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SECTION: CAPITOL HILL HEARING**LENGTH:** 21272 words**HEADLINE:** HEARING OF THE SENATE ARMED SERVICES COMMITTEE**SUBJECT:** HOMELAND DEFENSE AND THE FISCAL YEAR 2004 DEFENSE AUTHORIZATION REQUEST**CHAired BY:** SENATOR JOHN WARNER (R-VA)**LOCATION:** 325 RUSSELL SENATE OFFICE BUILDING, WASHINGTON, D.C.**WITNESSES:** RALPH EBERHART, COMMANDER, U.S. NORTHERN COMMAND; ADMIRAL JAMES ELLIS, COMMANDER, U.S. STRATEGIC COMMAND; PAUL MCHALE, ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE**BODY:**

SEN. WARNER: (Strikes gavel.) Good morning, gentlemen. This committee meets today to receive testimony on the Department of Defense role in the defense of our homeland.

I'm pleased to welcome today's witnesses, the Honorable Paul McHale, the first assistant secretary of Defense for Homeland Defense; General Ralph Eberhart, first commander of the United States Northern Command; and Admiral James Ellis, the first commander of the restructured United States Strategic Command. Thank you all and your assistants for traveling long distances, in some instances, to get here.

I emphasize the fact that you gentlemen are the first, for an important reason. You are part of a transformation of our military that is broader and deeper than just an examination of weapons systems or military hardware. This transformation, a refocusing of organizations and missions, was accelerated by the tragic events of September the 11th.

As we begin our hearing this morning, our thoughts and prayers are with our brave men and women in Iraq, Afghanistan, as well as other parts of the world. We must every — ever mindful of the fact that they and they families — their efforts are our first line of defense in the overall security of our homeland. Homeland defense begins on these outposts of the world. For every terrorist stopped on a distant battlefield, that is one less who will bring danger to our shores.

As we saw on September the 11th, and also in recent natural disasters, the Department of Defense has unique capabilities to contribute to the overall security of our homeland. You gentlemen represent the leadership that will bring these capabilities to bear. Through your testimony, we hope to more clearly learn the department's role in homeland security and how each of you envision the interaction between your respective organizations to achieve an integrated Department of Defense effort and, in tradition with this committee, your personal views on how — what additions should be made.

With the establishment of the new Department of Homeland Security, we are reminded that homeland security is an enormously complex task that must be carefully coordinated throughout the government. It is essential that we understand how you will coordinate your efforts with this new department and what additional capabilities, resources and authorities you will require to ensure the success of this challenging effort that is so vital to our national security.

The armed forces of the United States must, in every way legally possible, support our nation's homeland security effort. This fundamental imperative is one that President Bush identified to the American people while he was still

Candidate Bush. In a speech at the Citadel in September of '99, then-Governor Bush stated that, quote, "The protection of America itself will assume a high priority in a new century.

Once a strategic afterthought, homeland defense has now become an urgent duty." End quote. We are indeed fortunate that our president had the foresight to begin to prepare our nation for the challenge that we are confronting today.

Gentlemen, you truly are a part of transformational change occurring within our armed forces. As a part of that, let me once again raise the controversial issue, the issue of Posse Comitatus. I have recommended to the administration over — ever since 9/11, the reevaluation of the contribution that DOD can make to homeland defense and do it within the parameters of that tried and effective statute, put on the books for good intentions way back when. But I think it needs to be reexamined today, and I believe the department is undertaking to do that. Simply put, this law prohibits members of the armed forces from engaging in law enforcement activities — a very sensible and rational and time-tested, proven doctrine. But things have changed and emergencies should occur, and in that instance, we should reexamine whether or not the current law and its regulations and interpretations need to be changed in any way and what role Congress might have or not have. This law was adopted in the aftermath of the Civil War, and the rest of the history you know, and I'll put it in.

Thank you very much for this opportunity to have both of you — all three of you here today, as a matter of fact.

