERICAN AEROSPACE DEFENSE COMMAND

General RENUART. Well, Mr. Chairman, good morning. It is great to be back with you again. I appreciate the support that we have had from this committee over the years of my tenure.

Members of the committee, I am particularly pleased to have a chance to join my two colleagues here, Dr. Stockton and Dr. Heyman, in participating in this important opportunity to describe a national capability that is critical to our future.

It is also an opportunity to say thanks to our young men and women each day who are wearing the cloth of our nation, both defending the homeland here and deployed, as you mentioned early on, Mr. Chairman and Mr. Ranking Member, in your comments as we began the hearing.

As commander of NORTHCOM, I am assigned two principal missions: that of providing for military defense of our homeland against nation-state threats and non-nation-state threats; and to support civil authorities, when directed, with unique DOD capabilities in times of crisis.

Our role in responding to a crisis such an attack involving CBRNE materials is to provide trained and ready consequence management response forces, when requested from those civil authorities, as Dr. Stockton mentioned, to save lives and help mitigate pain and suffering. The specialized response force teams augment the consequence management efforts of state and local first responders, of the National Guard when called to duty by their governors, and of other federal agencies.

We provide complementary and unique capabilities as a follow-on line of defense, as it were, only when the effects of the first responders are exceeded—I am sorry, the capabilities of the first responders are exceeded.

Our efforts at NORTHCOM to prepare forces to assist in the aftermath of a CBRNE event are part of a combined national response framework. Our collaboration with federal and state partners, with governors, with the National Guard, are all key to this homeland response strategy and to our level of preparedness, as well.

We also partner actively and aggressively with our colleagues in the Department of Homeland Security, particularly with the Federal Emergency Management Agency, to prepare for—and I stress "to prepare for"—these kinds of events, so that we can respond rapidly to minimize loss of life and property.

At NORTHCOM we train hard to ensure our operational readiness, and our mission effectiveness in executing this mission are always at the best they could be. We cannot delay our ability to defend our nation against any threat. We cannot delay our planning efforts to mitigate the threat of an attack on our nation.

We will keep up the momentum, remain alert, and partner with all of our other mission partners to anticipate and prepare for possible crisis. We don't have the luxury in the homeland of long-term—of long lead time in many cases. Whether it is Mother Nature or the potential for a terrorist attack, the response must be of high quality, and it must be immediate.

Mr. Chairman, thank you for the opportunity to be here today. And we look forward to your questions as well.

[The prepared statement of General Renuart can be found in the Appendix on page 56.]

Mr. SMITH. Thank you very much.

We will follow the five-minute rule in questioning. We should have plenty of time, so if members have more questions than that, we will go around and do a second round. But I find it best to keep it to the five-minute rule in terms of moving the conversation forward.

Dr. Heyman, I want to start with you in terms of the coordination efforts. Could you give us a picture of who all you are coordinating basically within this effort up front at preventing the attacks in the first place?

What other agencies are principally involved? How are those responsibilities divided up? And then, following up on that, I would be interested to get your perspectives on how well that is working and how it could be better coordinated.

Mr. HEYMAN. Sure. Thank you for the question. At the centerpiece of our coordination effort is Homeland Security Presidential Directive–5 (HSPD–5), which describes the domestic incident system. That management of the crisis is the principal responsibility of Federal Emergency Management Agency (FEMA) and the Department of Homeland Security.

The ability to do that starts with our national operations center, which continually monitors potential major disasters.

Mr. SMITH. And I am sorry—are you talking here—you are talking here about responding to disasters, as opposed to prevention.

Mr. HEYMAN. I am talking about responding.

Mr. SMITH. Okay. Do that, and I am interested in prevention, too, as well, but go ahead.

Mr. HEYMAN. Okay. Sure. On the response side, on the consequence management side, the department continues to monitor potential disasters and emergencies. And when advance warning is received, DHS may deploy, in coordination with other federal agencies, liaison officers and personnel to states that may require assistance.

If there is a determination that there is a need for additional resources, and the disaster is declared, the department coordinates all of the federal family.

And the central centerpiece of this is something called the emergency support functions. There are 15 of them, and they have various capabilities that are required for responding to a crisis to include communications, to include debris removal, mass medical care and such.

The federal family all play roles in each of those support functions, including the Department of Defense. There are also sort of state and nongovernmental entities that are involved in response as well. So the department has a broad reach in coordinating the response.

Mr. SMITH. And two quick follow ups to that. One, so that is for whatever the disaster is, even beyond—and occasionally I miss an initial here, but CBRNE—even beyond that, like if there was, you know, a natural disaster, but also disease—you know, we are very

concerned about the swine flu and the way that is going—if there was a big huge outbreak, DHS would be at the theater that with FEMA's well, no matter the disaster, and the different agencies that you plug in, depending on what the specific threat is. Is that?

Mr. HEYMAN. That is correct. We have an all hazards approach, whether it is a natural disaster or a deliberate attack. The department has taken leadership role in domestic—management of domestic incident.

Mr. SMITH. Okay. And what about on the preventions side? This may be more DOD that we are talking to, so Dr. Stockton, feel free to jump in, or General Renuart.

But what is sort of the coordinating agencies that are most looking out there, trying to figure out how to prevent that specifically—obviously, you can't prevent a hurricane—CBRNE attacks?

Mr. HEYMAN. Well, I will take the first answer on that, that I think it is the—what you have to do is look at each of these separately. And I focused on nuclear and biological.

On nuclear on the prevention side, we sort of have a layered defense approach. The government looks at controlling nuclear material as a first line of defense, so that they don't fall into the hands of those who would seek to do harm.

There are a number of agencies that are leading that effort. The Department of Energy has a role to play. The Department of State has a role to play. The Department of Defense has a role to play. Nunn-Lugar legislation is one of the governing authorities on protecting from materials going——

Mr. SMITH. Does any one of those groups have the lead? I know when I have traveled internationally recently, there has been—you know, DHS has shown up in different embassies, depending on the issue, and there is, you know, consternation—basically, people trying to figure out, okay, where does DHS fit within the traditional State Department role and the traditional DOD role?

Focusing on this aspect of it on nonproliferation, actually, who is leading that effort? And then how is that support group put together?

Mr. HEYMAN. So the proliferation security initiative, which is led by the State Department, really tries to be an umbrella for including most of these activities as coordinated not just with the federal government, but on the international level. And other nations contribute to what is a large international effort to stem the spread of the nuclear material and nuclear weapons.

Mr. SMITH. Okay. I will follow up with this later on. I will respect the five-minute time and recognize Mr. Miller for five minutes.

Mr. MILLER. Thank you, Mr. Chairman.

Mr. Heyman, you know Florida prepares every year for a very long hurricane season, and so we are accustomed to coordinating working with the federal agencies on natural disasters. But what I would like for you to talk about is how DHS manages CBRNE incidents—a CBRNE incident compared with a natural disaster.

Mr. HEYMAN. It is a good question. And let me just thank the state of Florida for our new FEMA director, who is a——

Mr. MILLER. Yes, you got a good one.

Mr. HEYMAN. We are very grateful to have them here. In fact, I thank him this morning for giving me the opportunity to testify instead of him.

Mr. MILLER. Let the record reflect that Mr. Fugate did not report to where he should have been.

Mr. HEYMAN. On the distinction between CBRNE attacks and all other hazards is slight. We actually do have the design of our nation's ability to respond to these type of attacks goes through the national response framework and, as I said, our domestic incident preparedness concept.

The distinction between the CBRNE attack and other hazards is the notion is the notion that they are deliberate and therefore require potentially additional interdiction or attribution. As a consequence of that, in some—in those instances, you would have additional work, perhaps by the FBI, Justice Department, in leadership roles looking at those two particular aspects.

Mr. MILLER. And, Dr. Stockton, Research and Development (R&D) investments are crucial, if you will, to the advancement of the technologies for CBRNE consequences management. How does DOD spread that across the, I guess, the system, if you will, the investment of those R&D dollars?

Dr. STOCKTON. The under secretary of defense for acquisition technology and logistics provides overall oversight to make sure that the priority needs for response are going to be addressed by the research and development community. So he is in the lead on the civilian side.

Very important, the Joint Staff also has a joint requirements office for chemical, biological, radiological and nuclear defense. These acronyms are going to kill me at some point. And they ensure coordination to make sure that from the armed services perspective, the R&D requirements are going to be met.

We also coordinate very closely with our interagency partners across the spectrum, including DHS, but also the Department of Energy, our other federal partners. And let me emphasize also that we exercise frequently for these response requirements so we can discover unmet needs, we can figure out how DOD's research and development capabilities can best be harnessed to serve the CBRNE response.

Mr. MILLER. Thanks.

And, General, how does NORTHCOM coordinate intelligence sharing and operational planning activities with other DOD organizations and with other agencies in response to a CBRNE incident?

General RENUART. Well, Mr. Miller, I would even like to jump back before the event to talk about that, because I think it also gets to both of your questions about prevention.

This partnership in intelligence sharing is critical to prevention for these kinds of events. We have an active role to play each day as a member of the National Counterterrorism Center (NCTC).

We and the United States Special Operations Command (USSOCOM) have invested intelligence and operations analysts to sit in these organizations each day, looking to reach into that network of proliferators and potential users of a weapon of mass effect for terrorist activities.

We have a partnership not only with NCTC, but with the FBI's Joint Terrorism Task Force. We work very closely with the Department of Energy with DTRA, the Defense Threat Reduction Agency, on the technical capability of some parties to take advantage of, to use, and then maybe to weaponize some of these kinds of agents or nuclear materials.

So that partnership with both law enforcement and with the intelligence communities has allowed us to become much more proactive ahead of one of these events. Certainly, when an event occurs, if it were to occur, again DOD has a supporting role, but a very key supporting role.

For example, the FBI has the responsibility for the recapture and recovery of nuclear material that may have been stolen. We provide very significant support for the FBI—in fact, have exercised that in our last spring Ardent Sentry exercise.

We work very closely with the FBI on the attribution. An event like this becomes a crime scene to a degree, and it is important for the FBI and other law enforcement agencies to be able to capture the evidence so that we can begin to attribute.

So this interagency partnership is one that is critical to our success, and we play a very active role on a day-to-day basis with them.

Mr. MILLER. Thank you.

Mr. SMITH. Thank you very much.

Mr. Marshall.

Mr. MARSHALL. Thank you, Mr. Chairman.

Mr. Stockton, you began by addressing yourself to the chairman and the ranking member and the distinguished members, and I found myself wondering whether or not you were talking with me as well. I kind of doubted that.

This is slightly off topic, but it would be helpful to me to have your thoughts on the value in preparedness for these kinds of problems of having a secure power on base—on military bases scattered throughout the United States.

The House version of the bill at my request—this year's authorization bill at my request has a provision requiring that DOD study the possibility of installing nuclear power on military installations.

The intent is to explore the possibility of public-private partnerships that would both enhance the independence and security function that military bases can provide, with secure power available, despite what catastrophe might occur, and at the same time try and address energy independence and affordable energy, because the power plants presumably would feed back into the grid from military bases.

And I would like your thoughts on—you know, we are extremely familiar with this; at least in the Navy we have been doing this for 50 years with no incident—thoughts on smaller nuclear plants that are hardened against various attacks—Electromagnetic Pulse (EMP) comes to mind—and what benefit that provides us.

During Katrina, it seems to me that it would have been nice to have some secure power plants in the region that was just—where power was knocked out for days at a time.

Dr. STOCKTON. Thank you, Congressman Marshall.

It is an especially important question for me to address, because in my responsibilities as assistant secretary of defense, I am also responsible for defense critical infrastructure protection and ensuring the ability of the United States military to execute its core mission.

And if there is no power, it is very difficult to do so. In fact, it would be catastrophic in terms of our ability to execute our core mission.

So ensuring the reliability of power through the bulk power system, through backup power systems that would deal with the eventualities of either natural catastrophes are potentially attacks on that power system—that is a priority.

And I want to thank you for calling everybody's attention to it that—you and your colleagues both this year and in years past.

In terms of the particular ways in which best providing for the reliability of the flow power to the Department of Defense facilities and also, as you point out, finding ways of leveraging such investments so they benefit the civilian economy as well, especially because so much of the Department of Defense depends on our private sector for the execution of our core mission, I think it is terrific to look for the dual advantages of investment in terms of—in particular, how to accomplish this goal of reliability and resilience in the flow of power.

I don't yet have a lot of expertise on that issue, but I sure do welcome the attention that you and your colleagues are helping to focus on this issue, which is absolutely vital for our ability to assure the execution of DOD missions.

Mr. MARSHALL. As the language now stands, I don't know that it encourages DOD to think about this particular aspect. Well, I think it does, but in any event I would hope that perhaps you could add your voice within DOD, encouraging DOD to be thinking about these kinds of benefits associated with independent secure power on our military installations.

Dr. STOCKTON. I will do so, sir. Thank you.

Mr. MARSHALL. Thank you.

Thank you, Mr. Chairman.

Mr. SMITH. Good. Thank you.

Mr. Kline.

Mr. KLINE. Thank you, Mr. Chairman.

Thank you, gentlemen, for being here and for your testimony and addressing our questions. I am still sort of grappling, and I think all of us are at one level or another, with the fundamental question of who is in charge.

I know when I was out, General, visiting with your predecessor, Admiral Keating, at NORTHCOM, I was very impressed by the sort of interagency presence that was there and plans that were either developed or being developed and being put on the shelf. I am sure they are all completed and ready to go now. But the question is still sort of troubling.

Dr. Heyman, you said at one time there are a number of agencies leading that effort. And the chairman sort of followed up and said, "Well, who really is in the lead," because if there are a number of agencies leading, I would argue that nobody is really leading. There is nobody in charge.

And in the case of the DOD assets—gosh, we have a lot of them, and that is a pretty good thing, I suppose—we have the National Guard Weapons of Mass Destruction Civil Support Teams, the National Guard CBRNE Enhanced Response Force Packages, the DOD CBRNE Consequence Management Response Force, the Joint Task Force Civil Support Program.

And again, we always have these Title 10 sort of questions. When are these forces federal and when are they state? When do they work for the governor? When do they work for the general?

And looking in particularly at the CBRNE Consequence Management Response Force, which is fundamentally a pretty large force when you put it all together, I am looking at the notes here, frankly prepared by the quite excellent staff, that point out that originally these CBRNE Consequence Management Response Forces were to be assigned to U.S. NORTHCOM, and now they are being allocated to NORTHCOM.

And so again, it is a question of who is in charge when. And I am wondering, General, if you could talk about why that change and the impact it might have? Does it lessen your ability to influence these forces to make sure they are trained and prepared? Could you address that change for me, please?

General RENUART. Yes, sir. Happy to. And thank you for the question.

Important to note that the forces you described, the civil support teams (CST), the CBRNE Enhanced Response Force Package (CERFP) and that acronym, and then the Consequence Management Response Force are not designed to be stand-alone forces, but really are designed to integrate with each other as the size of the event grows.

Very small events, and we have—technically, CBRNE events occur almost every day in our country, and those small Civil Support Teams travel out on behalf of the governor to do the assessment and identification of the agent and begin to recommend initial mitigation actions.

And those are done, if you will, under the command of the local first responder—that fire chief, that police chief, the mayor. As the event is seen to be more significant, the governor has the ability to pull in that large—next larger team, the CERFP.

Those are guardsmen in state active duty status. They could also be in Title 32 funding, but still under the command of the governor, to provide sort of the next layer of muscle if the event grows.

And then finally, if there is need for—and I must add if all—at the same time these military forces are being employed, that FEMA and DHS have similarly configured civilian first responders. So this becomes additive as we see the significance of the event occur.

Finally, if we approach a catastrophic type of event—we talked about nuclear, but there could be other types—this Consequence Management Response Force (CCMRF), which is fairly robust, could come in then to provide sustainability over longer periods of time for larger casualties for a broader event.

The command, if you will, of those state forces rests with the governor and continues to do that. Both the federal military and the federal civilian responders come at the request of the governor

really to support the needs of that state, but bring capability that the governor does not have in his quiver, if you will.

Those military forces stay under the command of U.S. Northern Command, and they are there in support of those lead agencies—federal and state agencies. So command is not ever a question. It is how you integrate the control and the execution of those operations on the ground.

To your specific question of assigned versus allocated—sorry I am long-winded sometimes, Mr. Kline.

Mr. KLINE. It is all right. So my time has turned to red, but as long as the chairman will let you answer, I am a happy guy.

Mr. SMITH. Go ahead. Please do. Yes. No, go ahead.

General RENUART. And I appreciate——

Mr. SMITH. We have plenty of time. Go ahead.

General RENUART [continuing]. Mr. Chairman, the ability to continue.

But in terms of assigned versus allocated, in a perfect world every commander would like all of their forces assigned to them. We are in a very busy time in our nation right now, and we are using forces in many ways, and in some cases ways they were not originally designed for.

And so we have—the secretary and the chairman have adjusted this assignment process to something called allocated with operational control. The bottom line is it allows me to get access to those forces at—when I need them. It allows me to have training and readiness oversight of them. It allows me to make an input on funding for them, if funding is an issue.