SEN. CARL LEVIN (D-MI): Thank you, Mr. Chairman, and I want to join you in welcoming our three witnesses this morning to discuss a very important subject of homeland defense. As the chairman said, you are part of a first and it's appropriate that this hearing this morning take place in a room which has seen so much history, because you all are making history.

I guess you made a little history this morning, or at least your daughter-in-law did, Admiral. I understand you're a new grandfather. I don't know if that's for the first time, but I gather you have a new grandson this morning. Congratulations on behalf of all of us. And your — I guess your son, who's the father of your new grandson, is in Afghanistan. And we wish, of course, the new baby and his mother and father very — the best of all wishes possible.

ADM. ELLIS: Thank you very much, Senator. We're very proud.

SEN. LEVIN: Typical of your family that the father is in Afghanistan, so you'll be seeing the new boy before the father will. But that's the way he chose to dedicate his career, and we're very proud of him and you.

ADM. ELLIS: Thank you for your kind words.

SEN. LEVIN: Each of you — and I don't know if either of our other witnesses has — either in Iraq or in the area or in Afghanistan — I don't mean to leave you out in any way. Each of you has a new role to fulfill in meeting the challenge of defending the United States; and in General Eberhart's case, North America.

As part of the Unified Command Plan Change Two, which was effective last October, the Strategic Command and the Northern Command have new missions. The Northern Command mission is to provide command and control of Defense Department homeland defense efforts and to coordinate support to civil authorities. Strategic Command assumes the missions of U.S. Space Command as well as four new missions, including oversight of command, control, communications, computers, intelligence, surveillance and reconnaissance in support of global and strategic operations and global missile defense integration. The North American Air Defense Command retains its previous mission but now aligns with Northern Command rather than Space Command. And the Office of the Assistant Secretary of Defense for Homeland Security also recently established will provide the policy guidance to support the homeland defense mission as well as coordinate with the Department of Homeland Security and other federal agencies involved in homeland defense.

In the short time that each of you has been in your new position, you've made considerable progress, including establishing a binational U.S.-Canadian commission, working with the Southern and Pacific Commands to develop recommendations regarding future roles and organization of the Joint Interagency Task Forces, drafting a plan for establishing a weapons-of-mass-destruction civil support team in every American state and territory, and working to develop the right mix of forces that would be assigned to the Northern Command under the Joint Task Force Civil Support to help civilian authorities when directed by the secretary of Defense.

Much remains to be done, including the establishment of operational requirements for missile defense and implementing the computer network defense and attack missions. In addition, there remain many challenges, including coordinating between Northern Command and Pacific Command to work out the modalities of protecting Alaska and Hawaii, coordinating intelligence, surveillance and reconnaissance missions for the DOD, and perhaps most importantly,

for ensuring usable intelligence is provided to all commands in a timely fashion.

So we thank each of you for your work and service and for launching this new effort, and we look forward to hearing from each of our witnesses.

SEN. WARNER: Senator Levin.

Senator McCain.

SEN. JOHN MCCAIN (R-AZ): Thank you, Mr. Chairman.

I want to thank the witnesses for being here today. And I apologize for not being able to remain during the entire hearing. But I do want to raise one subject with the secretary and General Eberhart and Admiral Ellis.

There's a dirty little secret about homeland security that I believe needs to be examined and remedied as soon as possible, and that is the fact that our borders are not secure. We have an increasing flow of illegal immigrants, drugs, and possibly — I emphasize "possibly" — terrorists through our southern border and perhaps our northern border. I'm not as familiar with the northern border as I am with the southern border. We've had park rangers killed. We've had gunfights. We've had organizations paint vehicles exactly like Border Patrol vehicles and come across our border. We have had interception of individuals from Middle Eastern countries. We have found a backpack with documents printed in Arabic. And we have no control over our southern border. Thirty thousand illegal immigrants are coming across the Arizona border every month.

I think it argues for a high priority. It argues for complying with a fundamental of the United States of America's security, and that is, if our borders are porous and people can move back and forth across our border at will and with impunity, that it poses a threat. And I don't know how we can assure the security of our homeland when we have insecure borders.

In my home state of Arizona, we now have vigilante groups who are forming who are, because of their frustration with the lack of enforcement of our border, are now taking the law into their own hands. That is a very dangerous consequences, but their frustration is somewhat understandable. When you meet ranchers who have had, 11 times in one week, SUVs bursting through the seven-strand barbed wire fence which is the barrier between our two countries and invading their land, it's serious. When you have the Park Service personnel who are in charge of the wildlife refuges on the border that are saying the wildlife refuges are being destroyed, we have a very, very serious problem.

And it's going to take, I think, among other things, the use of some high technology. I don't see how you can put individuals all the way across our border between the United States and Mexico.

But I would urge you to look at the use of Predator, the use of high-tech equipment which we have developed and could easily be used along our border.

This issue is serious. It has human consequences. A hundred and thirty-four people died in the desert last year trying to cross over from Mexico into the United States of America. It has security consequences and it has economic consequences for our health care organizations and other providers of assistance to our citizens and now are providing it to illegal immigrants.

So I hope that in your testimony, or in the question-and-answer, you will discuss this issue because I don't — again, I do not see how you can possibly tell Americans that their homeland is secure if their border is not secure. And the degree of insecurity of those borders I think is not appreciated by most Americans today.

I thank you, Mr. Chairman. I think the witnesses for being here, and I thank them for the outstanding work that they are doing.

SEN. WARNER: Thank you, Senator McCain. That's a very important dimension to our oversight responsibilities. It's probably shared by other committees. But we have jurisdiction over a portion of that.

SEN. LEVIN: Before Senator McCain leaves, if I could just ask Senator Kennedy to yield for a minute. I want to concur in what he said about our borders, and the northern border, which he made reference to, is indeed a huge risk for us in terms of our security. And we've gone into this at great length. But the point that he made about our southern border is indeed the same. That is very, very true — too true for our northern border as well. And I want to thank him for raising the issue.

SEN. MCCAIN: Could I mention, Mr. Chairman, I don't want to take the time of the committee, but we don't want the military on the border. That's not appropriate, it's not constitutional. They're not trained for it. There's too many strains on it. But I believe that a lot of the equipment that the military has has great application to border security. And that's where I hope that the members of this panel can be involved and helpful to us.

Thank you.

SEN. WARNER: Thank you again.

Senator Kennedy?

SEN. TED KENNEDY (D-MA): Just very briefly welcome, gentlemen. I had an opportunity over the weekend to go down to Otis Air Force Base, 102nd National Guard Fighter Wing. You've got elements of it over in Iraq. The 101st, which is one of the wings, has been awarded as the top Air National Guard wing. And it obviously has — they take great sense of pride in terms of meeting responsibilities in terms of air security over the northeast. And they are very — as you well know — highly skilled, highly dedicated and committed. And it's always reassuring.

Just secondly, on the issues of immigration as well, we're interested in the — we passed a border security act some — a little over a year ago, and it's gradually being implemented.

That has implications about the sovereign border, as well as the issues on all the borders surrounding us.

And one of the important things that had not been happening is the CIA had not been cooperating with the INS, and therefore the INS was — had one hand behind its back. For instance, two of the hijackers that came from Saudi Arabia were on the watch list, and the CIA hadn't notified them, and they were able to get visas to come on in here.

And so this cooperation is something that is beginning to take place, but it's something that's going to be enormously important in terms of helping.

Just a final point: I want to commend the Defense Department in its immunization on the smallpox. They've done a very effective job. I think it's 230,000 troops. I don't know. They've done it extremely effectively. They've had small numbers of adverse reactions. They've taken good care of the people with those, and I believe there's — at least what I had heard previously — virtually all of them had returned to duty. But it had been very effectively — a very good screening program and follow-up programs, and it is really the way to do it. And as we are moving on into these issues on smallpox, the DOD has really given a wonderful example of how to do it.