But they can also be used—they are not technically assigned to me for the administrative process. I have no difficulty with that today. And given the circumstances that we have with the demands on our forces, it is appropriate to continue that. But that is—maybe it is a nuance difference in the assignment versus the allocation.

Mr. KLINE. Thank you. I would suggest it is perhaps a tad more than nuance, but thank you.

I yield back, Mr. Chairman.

Mr. SMITH. Thank you.

A couple of other questions. I know we have the Government Accountability Office (GAO) testifying afterwards, but I want to get your comments, and perhaps both General Renuart, Dr. Stockton, about DOD's plans on consequence management in this area.

A GAO report basically finds those points are—they are being worked on, but they are incomplete. They have not actually finished, you know, integrating them fully into what Homeland Security and others are doing. I just wonder if you could comment on the progress of that and your thoughts on the GAO report.

General RENUART. Just very quickly, sir, the GAO's—the GAO has a—it is fair to say that the progress is mixed in certain areas. We have done a great deal of work in partnership with DHS on each of those planning scenarios.

The integrated planning system that we are now using as the benchmark has been in existence formally for just about a year and a half, and so we are still building some momentum in that regard.

Having said that, Secretary Chertoff and now Secretary Napolitano have invested in significant ways in creating the planning capacity within DHS that can partner with the DOD in these areas.

And I am actually very comfortable that we have made great progress over the last year in particular to begin to complete actually a number of those plans. And I think we are well on the road to complete the remainder in a very short period of time.

Dr. STOCKTON. Let me just support what General Renuart has just said, but also emphasize that across the board, we are looking for opportunities and acting on them to strengthening the planning process to build integration. And that is true not only within the federal family, but with our state and local partners as well.

The Integrated Planning System (IPS) is a key vehicle for this. Is IPS perfect now? No. We are just standing it up. We are looking forward to making improvements, but we have terrific partners at DHS and building on the foundation that we currently have today and doing more to integrate and complete the process that is now under way.

Mr. SMITH. I have one other specific question about the response side, and it has long been a frustration. You know, certainly, it was present in 9/11. It was also present in Katrina that when a large-scale disaster like this hits, the communications, the ability through cell phones, walkie-talkies, whatever communication system.

And there have been a number of technologies out there that attempt to prioritize this. I am aware of a couple of them that basically set it up so that in the emergency you can instantly get, you know, your—you know, the people who need to be able to communicate with each other will have priority, will be able to do that, and that they will also be integrated just in general, so the fire department can talk to the police department can talk to the National Guard can talk to DOD.

There has long been a frustration that while this technology exists, that it is seemingly very slow in the appointment as of last report. And I am just wondering if anyone of you would like to give an update on that.

Mr. HEYMAN. I actually am—I would have to get back to you on that one. I am familiar with the prioritization. There is a system in place to prioritize communications during a crisis, which the department has led on.

And there are also additionally—in order to restore communications, we have put in place pre-authorized contracts to ensure that communications amongst first responders and other officials are established rapidly in a priority way.

Mr. SMITH. When you say there is a system in place on the front end, I mean, are you confident right now? I mean, pick a random city, you know, Denver. You know, if there is a big huge incident there, are all the key players in that area, you know, linked into a system that would enable them to communicate with one another in an emergency?

Mr. HEYMAN. So the answer—the answer is yes, but the way that that goes forward is both in terms of our public-private partnership and our relationship with the private sector that has communications, as well as federal communication systems as well, including

the Department of Defense, that support our ability to put in place rapidly, within the first 48 to 72 hours, communications. And I can get you some more details on that.

Mr. SMITH. Yes, I would be very interested, because a lot—as I understand it, a lot of this technology is stuff that, you know, needs to be, you know, implemented now, obviously.

And some of it is, you know, in a crisis situation, you know, systems are down. There is limited bandwidth. All of a sudden, you know, everybody is on the phone for one thing. You know, how do we make sure that the people who really need to be on the phone can be? Is that in place?

And the other piece of it is more upfront. You know, there are a lot of different hardware and software systems that are spread out amongst the various different organizations, and they may or may not be able to talk to one another. I know some cities, some counties in my area have bought technology that enables them mainly through software, so they don't have to change the hardware. Software enables them to be able to do that.

But I would be interested in if you could, you know, get back to the committee on specific answers on how—what sort of progress we have made on these two technologies. That would be great.

Mr. Miller.

Mr. MILLER. I think Mr. McIntyre would like to go into this for his round of questions.

Mr. SMITH. Okay. Go ahead.

Mr. MCINTYRE. I am fine. You go ahead.

Mr. MILLER. Just one quick question to the general. What protocols have to be met for NORTHCOM to become involved in a CBRNE event?

General RENUART. Mr. Miller, I think the—as we have mentioned earlier, we come at the request of the governor and the lead federal agency.

And so there is a process that would be activated upon an event occurring, where the state emergency manager and the governor would make a determination that the size or consequences of this particular event were large enough that the state and their emergency management assistance partners, those Emergency Management Assistance Compact (EMAC) partners, may not have the capacity.

At the same time, the governor would go to the President with a request for a disaster declaration, which, as you know, frees resources to begin to support the state.

But in terms of NORTHCOM in particular, as soon as the event occurs, we establish contact with the adjutant general in the state. We establish contact with our FEMA region director. We have a defense coordinating officer, who sits with that FEMA region director so that we begin to get a sense if this event is growing large enough for rapidly enough that there may be a need for DOD support.

Mr. MILLER. What happens—and I am going to ruffle some feathers by asking this question—if the governor and the local officials don't get it. They absolutely have become overwhelmed, as they did with Katrina, and don't make the call quick enough.

General RENUART. Well, Mr. Miller, I think the President ultimately has a responsibility for the nation to make a determination of the speed at which some event is unfolding. That is not a NORTHCOM decision.

My role is to ensure that, if I am asked, I have all the pieces in place to be supportive. So, I would defer to the national leadership to make a policy decision on the ability of an individual state. That is not really mine to call.

What we try to do is look at each of the states, and in each of the regions, to understand where they have shortfalls and limitations in equipment, in expertise, in planning capacity, and then try to help them up front before an event occurs to be as successful as they can.

How things unfold under pressure is really more a national issue to deal with.

Mr. MILLER. And I understand, but you led the answer to your question by saying that the call would be made by the governor and——

General RENUART. I understand.

Mr. MILLER [continuing]. With individuals. And that is why I wanted to drill down.

Mr. Chairman, that is all.

Mr. SMITH. Thank you.

Mr. McIntyre.

Mr. MCINTYRE. Just one question, Mr. Chairman.

Can you tell us, General, in specific, what kind of exercises have occurred that have tested the consequence management system?

I know occasionally, maybe one city might do some type of exercise. But can you tell us specifically what exercises have been done, and whether or not they have been done in such a way that they could serve as an example for yet other cities, who may not have done them, to follow?

General RENUART. Mr. McIntyre, absolutely. And this is an area that I think is not well understood by many.

There is a very detailed and layered exercise program that exercises each of these elements of the consequence management system repeatedly. And I will just give you a couple of examples.

On behalf of the National Guard, U.S. Northern Command managed the Vigilant Guard exercise. And these are conducted in states by the National Guards of each individual state. They are supported by U.S. Northern Command with evaluators and certifiers, and those kinds of folks, who specifically look at our consequence management civil support teams and the CERFPs in each state.

Those are done at the request of the states, so they are not on a recurring basis. But each year we conduct about seven or eight of those around the country.

Secondly, we have the training and readiness oversight for the CSTs, as well. So, they actually have a periodic certification exercise that we conduct through U.S. Army North and their consequence management evaluation team.

The follow-on piece, the large-scale piece, is the exercise of the so-called consequence management response forces. In the last year, as you know, we brought the first one into operational status.

Prior to that operational determination, we had a series of small unit to large unit exercises and training programs that allowed the leaders and allowed the individual soldiers and airmen, sailors, to practice the skills that they would need.

We then conducted a consolidated command and control exercise, so that we had an integrated opportunity to test and evaluate decision-makers from the headquarters down to the small unit commanders.

Finally, twice each year we have an exercise, one called Vigilant Shield, one called Ardent Sentry, which are designed to test some or all elements of the consequence management response forces at a deployed location.

This past year, we conducted a no-notice—a number of no-notice deployment exercises, so that we tested the ability of each unit to pack up its stuff, in some cases to have it prepositioned already, to move it to airlift heads, and then to move to a location where the exercise would occur. We have done that twice this year.

As we approach the new fiscal year, we have two large-scale exercises for the new consequence management response forces that will come on line. And we will physically deploy a full CCMRF—that 4,500 size force—to a location well away from their home stations, to exercise for an extended period of time in a catastrophic event.

We have partnered these with the national exercise program that DHS leads, so that we also get national level policymakers involved in the decision process as we go through these scenarios.

So, I think we have developed a layered and very well thought-out exercise program—very different from what we had just a few years ago.

Mr. MCINTYRE. Thank you. Thank you, Mr. Chairman.

Mr. SMITH. Thank you.

Mr. Kline.

Mr. KLINE. Thank you, Mr. Chairman.

General, I am heartened to hear about the exercise. It addresses the issue that I was getting at earlier, that if these forces are allocated, not assigned, do you still have the ability to train and exercise the forces. It sounds like you do, certainly with the exercise schedule.

I hope that the individual training that goes with that is proceeding, as well, and that you are providing oversight for that, for these forces that are not assigned to you and presumably are stationed elsewhere, but are allocated to you.

But seriously, I am heartened by the response to Mr. McIntyre's question.

I want to kind of follow up, because I am still grappling with the "who's in charge" question. And Mr. Miller asked the question, what if the governor or the local authorities simply aren't responding, they are incapable, or sort of don't understand the magnitude.

Another way to get at this problem is, what if you have an event, CBRNE event, that I can think of at least one major city where you might have four or five states involved, presumably Pennsylvania and New Jersey, perhaps Delaware or Maryland. Pretty easily you could get four or five states involved instantly.

Who is in charge?

To anybody here, are the procedures in place to make that—presumably, the President can be in charge at any time. But is there an established series of steps to address that?

Mr. HEYMAN. There are a number of triggers by law that set in motion when the federal government gets involved. If a—in addition to a governor requesting aid, a Stafford Act declaration can be made along a number of different paths: if one federal agency requests it, if a multiple number of federal agencies are involved in the response, if the President determines that it is a natural—an emergency and an emergency declaration is required.

States have an interest, obviously, in declaring a Stafford Act emergency, because it means that federal resources can start to flow to the state. And it is a mechanism I think that has worked quite well.

In terms of how assignments go out as the department begins crisis management and consequence response, there is a standard mechanism called the "mission assignment," which goes through these emergency support functions I laid out earlier, 15 different support functions, that have basic functionality that is required for managing the crisis and reestablishing elements of society—things like firefighting, mass care, housing, human services, medical surge capacity, et cetera.

The mission assignment is the vehicle that is used by FEMA in a Stafford Act disaster or declaration. And it gets your response going. It goes out to the different agencies that would have the lead. For example, the Army Corps of Engineers has the lead for emergency support in debris removal, and they would take it from there.

The same thing for any kind of relationship with the Defense Department. There are mission assignments that go out. The secretary of defense reviews them to make sure those do not conflict with readiness of the forces. And we have operated under that for a number of years.

Mr. KLINE. General.

General RENUART. Mr. Kline, I might follow up, just maybe an example that is very close to home, the I–35 bridge collapse in Minnesota.

Mr. KLINE. Great example.

General RENUART. The process that we describe sounds bureaucratic and cumbersome. In point of fact, within about two hours of Governor Pawlenty's phone call to the Secretary of Transportation, who then went to the President, who went to the Secretary of Defense, who came to me, we had those Navy divers moving within a matter of two hours after that was complete. So, the process can work very quickly.

And the difference between Katrina and today, is we have established the relationships among those participating partners, those other agencies of government, such that we can compress that response time down to hours and minutes, as opposed to days.

We did a spectacular job after Katrina of moving 72,000 uniformed military to Louisiana. The challenge is, we had no plans to integrate them. We had not done the spade work ahead of time, so that we knew who would be coordinating these activities.

Mr. KLINE. If I can, I see that my time is about to—I appreciate that. And it was a good example. It took really a couple of days before the President talked to Mary Peters, the Secretary of Transportation, who then talked to the Secretary of the Navy, who came back to you.

But I guess, once you made that call, it was a matter of a couple of hours. But it took some time to get there.

And just one more time on who is in charge, Dr. Heyman said that the DOD or Guard had responsibility for—had the lead for debris removal. But at some point, there is a competition for resources. And somebody has to be in charge to say, "No, no. You can't have those cranes and that equipment for debris removal. We need it for rescue operations over here."

And as these things grow in size and you have multiple states, somebody has to be in charge. Whether it is the director of FEMA, or NORTHCOM, somebody has to make that resource allocation.

Thank you. I yield back.

Mr. SMITH. Thank you very much.

And one question, I know we were talking primarily about consequence management after the fact, how you respond. But as long as I have you here, the prevention piece is something that I am also interested in, and I asked a little bit about earlier.

And General Renuart, I would be interested in your comments on the level of coordination on that, because this is a very, very complicated thing. Obviously, a lot of the prevention of these type of attacks happens overseas with some of the nonproliferation work, tracking the terrorist groups that might be inclined to launch such an attack.

And then, a lot of it happens within the U.S., as well. And as NORTHCOM commander, preventing those sorts of attacks is, I am sure, right up at the top of your list of priorities.

How do you plug in to that entire system of all of the different pieces that are involved with prevention, including FBI, other aspects of our intelligence community? And how satisfied are you in terms of the level of coordination, in terms of it is clear who is in charge of what, and how coordinated it all is?

General RENUART. Mr. Chairman, again to sort of beat this drum, we do most of these things in support of a federal agency or to defend against a nation-state. And so, that requires a partnership with other combatant commands around the world.

We share intelligence. We have a daily counterterrorist intelligence video teleconference (VTC) that we use to share information with Central Command (CENTCOM), for example, on terrorist elements that may be resident in their area of operations. And then, we work with our intelligence partners to study the networks, the links, that might bring them back here to the homeland.

The partners who sit in that are not just military. We also have the FBI, as I mentioned. We have all of the intelligence agencies of our government.

And that is an active discussion, sharing information, but also arguing points back and forth, so that we try to make sure we have asked the tough questions of how an event in Southwest Asia may relate to proliferation, may relate to a terrorist threat here in the homeland—with the intent being that we can interdict that chain

somewhere outside our borders, we prevent an attack from occurring here in our country.

That is not just a DOD effort. How we participate in that is through each of these collaborative analysis activities, and by raising questions and concerns that I have about a particular element of threat. We have talked about CBRNE events here, so bio-research, protection and security of nuclear materials in other countries.

I drive my intel team to go out and find that information. But that is resident in other agencies of government. And that is the kind of integrated collaboration we try to participate in.

Mr. SMITH. I think—yes, and that would be a piece, you know. Mr. Kline was talking about who is in charge. And there are a lot of different pieces to tracking particular individuals. But in this area in particular, it would be tracking specific threats with the chem-bio-nuclear area.

And then, of all those different people, I mean, if a threat comes up, we think, you know—I don't know. If some chemical agent has been stolen in large quantities from some place, and it links in with some terrorists who we think might be in the United States, you know, at that point, I mean, you are there. FBI is there. Homeland security is there.

But who is the person who would then say, "I am managing these resources, okay. You are doing this. You are doing that. You are doing the other thing," to respond to this specific threat?

General RENUART. Sir, just very quickly, this exercise we just completed is a good example of your question. It simulated a terrorist organization who had gained access to nuclear material in our country.

The Federal Bureau of Investigation has the lead responsibility. But DHS partners with that. We partner with that. DOD has some unique technical capabilities that are exercised in support of that.

So we have worked out those relationships and procedures ahead of the event. And in this particular exercise, we actually live deployed the FBI team, the DOD teams from home station to Wyoming to conduct this exercise in real time.

So, very positive experience, and the command and control communications all worked very, very well.

So, I think we are forcing ourselves to practice those scenarios and make them realistic.

Mr. SMITH. And ultimately, I think that is what works best is integration, is getting to know each other and working together through various collaborative processes. And there are a lot of different ways to do that. That is critical.

I have nothing further. Does anyone else have any further questions for this panel? Okay.

Thank you very much for your testimony. I really appreciate you coming here today.

And we will stay in touch.

Next up, we have Ms. Davi—and I am just not going to be able to pronounce it. D'Agostino, I believe, is somewhere in the neighborhood. And you can correct me once you—once we are cleared out here and you can have your seat.

For the members' information, Ms. D'Agostino is going to be the one testifying. Mr. Kirschbaum, Mr. Anderson are there in support, in case we ask really tough questions——

So, but Ms. D'Agostino, please—well, we have some shifting around here. Why don't we just——

Ms. D'AGOSTINO. Sure.

Mr. SMITH [continuing]. Take a moment for folks to get in and out.

And if you could introduce——

Ms. D'AGOSTINO. Sure.

Mr. SMITH. [continuing]. More formally the two gentlemen to your left——

Ms. D'AGOSTINO. Of course.

Mr. SMITH [continuing]. That would be great.

Ms. D'AGOSTINO. All right.

Mr. SMITH. All right. Go ahead, please.

STATEMENT OF DAVI M. D'AGOSTINO, DIRECTOR, DEFENSE CAPABILITIES AND MANAGEMENT, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Ms. D'AGOSTINO. Okay. I am Davi D'Agostino with the Defense Capabilities and Management Team at the GAO. This is Joseph Kirschbaum, assistant director, and Rodell Anderson, who is the analyst in charge on the work that we have been done for the committee on CBRNE consequence management capabilities at DOD.

I would like to submit our testimony statement for the record, please. And I have a brief oral summary to present at this time.

Mr. Chairman, Ranking Member Miller, distinguished members of the subcommittee, I am pleased to be here before you today to discuss the preliminary results of our work on DOD's efforts to provide CBRNE or CBRNE consequence management support to civilian authorities in the event of a catastrophic incident.

The 2007 National Strategy for Homeland Security highlighted the continued threat posed to the United States by potential terrorist use of weapons of mass destruction and the need for comprehensive capability to deal with the consequences of a CBRNE attack. A catastrophic CBRNE event within the United States would require a unified whole-of-government, national response and would be a tremendous challenge.

DOD plays a support role, including providing capabilities needed to save lives, alleviate hardship and suffering and minimize property damage caused by the event. NORTHCOM is to lead the military operations in direct support of another federal agency, most often FEMA. DOD has set its own goal of having forces ready to respond to multiple mass-casualty CBRNE incidents and has created significant capabilities that could be used to support a federal CBRNE response.

Our work for this subcommittee has focused on DOD's CBRNE Consequence Management Response Force, the CCMRF, a brigade-sized force comprised of parts of various military services units that are dispersed across the country. This testimony provides our preliminary answers to the following questions.

One, to what extent are DOD's plans and capabilities to respond to CBRNE incidents in the homeland integrated with other federal

government agencies' plans? Two, to what extent has DOD planned for, and structured, its force to provide CBRNE consequence management assistance. Three, how well-prepared are DOD's CCMRF to perform their mission? And four, does DOD have funding plans in place for the CCMRF that are linked to requirements for specialized capabilities?

First, our work has shown DOD has its own consequence management plans in place for more than a decade now, but cannot fully integrate them, because the IPS, the Integrated Planning System led by DHS, is not complete. Second, our work today has shown that DOD's CCMRF's ability to respond effectively may be compromised because of its land response times, which are very long. And they may not meet the needs of a catastrophic event.

Mr. SMITH. Can I ask you—sorry, but the Integrated Planning System that has been discussed a couple of time. DHS is supposed to put this study together. It is not quite done.

Ms. D'AGOSTINO. And they don't have timelines to complete either, sir.

Mr. SMITH. Okay.

Ms. D'AGOSTINO. It is reported on the——

Mr. SMITH. Okay. What is done, what isn't done?

Ms. D'AGOSTINO. We have laid out in our testimony a chart. Let me—that talks about the various status. And I think it is on page——

Is this it?

Yes, page nine.

Mr. SMITH. Okay. I see. Okay. Sorry, please continue.

Ms. D'AGOSTINO. Sure. Secondly, the CCMRF may lack sufficient capacity in certain key areas, such as medical personnel and equipment and decon, decontamination capabilities. And third, it faces challenges enforcing the CCMRFs, because of the competition for overseas missions and the use of the Guard and the Reserves.

Compounding these challenges is the fact that, starting in October 2009, DOD will allocate the units from all three CCMRFs to NORTHCOM, rather than assign them outright. As a result even though NORTHCOM's commander is responsible for commanding the domestic military CBRNE response, he will have less direct authority to control domestic deployment availability, to manage day-to-day training and to monitor the readiness of the units responsible for carrying out the mission.

Third, our work has shown that, in the last year, DOD has taken many actions to improve the readiness of the units that were assigned to the CCMRF. But the CCMRF could be limited in its ability to successfully conduct operations, because first, it does not conduct realistic full-force field training to confirm the units' readiness to assume the mission or to deploy quickly. And, again, conflicting priorities between the CCMRF mission and the overseas deployments impacts some units' mission preparation and unit cohesion.

Basically, the training and force rotation problems we have identified in our work have prevented DOD from providing the kind of stability to the CCMRF that would allow the units to build cohesiveness.

Fourth, and finally, our work thus far shows that DOD is making progress in identifying and providing funding and equipment to

meet CCMRF mission requirements. However, its efforts to identify total program requirements have not been completed. And its approach to providing program funding has been fragmented and is not subject to central oversight.

For example, the initial CCMRF that was established in October 2008 does not have fully defined funding requirements for the necessary dedicated resources to effectively carry out the CCMRF mission in an integrated and consistent manner. While DOD officials have told us they are in the process of developing essential equipment requirements, they have not been fully identified and funded.

We identified cases in which units have purchased their mission equipment and have funded CCMRF-related training activities from global war on terrorism monies and from operations and maintenance accounts. These accounts are not developed considering the CCMRF mission.

As a result, DOD lacks the visibility into the total funding requirements for this mission. We do plan to provide the subcommittee and our other congressional requester with our final report in September 2009.

And Mr. Chairman, members of the subcommittee, this concludes my prepared statement. And we would be happy to respond to any questions you may have.

[The prepared statement of Ms. D'Agostino can be found in the Appendix on page 64.]

Mr. SMITH. Thank you.

I am just following for a little bit on that. So, is it a matter of resources? They haven't dedicated enough money to complete this? Or do you think it is just of the—they have the resources, but it is complicated, and they haven't worked their way through exactly how to set up the CCMRFs and assign responsibilities? Which would that be?

Ms. D'AGOSTINO. Well, it could be a combination, because these are——

Mr. SMITH. Sure.

Ms. D'AGOSTINO [continuing]. From units that are spread all throughout the country. And so, there is the administrative issue of the funding that comes just from the structure—the inherent structure of the CCMRF. But beyond that, there is no single, you know, centralized point that, kind of, is responsible for hovering over and watching the total amount of funding that goes to the units that make up the CCMRF.

Mr. SMITH. So, there is no, sort of, CCMRF budget, if you will.

Ms. D'AGOSTINO. No——

Mr. SMITH. They have to sort of——

Ms. D'AGOSTINO [continuing]. Program element, right——

Mr. SMITH [continuing]. You know, getting a piece of equipment there, a piece of equipment there.

Ms. D'AGOSTINO. Exactly.

Mr. SMITH. Within the DOD then, could you identify who is, sort of, in charge or making sure the—got to love the acronym, by the way, the CCMRFs.

Ms. D'AGOSTINO. I know.

Mr. SMITH. Strikes fear in the heart of our enemies, I am sure. [Laughter.]

Got these little blue guys running around to make sure nothing happens. Sorry about that.

In terms of is there someone in DOD—like if you wanted to go say, okay, how come all this isn't happening—is there someone who is, like, the deputy under secretary in charge of CCMRFs? Or not that, but someone who is, sort of, supposed to be monitoring this? Or is this spread out across DOD?

Ms. D'AGOSTINO. It is spread out, no?

It is spread out.

Mr. KIRSCHBAUM. Yes, Mr. Chairman. It is rather spread out. I mean, there are elements in the, for example, Dr. Stockton's office responsible for homeland defense. There are offices in—the policy office responsible for those kind of things, also for consequence management, civil support. They all have responsibilities, are directly involved in providing for those forces. But there is no direct one person.

Mr. SMITH. Okay. It would seem to me that when in NORTHCOM, it would make sense to have such a person, you know, under General Renuart. Is that something that has been suggested to your knowledge? Or what is the——

Ms. D'AGOSTINO. We are formulating our recommendations into our report, which, you know, basically is—you have all the findings that are going to be in our report laid out here before you today. And we are formulating our recommendations. And one of the recommendations is toward the funding with centralized oversight.

Mr. SMITH. Okay.

Ms. D'AGOSTINO. And again, I don't think that we are going to be prescripted to DOD about who should be doing it. But——

Mr. SMITH. Right.

Ms. D'AGOSTINO [continuing]. I think we will have a recommendation to the secretary that someone be duly appointed to do so.

Mr. SMITH. And how many CCMRFs are there?

Ms. D'AGOSTINO. There are three——

Mr. SMITH. Okay.

Ms. D'AGOSTINO [continuing]. To be three.

Mr. SMITH. Okay. Regionally dispersed, I assume.

Ms. D'AGOSTINO. Well, even CCMRF 1 is very dispersed.

Mr. SMITH. Okay.

Ms. D'AGOSTINO. And then the follow on that the other two units are to be sourced from the National Guard. So——

Mr. SMITH. Okay.

Ms. D'AGOSTINO [continuing]. It makes it a little even more difficult to——

Mr. SMITH. Okay.

Mr. Miller, do you have anything?

Mr. MILLER. No, other than don't forget the Teletubbies. [Laughter.]

Mr. SMITH. That would be a subgroup.

Ms. D'AGOSTINO. That is right.

Mr. MILLER. Yes. They will work on the push.

No, no questions.

Mr. SMITH. Okay. I don't have anything further. We will certainly take a look at the report. And I think those recommenda-

tions are very helpful. And I think these are things that we should work on developing to get better coordination of who is in charge of what and where they are doing.

This hearing has been very helpful to me.

Do you have anything—any of you have anything to add?

Ms. D'AGOSTINO. Did you want to add?

Mr. ANDERSON. Well, I would just add that, there is a lot of training programs in place for a strategic-type training at the tactical level where the CCMRF would operate. There—DOD and NORTHCOM are just beginning to get a training program in place. Because these units—it is not really a unit. It is a number of individual units that span all services.

There are some civilian agencies that provide some of the resources as well as National Guard and reserve. And to bring this force together in an integrated manner to respond in a quick manner, there needs to be more opportunities for them to train together.

Generally, the training plan that DOD used is crawl, walk, run. Because of frequent rotation in the units that have provided capabilities to this force, this force has not been able to get much past the crawl stage, because just as they are gaining some momentum, a new unit comes in and they have to be brought up to speed.

So, while there are a number of strategic-level training programs, there have been a number of programs geared toward the leaders who are in charge of the various units. The actual tactical training for the units who would actually be on the ground providing support, that hasn't quite caught up yet. And hopefully in the future, they can get the participation that General Renuart spoke about, get the whole force actually in the field doing their mission real time.

Mr. SMITH. Okay.

Anybody else?

Well, thank you. I appreciate just knowing. I know when your full report comes out, we will do this again.

So, I appreciate your work. And we will certainly stay in touch.

We are adjourned.

[Whereupon, at 11:15 a.m., the subcommittee was adjourned.]

A P P E N D I X

JULY 28, 2009

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

JULY 28, 2009

Statement of Terrorism, Unconventional Threats and Capabilities Subcommittee
Chairman Adam Smith
Hearing on Chemical, Biological, Radiological, Nuclear, and
High-Yield Explosives Consequence Management
July 28, 2009

"Today, the Terrorism, Unconventional Threats and Capabilities Subcommittee will meet to receive testimony on domestic consequence management (CM) for chemical, biological, radiological, nuclear or high-yield explosive (CBRNE) attacks. I want to thank all of our witnesses for attending and lending their expertise to the important discussion. General Renuart, I'd especially like to thank you for flying in this morning to be here with us. We welcome all of you and your thoughts.

"We must ensure that we have a framework of guidance laid out that clearly defines the roles and responsibilities of local, state and federal responders should a CBRNE attack take place domestically.

"While there are a variety of teams and resources available to respond to a domestic CBRNE attack – including, but not limited to Civil Support Teams, CBRNE Enhanced Response Force Packages, and CBRNE Consequence Management Response Forces – we must ensure we are training, resourcing, and utilizing these resources in the most efficient and effective way possible.

"To ensure we are doing this, today this subcommittee would like to take a closer look at our overall domestic CBRNE response framework and the Department of Defense's (DOD) role in responding to a domestic CBNRE attack, including the types of forces available and how they might be employed.

"We will also take a look at the coordination of responsibilities and forces between the DOD and the Department of Homeland Security (DHS) and explore preliminary findings of the United States Government Accountability Office (GAO) assessing the DOD's contribution to federal, state and local CM response capabilities.

"Again, I thank the witnesses and look forward to an illuminating conversation on how we can more effectively tackle this critical challenge and ensure our efforts are coordinated in the event of a domestic CBRNE incident."

Ranking Member Miller Opening Statement for Hearing on Consequence Management for an Attack on the U.S. Homeland Involving Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives

July 28, 2009

Washington, D.C. – U.S. Rep. Jeff Miller (R-FL), Ranking Member of the House Armed Services Subcommittee on Terrorism, Unconventional Threats and Capabilities, today released the following prepared remarks for the subcommittee's hearing on how the United States would manage the consequences for an attack on the homeland involving chemical, biological, radiological, nuclear or high-yield explosives:

"I would like to thank Chairman Smith for calling today's hearing. On this subcommittee, we follow very closely terrorism and unconventional threats, and there is no doubt that those who would bring harm to the U.S., its citizens and its interests, seek to obtain a chemical, biological, radiological or high-yield explosive (CBRNE) capability to sow terror, harm innocent persons, and disrupt the peaceful lives all people desire. While much of our military's efforts focuses, very rightly, on projecting capability forward to deter, defeat and defend our nation and its interests, today we will examine the very important issue of dealing appropriately with an incident in which a CBRNE capability is used.

"Since 9/11, the Department of Defense and Department of Homeland Security have done an excellent job of keeping a CBRNE attack from happening on American soil. While we must certainly continue to pursue success in deterring and preventing such attacks from occurring, we must likewise be prepared to react quickly, and effectively, should a CBRNE event occur.

"Some very important steps have been taking to enhance the Department of Defense's capability to respond to a domestic event, from the establishment of U.S. Northern Command (NORTHCOM) to better coordinate military support to domestic agencies to the creation of National Guard Weapons of Mass Destruction Civil Support Teams to aid local first responders. But much remains to be done.

"NORTHCOM's Joint Task Force Civil Support was formed to provide a trained, ready CBRNE Consequence Management Response Force, or CCMRF, that would respond to catastrophic CBRNE incidents to integrate the Department's support to save lives and prevent injury. The Department assigned the first CCMRF forces to NORTHCOM in October of last year with the second and third CCMRFs to be activated through 2010. However, as we noted in the House version of the Fiscal Year 2010 National Defense Authorization Bill, the Secretary of Defense decided this April to 'allocate' forces instead of 'assigning' them. While this may seem a mere question of semantics, this difference can represent significant changes to how the CCMRF will operate, train, and be resourced—potentially degrading this much needed response capability.

"Further, in the Fiscal Year 2009 National Defense Authorization Act, we had directed the Government Accountability Office to examine NORTHCOM's progress in establishing forces assigned to the consequence management mission which we had expected to receive in April of this year. The Secretary's decision to allocate versus assign, however, has impacted the

completion of that report and has raised serious concerns in our minds about the potential negative impacts this decision may have on NORTHCOM's ability to respond to a CBRNE event.

"Ensuring that the Department of Defense can provide a much needed capability is the reason we are here this morning to receive testimony from the Department and from GAO on the military's consequence management capability. As we delve into this important topic, I would also be interested in hearing your comments on the National Strategy and the National Military Strategy to Combat Weapons of Mass Destruction. As we noted in this year's defense bill, there seems to be a divergence in the application of the concepts contained in those strategy documents, so I would be very interested in hearing your thoughts on what may be lacking, or effective, in our overall planning and organizing to deal with the CBRNE threat. I look forward to hearing your testimony today.

Statement for the Record

David Heyman
Assistant Secretary
Office of Policy
Department of Homeland Security

Before the
Subcommittee on Terrorism, Unconventional Threats and Capabilities
Committee on Armed Services
United States House of Representatives

July 28, 2009

Introduction

Chairman Smith, Ranking Member Miller, distinguished members of the Subcommittee: Good morning, thank you for the opportunity to address you today. My name is David Heyman. I am the Assistant Secretary for Policy at the Department of Homeland Security.

The topic of the hearing today is consequence management of chemical, biological, radiological, nuclear or high-yield explosive (CBRNE) attacks. It is a topic that sits at the intersection of three winding roads: the spread of transnational terrorism, the proliferation of nuclear weapons, and the advancement and diffusion of biotechnology.

Today, Al Qaeda and its violent ideology have been reconstituted along the border region between Afghanistan and Pakistan. North Korea and Iran continue their steady pursuit of nuclear technology. And the capacity to manipulate, replicate, and manufacture genetic material—a capacity that has great benefit to society, but also in the wrong hands the potential for great harm—has now become widely available throughout the world.

Our top priority at the Department of Homeland Security is to secure the American people from a range of terrorist threats, and the prospect of these three roads coming together is of great concern to the Department. Preventing chemical, biological, radiological, nuclear or high-yield explosive (CBRNE) attacks is at the core of DHS' mission and the reason the Department was created. So too is ensuring we are prepared for any attack that may occur, despite the nation's best efforts.