And we're constantly — we had these other issues — a hearing on SARS yesterday. That is not a — there's no reason to believe that it's a bioterrorist weapon, but it could have been. And the way the World Health Organization responded on that — and the CDC and the NIH — is enormously reassuring in terms of — it's almost sort of a test case on this. And I bring that just to your attention, for one of the things that appears to be working. Several things that I've mentioned here are working very, very well.

Thank you, Mr. Chairman.

SEN. WARNER: Thank you, Senator Kennedy.

Senator Inhofe.

Any other members wish to make an opening statement, please —

SEN. JAMES INHOFE (R-OK): I'll just make it very brief, Mr. Chairman.

I — my concern is OPTEMPO right now. And I know that, Secretary McHale, you're very interested in this, and we've talked about this before. In fact, all of us have. I don't think there's been a time in our history that we have had to call up so many of the Reserve component, and it's becoming a real hardship, and we're losing some critical MOSs. And the fact — is exacerbated by the fact that you also have — a lot of your first responders are in the Guard and in the Reserves, and you're going to have to be handling that.

So to me, my major concern is the capacity. What are we going to be able to do? How much can you spare from the military side for homeland security? Because from where I sit in Oklahoma and watch those that are being called up, I don't see that we have the capacity to have — to give anything there.

So this — it's a critical thing that I know you're having a difficult time dealing with. But we certainly have to be

answering this in our own minds as we develop future budgets, because as the chairman said in his opening remarks, that things have changed and — in our relationship with the use of the Guard and Reserves.

Thank you, Mr. Chairman.

SEN. WARNER: Are there others? Senator Reed, do you —

SEN. JACK REED (D-RI): No, Mr. Chairman.

SEN. WARNER: Fine. Thank you.

SEN. LEVIN: Senator Nelson, I think, had —

SEN. WAYNE ALLARD (R-CO): Mr. Chairman, I just would briefly welcome the panel. And I — Mr. Chairman, I think this is the first time we've had a hearing since — about this time last year we made the reorganization.

SEN. WARNER: Right.

SEN. ALLARD: And I wanted to congratulate you, Mr. Chairman, on a timely hearing. I think it's important. You've been set up since around this — early this fall — I think it was the first of October. And then it's been a year now. And I'm looking forward to hearing their comments.

You know, we did some unique things. We set up Northern Command. We also combined U.S. Space Command with U.S. Strategic Command. And I want to know how that's progressing along. And on immigration, you know, I — when I listen to the comments, hear my colleagues on the floor, I agree — and here on the table, I agree that we do have a problem with the borders. But we can't do it alone. It seems that we have to solicit the help from our neighbors: Canada and Mexico. We've got to get them. And I hope that some effort is being done on the diplomatic thing to bring them in. They need to be partners in dealing with this. And I don't know exactly how we do it, but I think that's vital to our success on the borders.

And thank you, Mr. Chairman. I have a full statement I'd like to make a part of the record.

SEN. WARNER: Without objection, it's so admitted.

Senator Nelson.

SEN. BEN NELSON (D-NE): Thank you, Mr. Chairman.

First of all, I want to welcome you all here to appear with us today. I suggest that there are so many concerns today about homeland security, but I've boiled it down to hometown security. If you don't feel secure in your hometown, it's pretty hard to feel secure in your homeland. And in the process of calling up reservists and Guard, as we always have, we today are, though, faced with trading off what we have to support us on the front lines versus what we have on the home front. And if we — so many of our reservists and Guards are also first responders — firefighters, police officers and emergency workers — that it makes it very difficult. And I hope that we're able to find a way to protect ourselves and secure the people at home, here at home as well as to try to take care of our interests abroad. So I thank you very much and look forward to your comments.

Thank you, Mr. Chairman.

SEN. WARNER: I thank you.

Senator Collins, as the chairman of Government Operations, you have jurisdiction over some of the aspects of homeland defense.

SEN. SUSAN COLLINS (R-ME): Thank you very much, Mr. Chairman.