I am here today to provide you with an overview of consequence management at the Department for chemical, biological, radiological, nuclear and high-yield explosive (CBRNE) attacks, with an emphasis in biological and nuclear because they are particularly of high consequence Consequence management is a critical element in our nation's efforts to ensure that we are resilient in the face of an attack. We can be a more resilient nation, the more robust we are, the more agile we are responding to an attack, and the more rapidly we can recover. But, I should make clear from the start that we cannot talk about our ability to respond to and recover from an attack, to be resilient, without also simultaneously talking about prevention. Prevention and resiliency are two sides of the same coin—they are the yin and yang of our nation's risk abatement strategy.

Prevention and resiliency are both required to varying degrees as we consider combating CBRNE terrorist threats. In the case of nuclear attacks, the emphasis must be primarily on preventing an attack because the consequences of an attack would be catastrophic; for biological attacks, the emphasis must be on consequence management and ensuring resiliency because prevention is more difficult, and there are ways to save lives after an attack to prevent it from becoming catastrophic even after it occurs.

Regardless, whether we talk about prevention or resiliency, our goal is clear: we must put in place national—and in some cases international—systems of CBRNE defense, consisting of prevention, protection, response and recovery (or consequence management), that are robust, comprehensive, and resilient. This is not simply a DHS responsibility, though it is central to our mission. It is a national interest, requiring a comprehensive, integrated, and layered approach, combining the capabilities and resources of many entities across many levels of society: with the public, with State and local governments, across the Federal government and with our international partners, as well.

Prioritizing the CBRNE Threat

We can no longer discuss risk abatement of chemical, biological, and nuclear/radiological attacks as if these types of attack are unthinkable or undoable. U.S. intelligence, and the most recent intelligence around the world, continue to report that terrorists are intent on acquiring CBRNE

weapons for use against the United States.[1] While we have thankfully not seen a catastrophic CBRNE threat materialize, recent cases show the need for continued vigilance.

For example, from October 2006 to July 2007 insurgents in Iraq launched nearly 20 attacks using chlorine enhanced vehicle-borne improvised explosive devices (VBIED) that caused chlorine-related casualties including two fatalities. Kamel Bourgass – an al Qaeda-trained Algerian who had recipes and raw ingredients for making ricin, cyanide and botulinum with instructions on how to use these poisons and make explosives – was convicted of plotting to launch chemical and bomb attacks in London in 2005.

In Germany in 2007, four men known as the "Sauerland Cell" were found to have purchased enough bomb-making materials, including hydrogen peroxide-based liquid explosives, that could build bombs more powerful than those used in the 7/7 London bombings and the 3/11 Madrid attacks. In Maryland in 2005, Myron Tereshchuk was convicted of possessing weaponized ricin. The 2001 anthrax attacks in the U.S. mail, including in letters addressed to two United States Senators, were of the most significant biological events we have seen, especially here at the Capitol; five Americans died in these attacks.

Nuclear and radiological materials, including fissile material for nuclear weapons, remain very possible to acquire. In January, 2004, Abdul Qadir Kahn, a Pakistani nuclear scientist, confessed to running a vast clandestine supply network of nuclear weapons secrets and technologies; Iran, Libya and North Korea were the recipients. A thriving black market exists for radioactive materials, including fissile materials suitable for nuclear weapons. The International Atomic Energy Agency reports that "from January 1993 to December 2006, a total of 275 incidents involving unauthorized possession and related criminal activities were confirmed to the Agency's Illicit Trafficking Database."

DHS continually applies this understanding to domestic prevention, protection and response planning. The DHS Science and Technology Directorate (S&T) produces a biennial Bioterrorism Risk Assessment (2006, 2008), a Chemical Terrorism Risk Assessment (2008), and – in partnership with the DHS Domestic Nuclear Detection Office (DNDO) – an integrated CBRN Risk Assessment. Continuous risk assessments from all-source intelligence are performed by our

[1] Dennis Blair, Director of National Intelligence, *Annual Threat Assessment of the Intelligence Community for the Senate Select Committee on Intelligence, U.S. Senate,* February 12, 2009.

DHS Office of Intelligence & Analysis (I&A) in collaboration with our six component members of the DHS Intelligence Enterprise and the entire Intelligence Community. These risk assessments, together with current intelligence, guide the policy priorities and point to our greatest opportunities for risk abatement in the various attack scenarios.

What I am going to talk about today is DHS's CBRNE risk mitigation, with a focus on DHS' role in consequence management. Nuclear and certain types of biological attacks are the most serious threats we face – not because they are necessarily imminent, but largely because of the potential catastrophic impact or consequences an attack would have. Beyond the cost to human life, a successful nuclear or catastrophic biological attack would have far-reaching physical, economic, and psychological impacts.

The Role of DHS

As Secretary Napolitano has said, one of our principal priorities within the Department's all-hazards mission is to ensure that the Nation can respond to and recover from an incident such as a terrorist attack. Specifically, the Homeland Security Act of 2002 tasks DHS with "developing, in consultation with other appropriate executive agencies, a national policy and strategic plan for, identifying priorities, goals, objectives and policies for, and coordinating the Federal Government's civilian efforts to identify and develop countermeasures to chemical, biological, radiological, nuclear and other emerging terrorist threats, including the development of comprehensive, research-based definable goals for such efforts and development of annual measurable objectives and specific targets to accomplish and evaluate the goals for such efforts."

A number of National Security and Homeland Security Presidential Directives (NSPD/HSPD) further define the Department's role and responsibilities for holistic risk abatement of CBRNE threats:

HSPD-4 National Strategy to Combat Weapons of Mass Destruction
HSPD-5 Management of Domestic Incidents
HSDP-8 National Preparedness
HSPD-9 Defense of the United States Food and Agriculture
HSPD-10: National Strategy for Biodefense in the 21st Century
HSPD-14 Domestic Nuclear Detection
HSPD-15 U.S. Strategy and Policy in the War on Terror, CBRNE chapter

HSPD-19 Combating Terrorist Use of Explosives in the United States
HSPD-22 Domestic Chemical Defense

For consequence management, of particular importance is HSPD-5, Management of Domestic Incidents. The purpose of HSPD-5 is "to enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system." HSPD-5 gives the DHS Secretary incident management oversight authority and directs the Secretary to develop a National Response Plan (now called the National Response Framework) to integrate Federal Government domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan, including CBRNE incidents. Additional legislative authorities for DHS reside in the SAFE Ports Act and the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA).

Preventing and Responding to a Nuclear Attack

Preventing and responding to a nuclear attack involves a multi-layer strategy. The Nation's first line of defense against a nuclear attack is to control the sources of material and proliferation of nuclear technologies in order to prevent a nuclear attack. To thwart proliferation, overseas programs, such as the DoD Cooperative Threat Reduction Program and DOE's Second Line of Defense Program, strengthen the capability of foreign governments to secure, dismantle, deter, detect, and/or interdict illicit trafficking of nuclear and radioactive materials across international borders and through the global maritime shipping system.

If material can not be controlled at its source, the next layer is to detect its movement from where it was taken to its eventual target. DHS has a statutory responsibility to develop a Global Nuclear Detection Architecture (GNDA). The GNDA is a multi-layered system of programs, guidelines and detection technologies operated by federal agencies and designed to enhance the nation's ability to detect and prevent a radiological or nuclear attack. The Department of Defense, Department of Energy, State Department and other Federal agencies play key roles in this important effort.

DHS also coordinates with the Department of Energy on the Megaports Initiative, which equips foreign partners with radiation detection equipment at their sea ports. Approximately 75 ports worldwide are targeted for implementation of the Megaports Initiative. In addition, the Secure Freight Initiative (SFI) builds on the successful efforts of the DHS Container Security Initiative

(CSI) and Megaports programs by using the latest available technology to identify containers that pose a risk to the global maritime supply chain.

If radiological materials or nuclear weapons make it out of port, the Proliferation Security Initiative (PSI) enables the interdiction of illicit shipping of CBRNE materials on the high seas. The State Department credits PSI with halting 11 CBRNE-related transfers from 2004 to 2005, and more than two dozen from 2005 to 2006. Just this past June the United States Navy trailed a North Korean vessel suspected of moving materials that could be used to make a CBRNE weapon. We are also focusing efforts on other avenues of entry into the US, including general aviation, small maritime vessels, and non-points of entry land borders. Within the U.S. we will soon conclude the Securing the Cities Initiative, a pilot program to detect radiological or nuclear materials entering key urban areas such as New York City. Our operational components, such as U.S. Customs and Border Patrol, the Transportation Security Administration, and the U.S. Coast Guard are helping prevent nuclear terrorism every day.

Today I have been asked to testify on the last line of defense. Should other defenses fail, DHS, and its partners, must be ready to respond. It is DHS doctrine to take an all-hazards approach to response. Just like natural disasters, a terrorist nuclear attack would be handled by the primary response arm of DHS, the Federal Emergency Management Administration (FEMA). FEMA has been responding to disasters for over 30 years, and with the empowerment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended (Stafford Act), FEMA, with a Presidential declaration, has the ability to assist State and local officials in disaster-stricken areas. The White House, with substantial input and support from DHS, recently released Planning Guidance for Response to a Nuclear Detonation. This guidance is aimed at assisting State and local planners in preparing to respond to a nuclear attack, but also guides Federal planning. Not withstanding the guidance, a nuclear attack against the homeland would pose an extraordinary challenge, one that the Department is working diligently to meet. DHS values its strong and close working relationship with the Department of Defense (DoD) in all-hazards disaster response activities. In addition, FEMA is collaborating with DoD and others to develop a Strategy to Improve the Nation's Response and Recovery from an Improvised Nuclear Device (IND) Attack. FEMA will take the lead for DHS in coordinating with our federal partners to ensure our nation's ability to support state and local needs in the event of a nuclear attack. The program is currently funded at $6 million in FY09.

The first mission objective in response is to save lives, and all our planning emphasizes the preeminence of life-saving. Research and analysis on sheltering options shows that proper preparedness can save many lives during an incident involving highly radioactive fallout. Nuclear fallout is extremely radioactive in the first 2 hours post-detonation, but decays away fairly rapidly. Effectively sheltering people during those early hours can save tens of thousands of lives. With effective public outreach, local preparedness, and timely communication, we can save many lives. This is an area we continue to research and incorporate into plans. The DHS Office of Health Affairs produced a science-based public communications guide to assist Federal, State and local officials in preserving life following a nuclear attack. FEMA National preparedness, working with the DHS Office of Health Affairs, is now developing the communications tools for use by the State and local community to educate the public about IND events and to provide accurate protective action instructions in the minutes and hours after an event.

Preventing and Responding to a Biological Attack

Unlike radiological or nuclear threats, we face a much different set of challenges with respect to biological threats. It is difficult to counter a surreptitious release; there are more than 30 unique biological threat agents and various deployment scenarios. We are in the midst of a global biotechnology revolution and the skill set to manipulate pathogens is ubiquitous and rapidly advancing. New discoveries in the life sciences point to possible cures for cancer; at the same time, new research could be misused for deadly effect.

The biggest building blocks of the Nation's biodefense strategy are: (1) to detect-to-treat – DHS operates the BioWatch program for early recognition that a bioattack has taken place, (2) the development through HHS and DOD of medical countermeasures to protect people from the attack, (3) the partnership between DHS and National Center for Medical Intelligence (NCMI), and (4) strengthening the public health community at the State and Local level to effectively treat the exposed population to mitigate illness and death. Because of the potential mass scale of an attack, the integrated Federal biodefense experts are focused on developing surge capacity and taking measures to drive the timeline for response as early as possible.

DHS funds the national BioWatch program and supports the daily operations of existing technologies that test and analyze air samples for the presence of biological agents. DHS also

funds the development of next-generation of biodetection technology that aims to shorten warning times to four to six hours of an attack. Fielding the next generation systems includes overcoming challenging technological and engineering hurdles and must be fully tested before being deployed. Because clinical symptoms may not show up in victims for many days after an attack, the BioWatch detection systems form a critical part of enabling a rapid response to mitigate illness and death. The BioWatch program is part of an integrated Federal partnership that includes the HHS distribution of the strategic national stockpile to a location, and the dispensing of post-exposure prophylaxis by Federal, State and local officials to the affected population. DHS, HHS and DOD also partner together to maximize investment utility on medical countermeasure development and acquisition for the most relevant vaccines and drugs, and jointly establish R&D priorities to respond to a full range of bio and chemical threat agents.

Further DHS layers of defense against biological threats include building awareness at home and abroad. We seek to prevent the deliberate misuse of biologic agents and we assess the deliberate adversary threat when powerful new biotechnologies are discovered. We support international engagement with other countries, the international private sector, and the global public health community to build awareness, understanding, and responsible conduct. DHS also knows that investments in public health against infectious diseases can contribute to public health security in the United States, which is why we maintain a robust risk assessment to understand the relative risk posed by various biological agents, and provide the national priorities for countering the greatest threat: an aerosolized release in a major urban area.

Adding protection against security or safety lapses, and insider threats forms another layer of biodefense. DHS supports site vulnerability assessments on behalf of the select agent research community at Biological Safety laboratories. Pathogens reside in 300+ research sites throughout the U.S. and in multiple countries around the world. Sufficient biological security measures need to be put in place and intelligence collection strengthened to prevent unauthorized access to these pathogens. DHS is a leader in people screening, particularly screening those with ties to terrorism and international connections. DHS builds on our resources within TSA, CBP, ICE, I&A, Coast Guard and US-VISIT to enhance screening techniques, terror watchlist analysis, biometric collection, and cooperation with international partners. All these efforts help us limit the movements of those who intend to do us harm, which contributes to our prevention mission.

There are windows of opportunity to prevent a biological attack from becoming a catastrophic event. Timely mitigation measures, such as preparing citizens in advance for rapid delivery of post-exposure prophylactic medical countermeasures, are critical. Depending on the nature of the biological threat – even 2009-H1N1 – DHS works diligently on developing preparedness and response doctrine, exercises, training and public health and medical readiness, with a particular focus on leading preparedness and response activities with the private sector, critical infrastructure, law enforcement, first responder and other sectors not part of the traditional public health community.

Should a catastrophic bioevent happen, DHS must be ready to respond along with HHS, DOD, EPA and the State and Local public health communities. Biological attack scenarios are amongst the most challenging we may face and we are working to meet those challenges. We value our strong and growing relationship with the Department of Defense in this area for collaboration. A biological attack scenario would require a massive surge in manpower and resources to effectively save lives and manage the incident; DOD has manpower and resources that could be employed in this situation. .

Surge Capacity and Interagency Coordination

Surge capacity is vital to effective consequence management of large-scale CBRNE events. The national architecture for responding to a CBRNE incident, both natural and man-made, assumes first and foremost a local response, with individuals and local communities managing and coping with the initial stages of an incident. When an incident occurs that exceeds or is anticipated to exceed local or State resources, a surge of additional resources and capabilities is required. Those resources may come from nearby states or from the Federal Government. For major disasters, as governed by the Stafford Act, this surge can be initiated through the request of a State Governor for regional and/or Federal support. It can also be initiated by Presidential declaration.

It is anticipated that large-scale CBRNE events are likely to overwhelm State and local capabilities, quickly requiring additional resources from the Federal Government. Thus, DHS is actively working to further develop two key roles in CBRNE response preparedness: (1) to assist state and local responder organizations in preparing to recognize and respond to the novel or unique aspects of CBRNE attack, and (2) to coordinate the Federal response. Assistance to State and local stakeholders is largely provided through grants to state and local governments from FEMA, State and local outreach efforts, exercises, and training; In FY2009 DHS announced over

$1 billion in homeland security grants to States and local governments to build and strengthen preparedness capabilities through planning, equipment and readiness for all hazards, including CBRNE preparedness. As required by HSPD-8 and PKEMRA, FEMA also provides assistance by establishing readiness metrics in the National Preparedness Goal to measure national progress as well as an overall National Preparedness System for assessing the nation's preparedness capability to counteract CBRNE threats. Additionally, FEMA develops preparedness guidance to support the enhancement of these capabilities. FEMA also manages a Pre-Positioned Equipment Program that has caches of hazardous materials response equipment located at nine sites across the country to support state and local first responders in the event of a CBRNE attack or other disasters involving hazardous materials.

DHS interacts daily with Federal counterparts to ensure maximum coordination on issues such as CBRNE threats and intelligence, public health issues, infrastructure protection and security, counterterrorism and counterproliferation, secure transportation and shipping, and disaster response coordination. DoD, and in particular, NORTHCOM play major roles in many of these areas. We value our growing collaboration with NORTHCOM on the coordination, utilization, and integration of DoD assets and capabilities into Federal, State and local disaster response. The consequences of a nuclear attack are of such magnitude that civilian response forces would be unable to meet the demand. The massive surge in capabilities required to effectively save lives and manage the incident would require DoD manpower and resources in terms of specialized CBRNE hazard response teams, search and rescue capabilities, road clearing, engineering support, airlift for emergency evacuations and delivery of supplies, emergency medical care and supplies, shelter for displaced populace, provision of food and potable water, and other critical services.

DHS places a high priority on stakeholder outreach and engagement. One such example is the Interagency Biological Restoration Demonstration Program (IBRD), a collaborative Department of Homeland Security and Department of Defense program focused on reducing the time and resources required to recover and restore wide urban areas, military installations, and other critical infrastructure following a biological incident. The pilot city for IBRD is the Seattle Urban Area which includes Army Fort Lewis and McChord Air Force Base. The IBRD program is developing and demonstrating technologies and methods for wide area bio-restoration, and providing consequence management guidance at the local, state and federal levels.

Conclusion

Our nation faces many challenges with respect to CBRNE defense. Our top priority will always be to mitigate the risk in the best way possible which includes robust planning and preparedness. For nuclear threats, we will continue to focus on prevention; and for biological threats, the emphasis is on tight and timely response. Prevention and consequence management in CBRNE is a priority for the Administration and one that requires continued collaboration with our Federal, State, and local partners. We look forward to strengthening our existing partnership with the Department of Defense as we improve our Nation's resilience.

I would like to thank the committee for their support as DHS carries out necessary steps in the areas of preparedness, outreach to State and local governments and first responder communities, research and development, and planning for CBRNE prevention and consequence management. Thank you and I look forward to your questions.

FOR OFFICIAL USE ONLY
UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL
THREATS AND CAPABILITIES
U.S. HOUSE OF REPRESENTATIVES

Statement by

The Honorable Paul Stockton

Assistant Secretary of Defense for Homeland Defense

and Americas' Security Affairs

Before the 111th Congress

Committee on Armed Services

Subcommittee on Terrorism, Unconventional Threats and Capabilities

United States House of Representatives

July 28, 2009

INTRODUCTION

Chairman Smith, Ranking Member Miller, distinguished members of the Subcommittee: thank you for the opportunity to address you today on the Department of Defense's (DoD's) roles and responsibilities for homeland defense and Defense Support of Civil Authorities (DSCA), and DoD's efforts to enhance its preparedness to respond to chemical, biological, radiological, nuclear, and high-yield explosives (CBRNE) attacks.

Just as our challenges change and our adversaries adapt and develop new tactics, we too must be nimble and creative. As the President recognized, in his commencement speech at the U.S. Naval Academy in May, "For history teaches us that the nations that grow comfortable with the old ways and complacent in the face of new threats, those nations do not long endure. And in the 21st century, we do not have the luxury of deciding which challenges to prepare for and which to ignore. We must overcome the full spectrum of threats -- the conventional and the unconventional; the nation-state and the terrorist network; the spread of deadly technologies and the spread of hateful ideologies; 18th century-style piracy and 21st century cyber threats."[1]

There are few greater challenges than those posed by chemical, biological, and particularly nuclear weapons,[2] and as acknowledged by Secretary Gates in his statement to the Senate Armed Services Committee earlier this year, "one of the greatest dangers we continue to face is the toxic mix of rogue nations, terrorist groups, and nuclear, chemical, or biological weapons."[3]

In facing these challenges, the responsibility of DoD "first and foremost is to fight and win wars."[4] The U.S. military must be able to dissuade, deter, and, if necessary, respond to challenges across the spectrum -- including the armed forces of other nations. [5]

---

[1] President of the United States, Press Release: *Remarks by the President at the United States Naval Academy Commencement*, May 22, 2009.
[2] Department of Defense, *National Defense Strategy*, June 2008, page 14.
[3] Hon. Robert Gates, Secretary of Defense, *Statement for Record to the Committee on the Armed Services, U.S. Senate*, January 27, 2009.
[4] Hon. Robert Gates, Secretary of Defense, *Statement for Record to the Committee on Armed Services, U.S. House of Representatives*, May 13, 2009.

I am honored to have been nominated by the President and confirmed by the Senate to serve as the second Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs. I am grateful to my predecessor, Paul McHale for all that he achieved in the last six years, and hope to build on his accomplishments during my tenure. In this role, my principal duty is the overall supervision of the homeland defense activities of the Department of Defense.[6] As a matter of policy, I am also the principal civilian advisor to the Secretary of Defense and the Under Secretary of Defense for Policy on homeland defense activities, DSCA, and Western Hemisphere security matters. As a matter of law, I am also responsible for coordinating DoD assistance to Federal, State, and local officials in responding to threats involving CBRNE weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of CBRNE weapons and related materials and technologies.[7]

As a part of my duties, I provide guidance and oversight to, and coordinate with, the two combatant commands responsible for employing Federal military forces to execute homeland defense and DSCA missions: United States Northern Command (USNORTHCOM), which is responsible for the lower 48 States and Alaska, Puerto Rico, and the U.S. Virgin Islands, and United States Pacific Command (USPACOM), which is responsible for Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and insular territories throughout the Pacific Ocean.

Given the opportunity to testify before the Subcommittee for the first time in my official capacity, I would like to discuss how the Department views homeland Defense, Defense Support of Civil Authorities, CBRNE consequence management, and cooperation with our interagency partners across all of those missions.

HOMELAND DEFENSE

---

[5] Hon. Robert Gates, Secretary of Defense, *Statement for Record to the Committee on Armed Services, U.S. Senate*, January 27, 2009.
[6] 10 U.S.C. §138(b)(3).
[7] 50 U.S.C. §2313.

"Homeland defense" and "homeland security" are complementary and mutually supporting mission areas.

DoD defines "homeland defense" as the "protection of United States sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President." The law defines "homeland defense activity" as meaning "an activity undertaken for the military protection of the territory or domestic population of the United States, or of infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States."[8] In other words, *homeland defense* is a select activity -- *protection* -- provided by a specific entity -- the *military* -- and focused on a full-spectrum of "external threats and aggression" – including *the armed forces of other nations* and *terrorists*. Homeland defense is a mission of the Department of Defense. The U.S. Armed Forces protect the physical integrity of the country through an active layered defense. They also deter attacks upon it, directly and indirectly, through deployments at sea, in the air, on land, and in space.

The Congress, in the Homeland Security Act of 2002, assigned to the Department of Homeland Security the responsibility for preventing terrorist attacks within the United States; reducing the vulnerability of the United States to terrorism; and minimizing the damage, and assisting in the recovery, from terrorist attacks that do occur within the United States. As necessary, and consistent with the law, DoD provides support to the Department of Homeland Security and other Federal and State agencies in the execution of homeland security missions.

DoD is postured daily to deter, defend against, and defeat threats to the United States in the air, maritime, and land domains. The air domain, including U.S. airspace and the nation's air approaches, is guarded, patrolled, and monitored by the bi-national U.S.-Canada North American Aerospace Defense Command (NORAD). Special defensive measures, including irregular air patrols, a dedicated 24-hours-a-day/7-days-a-

[8] 32 U.S.C. §901.

week alert fighter response based at Andrews Air Force Base, Maryland, and a dedicated ground missile defense system, provide around-the-clock protection of the National Capital Region. The maritime domain -- including international waters, the maritime approaches to the United States, our territorial seas, and other U.S. navigable waters -- is guarded by a highly effective partnership between the U.S. Navy and the U.S. Coast Guard. The U.S. Navy defends the sea approaches to the United States and works with the U.S. Coast Guard to patrol international waters and our territorial seas. Additionally, in multiple theaters overseas, forward-deployed U.S. Navy assets work with other agencies and nations to identify, track, and intercept threats before they threaten the United States. On the land domain, in addition to general purpose forces, which can be called upon at any time, DoD has numerous assets ready to defend the U.S. homeland directly and to assist civil authorities, including U.S. Army and U.S. Marine Corps quick reaction and rapid reaction forces and standing joint task forces dedicated to the National Capital Region, Alaska, Hawaii, and elsewhere.

DEFENSE SUPPORT OF CIVIL AUTHORITIES

As stated in the National Defense Strategy, "While defending the homeland in depth, the Department must also maintain the capacity to support civil authorities in times of national emergency such as in the wake of catastrophic natural and man-made disasters."[9] DoD is prepared, when directed by the President or approved by the Secretary of Defense, to provide, as part of the Federal Government's support of State and local emergency assistance efforts, capabilities and resources to save lives, sustain lives, and protect property and public health and safety, including search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, and other essential needs, including movement of supplies or persons. [10]

Subject to constitutional and statutory authority, DoD is also prepared to assist civilian law enforcement authorities. Under Title 10 and Title 18, U.S. Code, the

[9] Department of Defense, *National Defense Strategy*, June 2008, page 7.
[10] 42 U.S.C. §5170a, §5170b, §5192.

Department of Defense, at the request of the U.S. Attorney General, may assist in activities related to the enforcement of specified laws during situations involving a biological, chemical, or nuclear material or weapon of mass destruction.[11] In addition, under Title 10, DoD, at the request of Federal, State, or local civilian law enforcement officials, may make available -- to the extent it does not affect military preparedness[12] and on a reimbursable basis[13] -- any DoD equipment, base facility, or research facility for law enforcement purposes.[14]

CBRNE CONSEQUENCE MANAGEMENT

The Department of Defense "will be prepared to provide forces and capabilities in support of domestic CBRNE consequence management, with an emphasis on preparing for multiple, simultaneous mass casualty incidents." DoD's CBRNE response capabilities are the best funded, best equipped, and best trained in the world. During the past eight years, DoD has developed a wide range of CBRNE response capabilities and has trained to employ these capabilities rapidly in support to civil authorities to help save lives.

In the National Guard, DoD has developed, trained, equipped, and certified 55 Weapons of Mass Destruction - Civil Support Teams (WMD-CSTs) -- one in each State and Territory (and two in California) -- and 17 CBRNE Enhanced Response Force Packages (CERFPs) located throughout the United States. There is at least one CERFP in each Federal Emergency Management Agency (FEMA) region. Both the WMD-CSTs and the CERFPs operate under the command and control of the State Governors with Federal funding (Title 32, U.S. Code).

In the Federal forces, we established the first CBRNE Consequence Management Response Forces (CCMRF) last October. We will establish a second this October, and will establish a third and final CCMRF by October of 2010. The CCMRFs' primary

[11] 10 U.S.C. §382 (biological or chemical) and 18 U.S.C §831 (nuclear).
[12] 10 U.S.C. §376.
[13] 10 U.S.C. §377.
[14] 10 U.S.C. §372.

mission is to assist civil authorities in the aftermath of a CBRNE incident in the United States.

Although not dedicated to domestic CBRNE consequence management, other Federal forces can be called upon by the Secretary of Defense to assist civil authorities. Special units such as U.S. Army technical escort battalions, the U.S. Army Corps of Engineers, and the Defense Threat Reduction Agency's Consequence Advisory Teams can provide unique technical support. As well, general purpose forces can assist with transportation, medical support, logistics support, evacuation, damage assessment, and security. If necessary, the President has the authority to order to active duty members and units of the Reserve Components, for up to 365 days, to assist in responses to CBRNE threats or attacks.[15] The President, however, does not have the authority to order to active duty members or units of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to assist in responses to natural disasters. We are currently working with the Governors of the States and Territories on a DoD legislative proposal to provide the Secretary of Defense the option, when requested to support Federal assistance to States and localities, to call upon the citizen soldiers, sailors, Marines, and airmen of the Army, Navy, Marine Corps, and Air Force Reserves, who stand ready to help in times of need.

INTERAGENCY COOPERATION

As provided in the National Defense Strategy, effective execution of assistance such as Defense Support of Civil Authorities, especially amid simultaneous, multi-jurisdictional disasters, requires ever-closer working relationships with other departments and agencies, and at all levels of government. As the President noted in May, "True preparedness means having Federal and State and local governments all coordinating effectively."[16] To that end, DoD will continue to work to improve understanding and harmonize best practices amongst Federal, State, and local partners. This must happen at

[15] 10 U.S.C. §12304.
[16] President of the United States, Press Release: *Remarks by the President After Meeting at FEMA on Hurricane Preparedness*, May 29, 2009

every level from Washington, DC-based headquarters to the field. DoD, in partnership with DHS, also will continue to develop strong relationships with State and local authorities to ensure DoD is positioned, along with other Federal agencies, to respond when necessary to support civil authorities in times of emergency, when requested, where allowable by law, and when directed by the President or authorized by the Secretary of Defense. Through these efforts we will significantly increase our collective abilities to secure the homeland.

The Department of Defense has already worked closely with FEMA to develop 26 all-hazard, pre-scripted mission assignments (PSMAs) for DoD support and more than 30 PSMAs for U.S. Army Corps of Engineers support. These all-hazards PSMAs include:

- Heavy- and medium rotary-wing lift;
- Tactical transportation;
- Strategic transportation;
- Communications support;
- Emergency route clearance;
- Damage assessment;
- Temporary housing;
- Mobilization centers and operational staging areas;
- Temporary medical facilities; and
- Rotary wing medical evacuation.

In terms of planning activities, DoD and other Federal partners have supported the DHS Incident Management Planning Team since March 2006 in its efforts to develop interagency plans to address the challenges described in the 15 National Planning Scenarios.

In addition to interagency planning and other initiatives, DoD has forged strong, direct, day-to-day relations with DHS at all levels. For example:

- Since 2003, DoD has maintained a full-time DoD advisory and liaison office within DHS headquarters;
- Also since 2003, under a DoD-DHS memorandum of agreement, DoD has detailed more than 100 DoD personnel to DHS to fill critical specialties in the DHS National Operations Center, the National Response Coordination Center, Science and Technology Directorate, Intelligence, Cyber and Telecommunications, and Domestic Nuclear Detection Office, FEMA, and the U.S. Coast Guard; and
- Since 2006, DoD has maintained Defense Coordinating Officers and Defense Coordinating Elements attached to each of the 10 FEMA regions to coordinate DoD assistance.

As an academic, I was critical of past efforts to build homeland security programs that depend on State and local entities to be implemented effectively without taking State and local perspectives and constraints into consideration. State and local expertise and perspectives are essential to success. It is also important to be mindful of the fact that, in our nation's Federalist system, the Governors are sovereign, independently elected chief executives of their States. As the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, I hope to contribute to a more inclusive effort, one that involves State and local partners as *partners aforethought* and not as an *afterthought*. Congress, in section 1822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), has provided a valuable vehicle through which to accomplish this goal: the "Council of Governors," which would provide a forum for Governors, the Secretary of Defense, and the Secretary of Homeland Security to exchange advice, views, and recommendations on the National Guard, DSCA, and other matters of mutual interest. I will make it a top priority to implement this congressional objective.

Since 2008, DoD has supported FEMA in the Task Force for Emergency Readiness (or "TFER") initiative. The TFER, under the direct leadership of a Governor's state emergency management structure, brings State planners, including National Guard

personnel, with DHS Federal Preparedness Coordinators and DoD Emergency Preparedness Liaison Officers to develop State plans tailored to the unique strengths, vulnerabilities, and challenges of each individual State. The TFER can also facilitate the integration and synchronization of local, State, Regional, Federal, and private sector incident planning.

The TFER initiative will enable the merging of bottom-up local/State planning with the Federal top-down approach to foster a unity of effort in the planning arena that mirrors our nation's principles of self reliance and the Federal model of government. In short, each state's TFER will provide a focal point for catastrophic response planning and will help integrate all relevant capabilities -- military and civilian -- found within the public and private sectors.

Currently, FEMA is conducting a TFER pilot program in five States: Hawaii, Massachusetts, South Carolina, Washington, and West Virginia. As part of this pilot program, the planning of each of these five TFERs is focused on planning for a different catastrophic incident from the 15 National Planning Scenarios. Early indications are that TFER shows enormous promise, and serves as a model of how DoD can partner with FEMA to help support States.

CONCLUSION

In conclusion, since being confirmed as the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, I have been greatly impressed by what I have seen. Today, DoD -- Active, Reserve, National Guard, and DoD civilians -- is better prepared to defend the United States and assist civil authorities in the aftermath of a catastrophic incident than at any other time in our nation's history. Our men and women in military uniform are well prepared to act, with a sense of urgency, when needed.

I also realize that no matter how good we are, we must get better. Readiness is not a static end state, but a continuous process of preparation and self-examination. I intend

to dedicate my tenure to ensuring that we do get better. I appreciate your leadership, Mr. Chairman, Members of the Subcommittee, and look forward to working with you in the future.

UNCLASSIFIED
FOR OFFICIAL USE ONLY
UNTIL RELEASED BY THE
HOUSE COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON TERRORISM AND
UNCONVENTIONAL THREATS AND CAPABILITIES

STATEMENT OF

GENERAL VICTOR E. RENUART, JR., USAF

COMMANDER

UNITED STATES NORTHERN COMMAND

BEFORE THE

HOUSE ARMED SERVICES COMMITTEE

SUBCOMMITTEE ON TERRORISM AND UNCONVENTIONAL THREATS AND CAPABILITIES

28 JULY 2009

UNCLASSIFIED
FOR OFFICIAL USE ONLY
UNTIL RELEASED BY THE
HOUSE COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON TERRORISM AND
UNCONVENTIONAL THREATS AND CAPABILITIES

Chairman Smith, Congressman Miller and Members of the Subcommittee:

Thank you for this opportunity to discuss the role of United States Northern Command (USNORTHCOM) in homeland defense and civil support operations.