As chairman of the Committee on Governmental Affairs, which has jurisdiction over the new Department of Homeland Security, I am particularly interested in hearing from our witnesses today about the extent of cooperation between DOD and the new department. This is an issue that I discussed with Secretary McHale when we met, and I look forward to hearing the comments of our witnesses in this regard.

Thank you.

SEN. WARNER: Thank you very much.

Yes, Senator Pryor, your —

SEN. MARK PRYOR (D-AR): Thank you.

SEN. ELIZABETH DOLE (R-NC): In the interest of time, I'll submit my statement for the record.

SEN. PRYOR: I'll withhold any comments until questions.

SEN. WARNER: We'll hear from our first witness, Secretary for Homeland Defense McHale, former member of the United States House of Representatives and a Marine with considerable experience and some personal knowledge on what it's like to be called up from the Reserves.

Welcome.

MR. MCHALE: Good morning, sir.

Senator Warner, Senator Levin, members of the committee, good morning. I'll be submitting a formal statement for the record; it's currently under review by the Office of Management and Budget. But Mr. Chairman, with your consent, I'd like to provide a few brief remarks at the opening of the hearing.

SEN. WARNER: Without objection.

MR. MCHALE: Mr. Chairman, President Bush has said that, quote: "The world changed on September 11th, 2001. We learned that a threat that gathers on the other side of the earth can strike our own cities and kill our own citizens. It's an important lesson, one we must never forget. Oceans no longer protect America from the dangers of this world. We're protected by daily vigilance at home and we'll be protected by resolute and decisive action against threats abroad."

At the outset, Mr. Chairman, we should recognize that America's first line of domestic defense really begins overseas and results from the capabilities of our forward deployed forces, many of whom are engaged in combat as we meet this morning. In that sense, Secretary Rumsfeld has correctly noted that the annual homeland defense budget of the Department of Defense is \$380 billion.

Recognizing, however, in the wake of the attacks on September the 11th, that it was now essential to establish a new combatant command with specific geographic responsibility for the United States, NORTHCOM was created. On 1 October, NORTHCOM assumed initial operational capability.

The mission of NORTHCOM, as paraphrased by Senator Levin a few minutes ago, is as follows, quote: "The United States Northern Command conducts operations to deter, prevent and defeat threats and aggression aimed at the United States, its territories and interests within assigned areas of responsibility. As directed by the president or the secretary of Defense, provides military assistance to civil authorities, including consequence management operations." End of quote.

NORTHCOM'S responsibilities fall essentially into two categories, the war-fighting defense of the AOR and civil support to civil authorities under circumstances where we and the department may have a unique capability not possessed by the civilian community or, as was the case after September the 11th, under those circumstances where it's determined that civilian authorities are overwhelmed by the immediate challenge at hand. NORTHCOM's force structure is unusual when compared to other geographic combatant commands. There are very few forces which are permanently assigned, although appropriate units have been identified for possible assignment, as needed.

NORTHCOM's commander is my friend Ed Eberhart, a superb general officer, who joins me this morning. His headquarters is located at Peterson Air Force Base, and as I noted a few moments ago, his command assumed initial operational capability just a few months ago.

I was nominated by the president to become the first assistant secretary of Defense for Homeland Defense in January. That was to fill a new position created by the National Defense Authorization Act of 2003. You were kind enough to confirm me to that position approximately two months ago.

During the past two months since I appeared before you during my confirmation hearing, we've been busy. I have visited virtually every major homeland defense command in the United States. In the case of Hawaii, a distant responsibility, pursuant to the commitment that I gave to Senator Akaka, although I could not physically visit Hawaii during that period of time, I had a secure video teleconference with the operations officer for PACOM and discussed with him the same kinds of issues that I had covered in person with all of the other commands.

SEN. WARNER: What's the number of those commands? And would you provide for the record a listing?

MR. MCHALE: The ones that I visited, sir?

SEN. WARNER: Well, you said, "I want to know all of them," and whether you visited or not, we'd like to have the entire structure as a part of the record.

MR. MCHALE: Yes, sir. We will happily submit that.