USNORTHCOM anticipates and conducts homeland defense and civil support operations to defend, protect, and secure the Unites States and its interests. We collaborate closely with our interagency and international mission partners to sustain continuous situational awareness and readiness to anticipate, deter, prevent, and defeat a range of symmetric and asymmetric threats in that are directed at our homeland. When directed by the President or the Secretary of Defense, USNORTHCOM will support Federal primary agencies in responding quickly to natural disasters, catastrophic incidents, and the effects of terrorist attacks.

USNORTHCOM primarily provides defense support to civil authorities through our subordinate and Service component commands in accordance with the National Response Framework and applicable laws, including the Stafford Act and the Economy Act. We always coordinate with other Federal agencies and have strong working relationships with State partners, including the National Guard, whether acting in a State active duty or operational Title 32 status.

In addition to our steady-state exercise, intelligence, and operational mission support of interagency homeland defense and security efforts, we maintain a "family of plans." These plans present a flexible and scalable approach to support the national response to natural and man-made disasters of varying characteristics and severity.

USNORTHCOM maintains plans and identifies capabilities to support and complement a civil response. In the event of a natural or man-made disaster, military forces are part of a collaborative and sequentially-layered response. Normally, local first responders are augmented by State resources, either within their State or via the Emergency Management Assistance Compact

(EMAC) with other States, to include the employment of National Guard forces operating under the authority of a governor. USNORTHCOM remains ready to augment response efforts as part of the overall Federal support, if resources at the State and local levels are insufficient and Federal assistance has been requested by the appropriate State authorities.

While most incidents are resolved at the local or State level without Federal involvement, a catastrophic event would likely exceed resources normally available to Local, State, and Tribal authorities, as well as private-sector partners in the impacted area and result in sustained national impacts. Disasters of this magnitude have the potential to significantly interrupt governmental operations and emergency services to such an extent that national security could be threatened. In these cases, a significant Federal response, including active duty military forces organized under USNORTHCOM, may be requested by a governor and directed by the Secretary of Defense to support local and State response efforts to save lives and protect property and critical infrastructure.

The employment of a large-scale Chemical, Biological, Radiological, Nuclear, or High-yield Explosives (CBRNE) device in the homeland has the potential to incur significant loss of life, cause mass panic, inflict large-scale physical and economic damage, and present consequence management challenges greater than those resulting from previous disasters.

Accordingly, USNORTHCOM must anticipate the full spectrum of CBRNE incidents that could occur domestically. This could include the potential for release of toxic industrial materials as a result of a natural disaster, accident, or terrorist attack. The far edge of this spectrum deals with low-probability catastrophic events that have the potential to temporarily interrupt or incapacitate designated civil response leadership. When directed, USNORTHCOM will execute DOD responsibilities outlined in the National Response Framework. Critical to our response will be the

satisfaction of all Secretary of Defense-approved Requests For Assistance. USNORTHCOM, in conjunction with a Joint Task Force Headquarters and leaders within the Joint Field Office, will recommend additional missions that are required to save lives, mitigate human suffering, and facilitate recovery operations to robustly support civil authorities in the most catastrophic circumstances. USNORTHCOM consequence management operations conclude when the immediate effects of the disaster are contained and civil authorities no longer require assistance.

To effectively provide consequence management for a CBRNE incident in accordance with the National Response Framework, USNORTHCOM maintains specific plans for CBRNE Consequence Management that command and control Title 10 forces, and also account for the operations of National Guard forces under the command and control of a governor.

A variety of specialized military forces and capabilities are available to support the designated primary Federal agency in all phases of incident assessment, operations coordination, logistics, health services support, hazardous material containment and decontamination, and safety and risk assessment. These forces provide the requisite flexibility to appropriately respond to each disaster, emergency, incident, or event, and have a wide variety of potential response actions based on the incident severity, duration, location and the capabilities or needs of local, State, tribal, or Federal authorities. These forces include the following:

Joint Task Force Civil Support (JTF-CS). JTF-CS is a subordinate command of U.S. Army North, a Service component command of USNORTHCOM. JTF-CS plans and integrates DOD support to the designated primary Federal agency for domestic CBRNE consequence management operations. When directed by the USNORTHCOM Commander, JTF-CS will deploy to the incident site, establish command and control of designated DOD forces and direct military consequence management operations in support of civil authorities.

Weapon of Mass Destruction Civil Support Teams (WMD-CSTs). WMD-CSTs are National Guard forces that reside in each State and report to the governor. WMD-CSTs consist of approximately 22 personnel who support local and State authorities at domestic CBRNE incident sites by identifying agents and substances, assessing current and projected consequences, advising on response measures, and assisting with requests for additional military support.

CBRNE Enhanced Response Force Packages (CERFPs). CERFPs are currently established in 17 States. They are made up of approximately 200 National Guard personnel who provide a regional CBRNE response capability. CERFPs perform mass casualty decontamination, triage and emergency medical treatment, and location and extraction of victims from the affected area in support of civil first responders.

CBRNE Consequence Management Response Force (CCMRF). CCMRF is a task force (approximately 4,700 people) that operates under the authority of Title 10. CCMRFs are self-sustaining and may be tailored to any CBRNE event. A CCMRF is composed of Army, Marine, Navy and Air Force units with unique CBRNE training and equipment and general purpose units trained to operate in proximity to a hazardous or contaminated environment. CCMRF capabilities include event assessment, robust command and control, comprehensive decontamination of personnel and equipment, HAZMAT handling, air and land transportation, aerial evacuation, mortuary affairs, and general logistical support to sustain extended operations.

An important element of the CCMRF is the unique capabilities provided by the Chemical Biological Incident Response Force (CBIRF). CBIRF is a single U.S. Marine Corps unit consisting of about 400 personnel that assists local, State, or Federal agencies and designated combatant commanders in the conduct of CBRNE consequence management operations. The CBIRF maintains capabilities for agent detection and identification, casualty search, rescue,

and personnel decontamination, and emergency medical care and stabilization of contaminated personnel. Current planning construct has CBIRF responding as part of the lead element of the first of three CCMRFs.

The CCMRF augments the consequence management efforts of State and local first responders, National Guard forces, and Federal agencies by providing complementary and unique capabilities when the effects of a CBRNE event exceed State civilian and National Guard capabilities.

The Secretary of Defense established a requirement for three CCMRFs to be trained and ready to respond to requests from civil authorities. The DOD, through USNORTHCOM, currently has one CCMRF trained and ready to support the Federal response to a CBRNE incident. USNORTHCOM will have a second CCMRF on 1 October 2009 and a third CCMRF projected by 1 October 2010.

On 1 October 2008, the Secretary of Defense assigned CCMRF 1 forces to the Commander, USNORTHCOM. In September 2008, prior to mission assumption, CCMRF 1 participated in a Command Post Exercise at Fort Stewart, Georgia during Exercise VIBRANT RESPONSE to verify operational capability. Beginning 1 October 2009, CCMRF 1 and CCMRF 2 forces will be allocated rather than assigned to USNORTHCOM. Command and control elements from both CCMRFs will exercise at Fort Leavenworth, Kansas, early next month to confirm mission readiness. All of CCMRF 1 will exercise in a field training environment in early November in Indiana.

While CCMRF 1 is comprised predominately of active duty forces, the second and third CCMRFs will be comprised almost entirely of Reserve and National Guard forces. USNORTHCOM is working closely with the U.S. Joint Forces Command, the National Guard Bureau, the military Services and the States on sourcing solutions, training, equipment, readiness, and exercise of those forces identified to fulfill CCMRF requirements.

Because the mission of the CCMRF is disaster response and not law enforcement, it complies with the restrictions placed on the use of Federal

military forces by the Posse Comitatus Act. Per Posse Comitatus, Federal military forces generally cannot provide direct support to law enforcement, but are not restricted from providing disaster relief to civilian authorities. The CCMRF's mission, training, and equipment are intended to provide unique CBRNE disaster response assistance to our citizens in their time of greatest need, not for law enforcement.

The ability of our active and reserve component forces to surge to initiate and sustain CBRNE consequence management operations is affected by other concurrent, competing steady-state and surge operations. These operations include: large-scale irregular and conventional military campaigns, lesser contingency deployments, post-conflict operations, homeland defense missions, and other civil support operations. In supporting CBRNE consequence management operations, our forces must be able to mitigate the impacts of CBRNE effects; maintain survivable critical infrastructure and continuity of government; and support integrated, cooperative interagency response efforts. To achieve these goals, tailored CBRNE response forces must be able to conduct missions day or night, in all weather conditions, on rural or urban terrain, and in a chemical, biological, and radiologically-contaminated environment. They need to be able to sustain themselves and not further burden State and local responders.

USNORTHCOM has made significant strides in preparing the CCMRF for success, to include developing Joint Mission Essential Tasks, which are integrated into the Defense Readiness Reporting System, as well as developing a CCMRF Phased Exercise Plan. Nonetheless, the current state of overall military CBRNE response force training and equipment resourcing is less than optimal. As it stands now, additional identified, trained, and equipped forces from the active and/or reserve component are required to effectively respond to multiple, near-simultaneous domestic CBRNE events as directed by the Joint Chiefs of Staff CBRNE Consequence Management Execution Order.

Whether deliberate or inadvertent, CBRNE events are one of the greatest challenges facing our nation today and require appropriate resourcing. As the Commander of USNORTHCOM, I am committed to ensuring that CBRNE consequence management forces are trained and ready to deploy into this challenging environment. I appear before you as a strong advocate for all DOD capabilities, to specifically include the Reserve Component as an integral partner in CBRNE response.

As we act to support civil authorities in responding to natural disasters or the effects of acts of terrorism, we never lose focus on our primary mission of homeland defense. We thank the Members of the Subcommittee for your unwavering support of USNORTHCOM. We are grateful for all that you have done to ensure our men and women in uniform have the tools and training they need to keep our nation and the American people safe and free. Thank you for your time. I look forward to your questions.

United States Government Accountability Office

GAO

Testimony
Before the Subcommittee on Terrorism and Unconventional Threats and Capabilities, Committee on Armed Services, House of Representatives

For Release on Delivery
Expected at 10:00 a.m. EDT
Tuesday, July 28, 2009

HOMELAND DEFENSE

Preliminary Observations on Defense Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives Consequence Management Plans and Preparedness

Statement of Davi M. D'Agostino, Director
Defense Capabilities and Management

GAO
Accountability * Integrity * Reliability

GAO-09-927T

GAO
Accountability·Integrity·Reliability

Highlights

Highlights of GAO-09-927T, testimony before the Subcommittee on Terrorism and Unconventional Threats and Capabilities, Committee on Armed Services, House of Representatives

Why GAO Did This Study

DOD plays a support role in managing Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives (CBRNE) incidents, including providing capabilities needed to save lives, alleviate hardship or suffering, and minimize property damage. This testimony addresses GAO's preliminary observations on DOD's role in CBRNE consequence management efforts and addresses the extent to which (1) DOD's plans and capabilities are integrated with other federal government plans, (2) DOD has planned for and structured its force to provide CBRNE consequence management assistance, (3) DOD's CBRNE Consequence Management Response Forces (CCMRF) are prepared to perform their mission; and (4) DOD has funding plans for the CCMRF that are linked to requirements for specialized CBRNE capabilities.

GAO reviewed DOD's plans for CBRNE consequence management and documents from the Department of Homeland Security (DHS) and the Federal Emergency Management Agency. GAO also met with officials from the Undersecretary of Defense for Homeland Defense, U.S Northern Command, U.S. Army Forces Command, U.S. Army North, the National Guard Bureau, and some CCMRF units.

What GAO Recommends

GAO has ongoing work on this issue and will report its complete evaluation along with any recommendations at a later date.

View GAO-09-927T or key components. For more information, contact Davi D'Agostino at (202) 512-5431 or dagostinod@gao.gov.

July 28, 2009

HOMELAND DEFENSE

Preliminary Observations on Defense Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives Consequence Management Plans and Preparedness

What GAO Found

DOD has its own CBRNE consequence management plans but has not integrated them with other federal government plans because all elements of the Integrated Planning System mandated by Presidential directive in December 2007 have not been completed. The system is to develop and link planning documents at the federal, state, and local levels. While the system's framework is established, the CBRNE concept and strategic plans that provide further guidance are incomplete. DOD has had operational plans in place and revises these plans regularly. However, until the Integrated Planning System and its associated plans are complete, DOD's plans and those of other federal and state entities will not be integrated, and it will remain unclear whether DOD's CCMRF will address potential gaps in capabilities.

With a goal to respond to multiple, near-simultaneous, catastrophic CBRNE incidents, DOD has plans to provide the needed capabilities, but its planned response times may not meet incident requirements, it may lack sufficient capacity in some capabilities, and it faces challenges to its strategy for sourcing all three CCMRFs with available units. Without assigned units and plans that integrate the active and reserve portions of the CCMRF, and agreements between DOD and the states on the availability of National Guard units and the duty status in which they would respond to an incident requiring federal forces, DOD's ability to train and deploy forces in a timely manner to assist civil authorities to respond to multiple CBRNE incidents is at risk.

DOD has taken a number of actions in the past year to improve the readiness of units assigned to the CCMRF, increasing both individual and collective training focused on the mission and identifying the mission as high priority. However, the CCMRF has not conducted realistic full force field training to confirm units' readiness to assume the mission or to deploy rapidly. Competing demands of overseas missions may distract from a unit's focus on the domestic mission, and some CCMRF units rotate more frequently than stated goals. These training and force rotation problems have prevented DOD from providing the kind of stability to the force that would allow units to build cohesiveness.

DOD is making progress in identifying and providing funding and equipment to meet CCMRF mission requirements; however, its efforts to identify total program requirements have not been completed, and funding responsibilities have been assigned across the department and are not subject to central oversight. When the CCMRF mission priority increased in the spring of 2008, more funding was provided. However, units did not have dedicated funding and thus purchased equipment with existing funding which is also used for other missions. DOD lacks visibility over the mission's total funding requirements. Without an overarching approach to developing requirements and providing funding and a centralized focal point to ensure that all requirements have been identified and funded, DOD's ability to ensure that its forces are prepared to carry out this high priority mission remains challenged.

Mr. Chairman and Members of the Subcommittee,

I am pleased to be here today to discuss preliminary results of our work on the Department of Defense's efforts to provide consequence management support to civilian authorities in the event of a catastrophic chemical, biological, radiological, nuclear and high-yield explosives (CBRNE) incident. The 2007 National Strategy for Homeland Security highlighted the continuing threat posed to the United States by the potential use of weapons of mass destruction by terrorist organizations.[1] In addition to efforts focused on preventing such attacks, the strategy highlights the need for a comprehensive capability to mitigate the consequences of an attack involving weapons of mass destruction. Such a capability is also a key pillar of the National Strategy to Combat Weapons of Mass Destruction.[2] The Department of Defense (DOD) characterizes weapons of mass destruction in terms of CBRNE materials. Incidents involving CBRNE could range in magnitude, from such things as accidents like chemical spills that likely could be addressed by local responders to catastrophic incidents such as terrorist attacks involving nuclear material that could result in extraordinary levels of casualties and property damage.

A catastrophic CBRNE-related incident occurring within the United States would require a unified, national response, including action by DOD. The Department of Homeland Security (DHS) is responsible for coordinating federal disaster response planning, with the Federal Emergency Management Agency (FEMA) serving as the primary federal agency under DHS for coordinating federal assistance in response to an incident. DOD would act in support of the primary federal agency. In addition to establishing CBRNE response units in the National Guard, including the Civil Support Teams and CBRNE Enhanced Response Force Packages, DOD is establishing CBRNE Consequence Management Response Forces (CCMRF). The CCMRF is intended to be roughly a brigade-sized force (approximately 4,500 troops) that provides the federal military assistance when a CBRNE incident exceeds local and state capabilities.

[1] Homeland Security Council, *National Strategy for Homeland Security* (Washington, D.C: Oct. 2007), pp. 15-31.

[2] White House, *National Strategy to Combat Weapons of Mass Destruction* (Washington, D.C.: Dec. 2002).

In May 2006, we reported that the National Guard Civil Support Teams were generally organized and prepared for their mission, and we highlighted management challenges that needed to be addressed.[3] In response to the request of this subcommittee and other Senate requesters that we assess DOD's federal role in CBRNE consequence management efforts, we initiated a review focusing on federal military planning and preparedness efforts and the CCMRF. This testimony is based on preliminary findings from this work and addresses the extent to which (1) DOD's plans and capabilities are integrated with other federal government plans to address capability requirements, (2) DOD has planned for and structured its force to provide CBRNE consequence management assistance, (3) DOD's CCMRF are prepared to perform their mission; and (4) DOD has funding plans for the CCMRF that are linked to requirements for specialized CBRNE capabilities.