Just to give you a brief summary, NORTHCOM and NORAD, as you know, are co-located out at Peterson Air Force Base. Beneath NORTHCOM, in terms of command and control, we have JTF Civil Support, which is located in Norfolk; Joint Forces headquarters, Homeland Security, also in Norfolk. We have a series of six QRFs, quick reaction forces, rapid reaction forces, at the battalion level, that are geographically dispersed throughout the United States. We have JTF-6, which is located in El Paso.

I have visited nearly all of those. There were two QRFs that I have not yet been able to visit, one at Fort Drum and one in Alaska. But hopefully those visits will be scheduled in the very near term.

That gives you essentially an overview of the wire diagram that falls under the command of General Eberhart. If I have missed any major components, he can certainly add to the list that I have presented to you during his testimony. We'll give you a formal list of all of those units for the record, sir.

SEN. WARNER: And if you have a wiring diagram, that would be helpful also.

MR. MCHALE: We do, sir. And as you look at that —

SEN. WARNER: Does anyone have a copy of it with him?

MR. MCHALE: Pardon me, sir?

SEN. WARNER: Does any witness have a copy of that wiring —

GEN. EBERHART: I'll check, sir. I may have one.

SEN. WARNER: If so, I'd like to have the diagram duplicated and distributed to the members in attendance.

MR. MCHALE: Yes, sir.

Senator Collins a couple of moments ago emphasized her interest in the relationship between the Office of the Assistant Secretary of Defense for Homeland Defense and the new Cabinet agency, for which her committee has primary oversight responsibility, the Department of Homeland Security.

Senator, let me assure you that in the interim since we last spoke, we in the Department of Defense have worked very hard to establish a close working partnership with the Department of Homeland Security. We have a full-time Department of Defense representative in their operations center. We're in daily communication with the Department of Homeland Security. We have complete sharing of intelligence information between the two departments.

Routinely each day we provide to them the intelligence that we and the Department of Defense believe may be helpful to them in the execution of their mission. And they, similarly, do not hesitate to contact us on matters that are of mutual concern.

In addition, Pete Verga (sp), who has now been appointed, who is seated behind me, who is now my principal deputy, has as one of his major responsibilities the day-to-day management of that relationship between the Department of Homeland Security and the Department of Homeland Defense.

Mr. Chairman, I had a number of other comments, but in the interest of time, I'll bring my opening statement to a close. I certainly would welcome any questions that you might have, and I'll do my very best to answer them.

I'd simply say in conclusion that I can assure you today, as always, America's men and women in uniform stand ready to defend our nation against any threat at home or abroad.

I welcome your questions.

SEN. WARNER: Thank you very much, Mr. Secretary.

General Eberhart.

GEN. EBERHART: Hello, sir. Mr. Chairman, Senator Levin, distinguished members of the committee, I thank you for this opportunity to appear before you once again. I also thank you for your continued support of, and commitment to a strong national defense, and especially the way you support those men and women who serve this great nation, and their families, especially those in harm's way as we speak.

SEN. WARNER: Could you bring the microphone up closer? You're not carrying your voice well.

GEN. EBERHART: I'm sorry, sir.

Okay, is this better?

SEN. WARNER: It is better.

GEN. EBERHART: Excuse me.

It's also a pleasure to serve with the two gentlemen with me today. As Secretary McHale has said, we are not only professional colleagues, but we're also close personal friends. And I can tell you, in the two months that he's been on board, he's certainly made a difference in focusing the department on homeland defense and homeland security.

And to my left, Admiral Jim Ellis. As has been said, we've worked hard over this last year to establish our two new unified commands. And there's a very special relationship between Strategic Command and NORAD and Northern Command, when you look at aerospace warning, aerospace control, and in the future as you look toward missile defense.