To determine the extent to which DOD has planned for CBRNE consequence management operations and integrated plans with other federal government plans, we reviewed and compared current DOD operational and tactical level plans for civil support and CBRNE consequence management with existing FEMA and DHS planning efforts. We also met with officials of the Department of Homeland Security, the Office of the Undersecretary of Defense for Homeland Defense, and U.S Northern Command. We reviewed prior GAO reports and worked with other GAO staff currently examining the overall domestic homeland security planning integration process. To determine how prepared the CCMRF is to perform the mission we compared existing DOD policy and practices on readiness with the current process used to prepare CCMRF units and report mission readiness. We also met with U.S. Joint Forces Command and U.S. Army Forces command—which are responsible for providing ready forces to the combatant commands—to discuss the manpower sourcing process followed for the CCMRF. We obtained readiness reports for CCMRF units from U.S. Northern Command and from judgmentally selected units that were part of task force operations—which contains most of the specialized capabilities. To determine CCMRF funding planning and the linkage of funding to mission requirements, we met with Army and U.S. Northern Command officials to obtain guidance on the topic and to discuss mission requirements, funding needs, and

[3] GAO, Homeland Defense: *National Guard Bureau Needs to Clarify Civil Support Teams' Mission and Address Management Challenges*, GAO-06-498 (Washington, D.C.: May 31, 2006).

sources. We compared funding sources to known CBRNE consequence management requirements and highlighted areas where funding was not identified for key activities or areas relevant to unit preparedness. We also met with the National Guard Bureau and some key units that were assigned to or soon to be assigned to the CCMRF to discuss their current capabilities, identified shortfalls, and their approach to mitigating any identified shortfalls. These units were selected because they belonged to the task force that would provide most of the specialized CBRNE capabilities that reside in the CCMRF.

We conducted this performance audit from February 2008 through July 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. We plan to report on our complete findings and any recommendations at a future date.

Background

DOD plays a support role in CBRNE consequence management, including providing those capabilities needed to save lives, alleviate hardship or suffering, and minimize property damage caused by the incident. DOD generally provides defense support of civil authorities only when (1) state, local, and other federal resources are overwhelmed or unique military capabilities are required; (2) assistance is requested by the primary federal agency; or (3) NORTHCOM is directed to do so by the President or the Secretary of Defense.[4] DOD has designated U.S. Northern Command (NORTHCOM)[5] to lead the federal military[6] portion of such a support operation in direct support of another federal agency—most often the Federal Emergency Management Agency (FEMA). DOD would be the lead federal agency for CBRNE consequence management or any other civil

[4] Department of Homeland Security, *National Response Framework* (Washington, D.C.: Jan. 2008), and Joint Chiefs of Staff, Joint Pub. 3-28, *Civil Support* (Washington, D.C.: Sept. 14, 2007)

[5] United States Northern Command, established in 2002, has the dual mission of homeland defense and support of civil authorities.

[6] This does not include U.S. Coast Guard forces, which is under DHS, or the National Guard, which, unless federalized by the President, would remain under the authority of the respective state and territory governors.

support mission only if so designated by the President.[7] To be effective, DOD's efforts must be coordinated with a wide range of federal departments and agencies—including FEMA and the Departments of Health and Human Services and Justice—in order to support 50 states, the District of Columbia, six territories, and hundreds of city and county governments.

The National Response Framework establishes the principles that guide all response partners in preparing for and providing a unified national response to disasters.[8] Under the Framework, disaster response is tiered; local government and agencies typically respond immediately after an incident. When additional resources are required, states may provide assistance with their own resources or may request assistance from other states through interstate mutual agreements or the Emergency Management Assistance Compact.[9] Localities and states usually respond within the first several hours of a major incident. The federal government provides assistance to states if they require additional capabilities and request assistance. In the event of a catastrophic incident, such as one involving CBRNE, the framework also calls for federal response partners to anticipate the need for their capabilities before their assistance is requested. The framework lists 15 emergency support functions and designates federal lead agencies in areas such as search and rescue, public health and medical services, and transportation. DOD is a supporting agency for all 15 emergency support functions but is the primary agency only for search and rescue and public works and engineering.[10] Additional

[7] Under DOD's immediate response provision, local commanders are authorized to take the necessary actions to respond to local civil authorities without higher headquarter approval when a civil emergency may require immediate action to save lives, prevent human suffering or mitigate property damage.

[8] Department of Homeland Security, *National Response Framework* (Washington, D.C.: Jan. 2008). The *National Response Framework*—previously known as the *National Response Plan*—is the plan that guides how federal, state, local, and tribal governments, along with nongovernmental and private sector entities, will collectively respond to and recover from all hazards, including catastrophic disasters, such as Hurricane Katrina.

[9] Emergency Management Assistance Compact is a mutual aid agreement among member states and is administered by the National Emergency Management Association. States affected by disasters have increasingly relied on the compact as a means to access resources from other states, including emergency managers, National Guard assets, and first responders. GAO, *Emergency Management Assistance Compact: Enhancing EMAC's Collaborative and Administrative Capacity Should Improve National Disaster Response*, GAO-07-854 (Washington, D.C.: June 29, 2007).

[10] The U.S. Army Corps of Engineers is the DOD agent responsible for public works and engineering.

tools to guide response efforts are provided by The National Preparedness Guidelines, including National Planning Scenarios, Target Capability and Universal Target Lists, and national priorities.

DOD has created significant capabilities that could be used to augment a federal CBRNE response. It also contributes to the organization, training, and equipping of several other state military units focused on consequence management. These include the 22-person National Guard Weapons of Mass Destruction Civil Support Teams that are located in each state and territory); the larger National Guard CBRNE Enhanced Response Force Packages of about 200 soldiers each that are located in 17 states for more expansive response; and the DOD's CBRNE Consequence Management Response Forces (CCMRF).

The Civil Support Teams and CBRNE Emergency Response Force Packages are intended to be part of the state response to an incident and therefore remain under the control of the respective governors, unless they are mobilized into federal service. The CCMRF is intended to be a roughly brigade-sized force (approximately 4,500 troops) that provides the federal military assistance when a CBRNE incident exceeds local and state capabilities—including the Civil Support Teams and CBRNE Enhanced Response Force Packages. The CCMRFs are not whole units by themselves. They are a collection of geographically separated DOD capabilities and units across the military services and consist of such existing specialized capabilities as the U.S. Marine Corps' Chemical Biological Incident Response Force as well as general capabilities, such as transportation units. Although the CCMRF is intended to be about 4,500 personnel in size, the size of the force that would deploy in support of an actual incident could be modified based on the size of the incident. DOD ultimately plans to have three fully functional CCMRFs. DOD would, if necessary, draw on additional general military forces over and above the CCMRF to provide assistance in the event of one or more major CBRNE incidents.

DOD CBRNE Consequence Management Plans and Integration with Other Federal Plans

DOD has operational plans for CBRNE consequence management. However, DOD has not integrated its plans with other federal government plans, because the concept and strategic plans associated with the Integrated Planning System mandated by Presidential directive in December 2007 have not been completed.

DOD Has Developed Plans for CBRNE Consequence Management

Unlike most federal agencies, DOD has had CBRNE consequence management operational plans for over 10 years. DOD, NORTHCOM, and its components have prepared individual plans that address CBRNE consequence management following DOD's well-established joint operation planning process.[11] This process establishes objectives, assesses threats, identifies capabilities needed to achieve the objectives in a given environment, and ensures that capabilities (and the military forces to deliver those capabilities) are distributed to ensure mission success. Joint operation planning also includes assessing and monitoring the readiness of those units providing the capabilities for the missions they are assigned. DOD and NORTHCOM routinely review and update their plans as part of DOD's joint planning system. For example, the most recent NORTHCOM CBRNE consequence management plan was completed in October 2008. DOD and NORTHCOM have also developed such planning documents as execute orders that are key to linking immediate action to those plans, as well as scenario-based playbooks to guide the planning, operations, and command and control of military forces for CBRNE efforts.

Governmentwide Integrated Planning System Is under Development but Not Yet Complete

The Department of Homeland Security (DHS) is leading a governmentwide effort to develop an Integrated Planning System that would link the plans of all federal agencies involved in incident response, including DOD's; however, this effort is not yet complete.[12] While much in the way of federal guidance has been developed, to be most effective, policy documents must be operationalized by further detailing roles and responsibilities for each entity that may be involved in responding to high-risk or catastrophic incidents.

In December 2007, Homeland Security Presidential Directive 8, Annex 1, mandated that the Secretary of Homeland Security, in coordination with the heads of other federal agencies with roles in homeland security,

[11] One of the primary joint doctrine documents that lays out DOD guidance for joint operation planning is Joint Chiefs of Staff, Joint Pub. 5-0, *Joint Operation Planning* (Dec. 26, 2006).

[12] The full *National Response Framework* is also not yet completed. Partner guides, incident annexes for terrorism and cyber incidents, and the incident annex supplement for catastrophic disasters remain incomplete.

develop an Integrated Planning System to provide common processes for all of the entities developing response plans.[13] The directive also called for the development of strategic plans, concepts of operations plans, and operations plans that would be integrated at the federal, regional, state, and local levels. DHS has grouped the 15 national planning scenarios on which preparedness plans are to be based into 8 scenario sets, of which 5 are CBRNE-related. Each of the scenarios, listed in table 1, includes a description, assumptions, and likely impacts, so that entities at all levels can use them to guide planning. [14]

Table 1: Fifteen National Planning Scenarios Grouped into Eight Scenario Sets

Scenario Set	National Planning Scenarios
Explosives Attack – Bombing Using Improvised Explosive Device	Scenario 12: Explosives Attack – Bombing Using Improvised Explosive Device
Nuclear Attack	Scenario 1: Nuclear Detonation – Improvised Nuclear Device
Radiological Attack – Radiological Dispersal Device	Scenario 11: Radiological Attack – Radiological Dispersal Device
Biological Attack – With annexes for different pathogens	Scenario 2: Biological Attack – Aerosol Anthrax Scenario 4: Biological Attack – Plague Scenario 13: Biological Attack – Food Contamination Scenario 14: Biological Attack – Foreign Animal Disease
Chemical Attack – With annexes for different agents	Scenario 5: Chemical Attack – Blister Agent Scenario 6: Chemical Attack – Toxic Industrial Chemicals Scenario 7: Chemical Attack – Nerve Agent Scenario 8: Chemical Attack – Chlorine Tank Explosion
Natural Disaster – With annexes for different disasters	Scenario 9: Natural Disaster – Major Earthquake Scenario 10: Natural Disaster – Major Hurricane
Cyber Attack	Scenario 15: Cyber Attack
Pandemic Influenza	Scenario 3: Biological Disease Outbreak – Pandemic Influenza

Source: Department of Homeland Security

[13] White House, Homeland Security Presidential Directive 8, Annex 1, *National Planning* (Washington, D.C.: Dec. 2007).

[14] The 15 National Planning Scenarios have been grouped in 8 scenario sets of similar characteristics. For example, the 4 National Planning Scenarios related to chemical incidents have been grouped together. Concept and operation plans are being developed for the 8 scenario sets.

The directive required that the Integrated Planning System be submitted to the President for approval within 2 months of the directive's issuance in December 2007. As we have reported, the Integrated Planning System was approved in January 2009 by former President Bush, but is currently under review by the new administration, and no time frame for its publication has been announced.[15] The approval of the CBRNE plans required under the directive (see table 2 below) would be a step toward unifying and integrating the nation's planning efforts. For example, for each National Planning Scenario, a strategic guidance statement is intended to establish the nation's strategic priorities and national objectives and to describe an envisioned end-state. Strategic guidance statements will have corresponding strategic plans, which are intended to define roles, authorities, responsibilities, and mission-essential tasks. Under each strategic plan, a concept of operations plan will be developed, and federal agencies are further required to develop operations plans to execute their roles and responsibilities under the concept of operations plan.

As of today, strategic guidance statements have been approved for all 5 CBRNE-related scenario sets. Four of the 5 required strategic plans have also been completed. The remaining strategic plan (chemical attack) was begun in June 2009 upon the approval of the strategic guidance statement for that scenario. One of the 5 required overall federal concept plans—that for terrorist use of explosives attack—has been completed. As we have previously reported, apart from the sequential timelines required in HSPD Annex 1, FEMA and DHS have no schedule or project plan for completing the guidance and plans.[16] Table 2 shows the status of federal CBRNE strategy and plans called for under HSPD 8 Annex 1.

[15] GAO, *National Preparedness: FEMA Has Made Progress, but Needs to Complete and Integrate Planning, Exercise, and Assessment Efforts*, GAO-09-369 (Washington, D.C.: April 30, 2009).

[16] GAO-09-369.

Table 2: Status of Development for CBRNE Related Plans Called for under HSPD 8 Annex 1, Utilizing the Integrated Planning System (As of July 2009)

	DHS and Interagency Incident Management Planning Team		FEMA	Federal Departments and Agencies
Planning Scenario	**Strategic Guidance Statement Status**	**Strategic Plan Status**	**Overall Federal Concept Plan Status**	**Agency Operational Plans Status**
Terrorist Use of Explosives Attack	Approved by Secretary of Homeland Security, August 2008	Approved by Secretary of Homeland Security, November 2008	Approved by Secretary of Homeland Security, May 2009	DOD has approved plans. Other agencies started January 2009
Improvised Nuclear Device Attack	Approved by Secretary of Homeland Security, September 2008	Approved by Secretary of Homeland Security, January 2009	Under development: interagency review/adjudication	DOD has approved plans. Other agencies awaiting development; due 120 days after Concept Plan
Biological Attack	Approved by Secretary of Homeland Security, January 2009	Approved by Secretary of Homeland Security, July 2009	Under development: interagency review/adjudication; due 180 days after Strategic Plan	DOD has approved plans. Other agencies awaiting development; due 120 days after Concept Plan
Radiological Dispersion Device Attack	Approved by Secretary of Homeland Security, January 2009	Approved by Secretary of Homeland Security, July 2009	Awaiting development; due 180 days after Strategic Plan	DOD has approved plans. Other agencies awaiting development; due 120 days after Concept Plan
Chemical Attack	Approved by Secretary of Homeland Security, June 2009	Under development; started in June 2009	Awaiting development; due 180 days after Strategic Plan	DOD has approved plans. Other agencies awaiting development ; due 120 days after Concept Plan

Source: GAO analysis of Department of Homeland Security data

DOD's plans and those of other federal and state entities cannot be fully integrated until the supporting strategic and concept plans are completed.

Current Capability Assessments at Local, State, and Federal Levels May Provide Insufficient Data for DOD to Shape Its Response to CBRNE Incidents

A number of efforts to develop capability assessments are under way at local, state, and federal levels, but these efforts may not yet be sufficiently mature to provide DOD with complete data that it can use to shape its response plans for CBRNE-related incidents. For example, FEMA has begun to catalog state capabilities in its preparedness reports and is working on a capability gap analysis. However, DHS faces challenges in developing its approach to assessing capabilities and preparedness. As noted in DHS's January 2009 Federal Preparedness Report, several key components of the national preparedness system are still works in

progress, and not all data required for the federal government to assess its preparedness are available. We have previously reported[17] that state capability data developed by individual states cannot be used to determine capability gaps across states, because the states do not use common metrics to assess capabilities and do not always have the data available that they need to complete their reports. In addition, according to DOD and FEMA, even to the extent that these data are available, states may limit their sharing of sensitive information on capability gaps with DOD entities responsible for developing DOD's plans and related capabilities.

DOD's Planned Response to CBRNE Incidents

DOD has had plans to provide CBRNE consequence management support to civil authorities since before 9/11 and in the last few years has set higher goals in the expectation of being able to provide expanded capabilities through its 3 CCMRFs. However, its ability to respond effectively may be compromised because (1) its planned response times may not meet the requirements of a particular incident, (2) it may lack sufficient capacity in some key capabilities, and (3) it faces challenges in adhering to its strategy for sourcing the CCMRFs with available units.

DOD's Planned Response Times May Be Too Long

In 2005, DOD established a standard for itself that called for the ability to respond to multiple, simultaneous catastrophic incidents,[18] and it initiated efforts to create 3 CCMRFs. For the first 3 years, DOD did not regularly assign units to the CCMRF mission, and this decreased DOD's ability to actually field any of the CCMRFs within the timelines it had established. In October 2008 DOD sourced the first CCMRF, primarily with active force units. A second CCMRF, comprised primarily of reserve units, will assume the mission in October 2009 and a third in October 2010. In the absence of national guidance suggesting what level of response capability DOD should have available within a specified time frame, DOD's plans use a phased deployment to allow the CCMRF to be able to provide consequence management support to civilian authorities within 48-96 hours of being notified of an CBRNE incident. The earlier phases of the

[17] GAO-09-369.

[18] Department of Defense, *Strategy for Homeland Defense and Civil Support* (Washington, D.C.: June 2005), p. 3. DOD has since refined that standard to "prepare for and mitigate the effects of multiple, near-simultaneous CBRNE events." U.S. Northern Command, *Department of Defense Homeland Defense and Civil Support Joint Operating Concept*, Version 2.0 (October 2007), p. 43.

deployment will provide the lifesaving capabilities. However, multiple DOD estimates for some of the more catastrophic scenarios, such as a nuclear detonation, have identified significant gaps between the time certain life saving and other capabilities would be needed and DOD's planned response times. For example, victims of a nuclear attack would require decontamination, which medical experts have established must be provided within as soon as possible after exposure. If DOD adheres to its planned response times in such a scenario, the capabilities of early responders such as local police and fire departments would likely be overwhelmed before DOD arrived at the incident site. NORTHCOM's assessment [10] and other DOD estimates demonstrated that, for a number of capabilities, DOD's response would not be timely. Table 3 shows one estimate of the potential shortfall in decontamination capabilities that could result.