Although I've been asked this morning to appear as commander of Northern Command, I'd like to speak briefly about NORAD, a very special binational relationship that has served Canada and the United States exceedingly well since 1958, and the professional actions of those men and women in the aftermath of 9/11, mentioned by Senator Kennedy, those at Otis among those, I am convinced have served to protect our population centers and our key infrastructure from air attack to this day. They've flown over 29,000 sorties collectively without an incident or an accident, which attests to their skill and expertise.

Now let's turn to Northern Command. Northern Command is, first and foremost, a U.S. unified command, a construct that we adopted with the National Security Act of 1947. In fact, December of that year, European Command, Pacific Command and Southern Command were established. We decided at that time, because we were protected by two wide oceans and two friendly nations, that we didn't need that command structure in North America. And then, in 1958, because of the threat of Soviet long-range aviation and ICBMs, we established NORAD. But their responsibility was for air and space, not for land and sea.

In the aftermath of 9/11, it became apparent to the secretary of Defense and the president that we were violating a principle of military command and control that we did not have centralized command and control, decentralized execution. The president and the secretary had to go to several different commanders that day to craft our reaction to those tragic events of 9/11.

So they decided, and with your support they established Northern Command October of this last year. Again, first and foremost, a U.S. unified command, job number one: national security, homeland defense, defense against foreign aggression. However, this command is, in fact, different, as Secretary McHale has alluded to, in that our homeland is in our area of responsibility. So we have the secondary mission, which will be our prominent mission in the near future, in my view, and that is providing support to civil authority: one-stop shopping, if you will, for federal forces to be used however the president and the secretary of Defense decide is the right way to use it to protect the men and women of this great nation.

I believe that as you look at where we were a year ago or six months ago or three months ago we've come a long way. Mr. Chairman, you and I discussed during the confirmation hearing initial operation capability and full operational capability. And you cautioned me not to wait, to press ahead as fast as we possibly can. And we've done just that. In fact, I believe that we're farther along than I would have dreamed possible last year at this time or even 1 October, right around the time that we discussed it. But we still have a long way to go. In fact, I would offer to you that we should never be satisfied with our status in terms of homeland defense and homeland security. We need to continue to advance the ball, we need to continue to get better, because I guarantee you the bad guy out there, those who wish us harm, are figuring out ways as we speak today to attack us and what's near and dear to us.

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As the secretary of Defense has said, this is important business. This is mission number one: to protect the women — men and women of this great nation where they live and work. I look forward to your questions.

SEN. WARNER: Thank you very much, general.

Admiral Ellis.

ADM. ELLIS: Thank you, Mr. Chairman, Senator Levin, distinguished members of the committee. I, too, have a prepared statement that I would like to submit for the record, and —

SEN. WARNER: Without objection. All statements in their entirety will be made a part of the record.

ADM. ELLIS: Thank you, sir.

It's an honor to appear before you all once again representing, as always, the outstanding members of the United States Strategic Command, men, women, military civilian, active and reserve alike. And I'm pleased again to share the panel with Secretary McHale and General Ed Eberhart. As Ed noted during the last several months, he and I have worked closely together through the creation of our two new unified commands. And the United States Strategic Command looks forward to developing a similarly productive relationship with Secretary McHale and his staff in the months ahead.

As you've already noted, Mr. Chairman, ours is a new United States Strategic Command. It's a reflection of the new international security environment we must all work to effectively address together. It's a reflection of the recommendations of the Space Commission, the Quadrennial Defense Review, and the Nuclear Posture Review. And finally, it's a reflection of the clear guidance the president gave to the department to challenge the status quo and envision a new architecture of American defense. The new United States Strategic Command was created first and foremost to provide responsive, integrated and synchronized combat capability and support across geographic boundaries.

As has already been noted in a global sense, every combatant command is employed in defending our homeland and this nation's interests, and the United States Strategic Command is responsible for the integration of intelligence, information operations and a national strategic arsenal in their support. I am convinced that the alignment of responsibility for our nation's on-orbit capabilities under the same unified command that now has global responsibilities in four previously unassigned mission areas has created new opportunities to shape our future. I am committed to working with our strong and growing team of partners and to address each one of these new capabilities. We are crafting not just a vision, but a clear and detailed course of action in every mission area.