Table 3: Estimate of Potential Lifesaving Decontamination Requirements Compared With Likely Capabilities for a 10 Kiloton Nuclear Detonation in Major Metropolitan City in the First 72 Hours After Incident

	Estimated Capability by Timeframe (persons)		
Source of Decontamination Capability	**1st 24 hours**	**24-48 hours**	**48-72 hours**
Local	14,640	14,640	14,640
State	1,350	5,400	10,800
CCMRF Package 1	1,350	5,400	5,400
CCMRF Package 2	0	0	2,880
Self Decontamination	8,000	8,000	8,000
Other Federal Decontamination Capabilities	270	1,080	1,080
Total Decontamination Capabilities by Timeframe	**25,610**	**34,520**	**42,800**
Total Decontamination Requirement	**138,000**	**112,390**	**77,870**
Unmet Decontamination Requirement	112,390	77,870	35,070

Source: GAO analysis of DOD information.

The NORTHCOM capability-based assessment similarly suggests that without a national, risk-based determination of DOD's share of the federal capability requirements, DOD will be unable to determine whether its planned response times should be adjusted.

[10] U.S. Northern Command, *Homeland Defense and Civil Support Capabilities Based* Assessment (Colorado Springs, CO: Mar. 2009).

DOD's Planned Force May Lack Sufficient Capacity in Some Key Capabilities Needed for Catastrophic Incidents

In addition to timeliness issues, DOD's planned force has limited quantities of some of the needed life saving capabilities, such as medical and decontamination services. For example, some nuclear detonation scenarios project that hundreds of thousands could be killed, injured, displaced, contaminated, or in need of medical care. The CCMRF would be able to provide only a small portion of the necessary capability. Although a CCMRF is estimated, under optimal circumstances, to be capable of decontaminating several thousand people per day, some estimates project that the gap between needed decontamination capabilities and what local, state, and other entities could provide would be tens of thousands. DOD recognizes that it may need additional units to augment the CCMRF, and it has made some tentative estimates. However, DOD has not developed contingency plans designating specific units to augment the CCMRF. Unless these units are identified in advance and trained for the mission, they may be unable to deploy rapidly. Without clear plans aligning CCMRF objectives with the projected need for response capabilities and clearly delineating national expectations for timely response, neither DOD nor other entities involved in incident response can be certain that the CCMRFs will be able to respond adequately to mitigate the consequences of a catastrophic CBRNE incident.

DOD Faces Challenges in Adhering to Its Strategy for Sourcing the CCMRFS with Available Units

In sourcing its 3 CCMRFs, DOD has encountered challenges in implementing an approach that could enhance unit availability and training and readiness oversight for forces that are not assigned to NORTHCOM. DOD originally intended the CCMRF to be comprised entirely of federal active military forces, but the two follow-on CCMRFs will be sourced with large numbers of National Guard and Army Reserve units. The demands of ongoing overseas operations have led DOD to draw more and more heavily on Guard and Reserve forces to fulfill civil support functions. Because National Guard units have responsibilities in their respective states, a competition for resources issue may arise between DOD and the states. For example, while governors may need the same capabilities within the state or to support mutual assistance agreements with other states as would be needed to support a CCMRF, there is no clear understanding between the governors and DOD to ensure that these units will be available if they are needed for a federal mission. Moreover, elements from a single unit can be spread over many states, further complicating the task of coordinating between DOD and each of the states. For example, one Army National Guard aviation company belonging to the CCMRF has elements in Arkansas, Florida, and Alabama. Three different states would be required to make these elements available to form the company. The potential rapid deployment mission of the CCMRF makes it

imperative that specific agreements be reached. However, the agreements that have been reached to date are general in nature and do not specify how states are to ensure that Guard units will be available for a CCMRF deployment.

Similar issues arise with the Army Reserve. The training demands of the CCMRF mission have caused DOD to authorize additional training days, but according to Army Reserve officials, reservists cannot be compelled to attend training events beyond their annual training requirement. They stated that, as a result, units must rely on the voluntary participation of their personnel for training beyond the requirement, which reduces their assurance that these personnel will be available for other necessary CCMRF training. For example, one reserve company was unable to fulfill all aspects of its mission requirements because of low participation at a training event. Unit officials stated that some of the unit's members had school or work obligations that conflicted with this training. Moreover, reserve unit officials stated that, unlike active unit officials, they cannot restrict the personal travel of unit members to ensure that they will be available if they are needed to support an unexpected federal CBRNE incident response. These challenges to sourcing the CCMRF increase the risk that DOD's ability to effectively respond to one or more major domestic CBRNE incidents will be compromised. That risk can be mitigated by plans that integrate the active and reserve component portions of the CCMRF and agreements between DOD and the states on the availability of National Guard units and the duty status under which they would respond to a major incident requiring federal forces.

DOD's decision to change its approach to how NORTHCOM will routinely interact with units designated for the CCMRF will present additional challenges. In 2008, DOD's sourcing approach was to assign the first CCMRF (primarily active forces) to NORTHCOM and allocate the remaining two CCMRFs (mix of Guard and Army Reserve) to NORTHCOM.[20] Beginning in October 2009, DOD will allocate the units from all three CCMRFs to NORTHCOM, rather than assigning them to the NORTHCOM commander outright. As a result, despite the fact that NORTHCOM's commander is responsible for commanding the federal military domestic CBRNE response in the continental United States,

[20] Assigned forces are under the direct command of their unified command, such as NORTHCOM. Allocated forces are transferred from their assigned unified command to another command for employment for a period of time.

NORTHCOM will have no CBRNE forces under its direct control. There are advantages to assigning forces directly to NORTHCOM. For example, the command would have direct authority over the units' day-to-day activities, including training and exercise schedules, and would be better able to monitor readiness. Additionally, there would be fewer administrative steps required for the NORTHCOM commander to activate and deploy the CCMRF in the event of an incident. This would be crucial for deploying the critical initial response elements of the overall force. Under allocation, while DOD's current approach would provide NORTHCOM with authority over units while they are participating in scheduled NORTHCOM training events, NORTHCOM would have to coordinate with multiple commands to obtain participation from these units. Current guidance states that other commands should make their units available for scheduled NORTHCOM exercises "to the greatest extent possible." However, NORTHCOM cannot always be assured that units will be available for these exercises. In addition, NORTHCOM remains uncertain about the extent to which it will have oversight of CCMRF units' day-to-day training activities and be able to confirm that these units are ready to perform their mission even when they are under the authority of another command.

DOD Actions on CCMRF Readiness and Training and the Impact of Current Deployments

DOD has taken a number of actions in the past year to improve the readiness of its CCMRF units. However, our ongoing work shows that the CCMRF may be limited in its ability to successfully conduct consequence management operations because (1) it does not conduct realistic full force field training to confirm units' readiness to assume the mission or to deploy rapidly, and (2) conflicting priorities between the CCMRF mission and overseas deployments impact some units' mission preparation and unit cohesion.

DOD Has Taken Actions to Improve CCMRF Readiness

The initial assignment of the CCMRF to NORTHCOM in October 2008 and the increased priority DOD has placed on the CBRNE mission have resulted in a number of improvements in unit preparation for the first fielded CCMRF. The Army, in coordination with NORTHCOM and its subordinate commands, has established guidance for both individual and collective training—including joint mission essential task lists—for units designated for the CCMRF. Therefore, for the first time, identified units are conducting individual and collective training focused on the CCMRF mission. For example, key leaders such as brigade task force headquarters personnel and battalion commanders are required to participate in a number of command and control training events to provide them with an

understanding of how to organize and conduct operations in a complex interagency environment under catastrophic disaster conditions. Moreover, the increased priority given to the mission in the spring of 2008 has led to units receiving personnel and equipment before they assume the mission and ahead of many other units that do not participate in the CBRNE mission.

Extent of Realistic Field Training Impacts CCMRF's Ability to Perform Effectively

Despite units being certified as ready prior to assuming the mission in October 2008, it is unclear whether the CCMRF can effectively perform CBRNE consequence management operations throughout the 1-year mission period to which it is assigned, because the readiness of the entire CCMRF is not confirmed through a realistic field training exercise before the force assumes the mission, nor have its rapid deployment capabilities been fully assessed. Before designated units assume the CBRNE mission, they must be certified by the military services to be trained to perform that mission. However, there is no requirement to provide these units with a full force tactical field training exercise. While units conduct this type of training prior to an overseas deployment, and NORTHCOM and Joint Force Land Component Command (JFLCC) training officials have discussed the desirability of such an exercise, the first CCMRF units have not received this kind of training. Although some CCMRF units have participated in joint field exercises, critical units often did not participate. In addition, the exercises were conducted several months after units had been certified as trained to perform the mission.

Units also must demonstrate that they will be able to meet the required response times once they assume the mission. A key aspect of the CCMRF mission is to be able to rapidly deploy each of the three force packages that comprise each CCMRF within a specified response time. One of the primary challenges to a timely response is that CCMRF packages may have to deploy rapidly from their home stations. Deployment readiness exercises are important, because they test units' abilities to ascertain how quickly staff can be notified and assembled, equipment prepared and loaded, and both staff and equipment moved to the designated point of departure. DOD has provided general guidance that supported commands, such as NORTHCOM, should verify the ability of CCMRF units to activate and deploy. However, DOD has not yet conducted deployment exercises for the entire CCMRF, and it is not clear if its plans for future CCMRFs will include such exercises. In the absence of such exercises, NORTHCOM and DOD will continue to be unable to verify the ability of CCMRF units to deploy.

Units' Preparation for the CCMRF Mission and Efforts to Achieve Unit Cohesion Are Impacted by Other Missions

The demands that overseas missions are placing on the Army also may put the effectiveness of the CCMRF mission at risk. While DOD has identified CCMRF as a high priority mission, competing demands associated with follow-on missions may distract from a unit's focus on the domestic mission. For example, Army units are frequently given the CCMRF mission when they return from an overseas deployment. Because these units are at the beginning of the "reset" phase of the Army Force Generation (ARFORGEN) cycle, they often lack personnel and equipment. Although the Army attempts to accelerate the fill of personnel and equipment to these units, some units may not have received their personnel and equipment in sufficient time to allow them to meet all of the requirements of the CBRNE mission before they assume it. These training and force rotation issues have prevented DOD from providing the kind of stability to the force that would allow units to build cohesiveness. While DOD's goal has been to assign units for at least 12 months and to set standard start and end dates for each rotation, several critical units have been unable to complete their 1-year CCMRF rotations for fiscal year 2009. As a result, the replacement units who have finished out these rotations have missed important training. For example, the headquarters units for the aviation and medical task forces rotated out of the mission after only 4 and 6 months, respectively, because of competing priorities. Because key leaders from units of the entire force attend a mission rehearsal exercise prior to mission assumption, the replacement of these units after only a few months negated much of the value that was gained from these three task forces working together and precluded the replacement task force leaders from having the same opportunity.

CCMRF Requirements Development, Funding, and Oversight

DOD is making progress in identifying and providing funding and equipment to meet CCMRF mission requirements; however, its efforts to identify total program requirements have not been completed, and its approach to providing program funding has been fragmented, because funding responsibilities for CCMRF-related costs are dispersed throughout DOD and are not subject to central oversight.

CCMRF Mission Requirements Have Not Been Fully Developed

The units initially designated for the CCMRF mission did not have fully developed funding and equipment requirements. In addition, the recent NORTHCOM Homeland Defense and Civil Support Capabilities-Based Assessment highlighted a number of systemic capability gaps that need to

be addressed and may generate additional funding requirements.[21] Moreover, other important requirements for this mission have not been identified and funded. The Joint Forces Land Component Commander (U.S. Army North—ARNORTH) and the Joint Task Force Civil Support[22] are responsible for developing and approving service-specific equipment unique to the CCMRF's Joint Mission Essential Tasks. However, to date, mission essential equipment requirements have not been fully developed. While some equipment requirement lists have been developed and are being reviewed by NORTHCOM, equipping officials said that lists have not been developed for non-standard equipment that units may need in order to support civil authorities in a CBRNE environment. As a result, some fiscal year 2008 units have determined requirements based on their own independent mission analyses. Unit officials stated that filling some of the needs they identified—such as the need for non-standard communications equipment that is compatible with civilian equipment—was difficult because the units lacked a documented requirement for their planned acquisition. In addition, the review process did not always include the command organizations that are responsible for the mission. Thus, decisions on what to buy and in what quantity were not consistently vetted to ensure standardization in equipping various units. ARNORTH officials stated that they were in the process of developing mission essential equipment lists and hope to have them completed in time for the next rotation, which begins in October 2009.

Extent of Dedicated Funds for Some CCMRF Training Impacts Mission

In the spring of 2008, sourcing priority for the CCMRF mission increased substantially within the department, and funding was provided for specific aspects of the mission. For example, funding was provided for NORTHCOM's training program—which totals more than $21 million annually—for three major exercises associated with the CCMRFs for fiscal year 2010 and beyond, and the Army Reserve has planned funds of more than $37 million for fiscal years 2009 and 2010 to support additional full-time personnel and training days that have been authorized to support the CCMRF mission. In addition, while the military services have not planned funds for equipment specifically for the CCMRF mission, equipment has been purchased with funds left over from past Global War on Terrorism deployments. In other cases, purchase requests for certain equipment

[21] *Homeland Defense and Civil Support Capabilities Based* Assessment.

[22] U.S. Army North and Joint Task Force Civil Support are subordinate commands of NORTHCOM.

were denied by administrative parent commands because, unit officials believed, the equipment was considered non-critical by reviewing officials. Moreover, units must fund their CCMRF training activities from their operations and maintenance accounts, which were developed and approved months before units knew they would be assigned to the CCMRF. According to unit officials, because they do not have dedicated funds for CCMRF in their budgets, they sometimes must take money from other sources to meet what they believe are their highest priorities for the CCMRF mission. Also according to these officials, while the lack of planned funds for the CCMRF has been mitigated to some extent by the mission's high priority level, they have found it necessary to curtail or cancel some desirable training because funding was unavailable. Army officials told us that if funding shortfalls develop because units lack sufficient funds to conduct both CCMRF and follow-on mission training, units can request additional funds from the Army. However, unless units assess their total funding requirement for the CCMRF and their other designated mission and receive funding based on both missions, CCMRF units may be at risk of not having enough funding to conduct all of their CCMRF training. This, in turn, puts units at risk of not being fully prepared if they are needed to respond to an incident.

CCMRF units may face more acute funding issues as the United States begins drawing down in Iraq and as military supplemental funding, such as funding for Global War on Terrorism, is reduced. Because DOD has assigned funding responsibilities across the department and because much of the funding for the CCMRF is coming from existing operations and maintenance accounts, DOD lacks visibility across the department over the total funding requirements for this mission. Without an overarching approach to developing requirements and providing funding, and a centralized focal point to ensure that all requirements have been identified and fully funded, DOD's ability to carry out this high-priority homeland security mission in an efficient and effective manner is at risk.

Agency Comments

We provided the Departments of Defense and of Homeland Security an extensive briefing on our preliminary findings. We also provided them a draft of this statement. Neither DOD nor DHS had formal comments, but both provided technical comments, which we incorporated into the statement, as appropriate.

We plan to provide this subcommittee and our other congressional requesters with our final report on DOD's CBRNE consequence

management efforts in September 2009. We expect to make a number of recommendations for DOD action at that time. Mr. Chairman, this concludes my prepared statement. I would be happy to respond to any questions that you or other Members of the Subcommittee might have.

Contacts and Acknowledgements

For questions about this statement, please contact me at (202) 512-5431 or daogostinod@gao.gov. Individuals who made key contributions to this testimony include Joseph Kirschbaum, Assistant Director; Rodell Anderson; Joanne Landesman; Robert Poetta; and Jason Porter.

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.

GAO's Mission	The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.
Obtaining Copies of GAO Reports and Testimony	The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's Web site (www.gao.gov). Each weekday afternoon, GAO posts on its Web site newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to www.gao.gov and select "E-mail Updates."
Order by Phone	The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's Web site, http://www.gao.gov/ordering.htm. Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537. Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.
To Report Fraud, Waste, and Abuse in Federal Programs	Contact: Web site: www.gao.gov/fraudnet/fraudnet.htm E-mail: fraudnet@gao.gov Automated answering system: (800) 424-5454 or (202) 512-7470
Congressional Relations	Ralph Dawn, Managing Director, dawnr@gao.gov, (202) 512-4400 U.S. Government Accountability Office, 441 G Street NW, Room 7125 Washington, DC 20548
Public Affairs	Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800 U.S. Government Accountability Office, 441 G Street NW, Room 7149 Washington, DC 20548

Please Print on Recycled Paper