Since the United States Strategic Command was established last fall on the 1st of October, we have provided significant support to the nation and the regional combatant commanders. And examples include deploying intelligence planning space and information operations experts to theaters of interest around the globe, including United States Central Command; optimizing communications bandwidth and global positioning system performance for ongoing combat operations; providing 24-hours-a-day, seven-day-a-week missile warning to our forces in the field and to General Ed Eberhart for his AOR, our homeland. We've led the intelligence community effort to find and characterize underground facilities in Afghanistan and other countries. And we've used our on-orbit systems for battle damage assessments targeting as well as for providing data to the ongoing analysis being conducted by Admiral Gehman and the Columbia mishap investigation team. We remain committed to the nation's deterrent capability, resident in our stockpile and the delivery systems, and to retaining and advancing the United States' position as the preeminent space-faring nation.

One of our new missions, integrating missile defense across all areas of responsibilities, will be very important to enhanced homeland security. The Strategic Command's role in missile defense is to develop a global concept of operations for a multi-capability system with an integrated command and control architecture to work seamlessly across all of the regional combatant commands, a demanding task. Response time to defend against an enemy missile attack will be short, therefore, streamlined organizational structures and precise guidance must be drafted and war-gamed in advance of the initial defensive operations goal of FY '04.

This is a very exciting time for the professionals at the United States Strategic Command. We have tremendous opportunities ahead of us and are engaged in charting the course for meeting our future war-fighting needs. To pursue these needs, we will advocate for advanced conventional capabilities, support the sustainment and modernization of our nuclear deterrent force, sustain and further operationalize the tremendous capability our on-orbit assets bring to the nation, and develop and maintain a cadre of highly-trained strategic space and information operations professionals.

Never before has such a broad array of missions been combined under one combatant command. We are aggressively

building the right teams, the right structure and the right plans to move confidently from concepts of operation to tangible combat capability. We're leveraging our historic strategic planning expertise and our space and information operations and regional support heritage to become a more globally-focused operational headquarters, one that is better equipped to provide the combat capabilities required by our national leaders and support the war-fighters in the defense of this great nation.

Thank you, and I look forward to your questions, Mr. Chairman.

SEN. WARNER: Thank you. We'll have our usual six-minute rounds.

Our colleagues, Senators McCain and Levin, have very carefully laid the important question with regard to the borders; I'd like to raise a similar question as relating to the coastlines, bordered by our oceans.

How serious is this threat? What role do each of you play in protecting any possible incursions across our coastline, the most probable being a terrorist missile attack of some type from some type of vessel. Who budgets for technologies and programs that might address this threat?

Yesterday, General Eberhart, you and I had an opportunity to visit privately, and you said that your area of operation, as designated, extends 500 miles to sea. And I was quite reassured by the command and control you have over vessels coming in, and surveillance.

And then, Secretary McHale, I expect you are more or less coordinating all the efforts on this.

And, Admiral, I'm not sure what portion you have.

But let's start with General Eberhart.

GEN. EBERHART: Sir, as we look at maritime threats, and focus initially on what we would consider threats that the Department of Defense would have the lead, in the example that you used, a cruise missile, whether it was from a foreign nation's navy or if it was a terrorist cruise missile, we would certainly have the lead for that type of activity.

Ideally, as we talked earlier, and you alluded to during your statement, is that we want to stop that missile, that crew, before it reaches the 500-mile limit of our area of responsibility. We want to work —

SEN. WARNER: And board the vessel, if that's necessary?

GEN. EBERHART: Board the vessel. And if that doesn't work, then do whatever is appropriate in terms of international law and Law of the Sea, to make sure that that does not pose a threat to this nation.

Ideally, we'd like to work with the flagged carrier, whatever that nation is, that that ship's flying their flag. And we've found that they're very cooperative if they believe that they've got a ship that they flagged that in fact is carrying contraband or doing something that poses a threat to us. So we'd like for one of our allies to take care of this problem before it poses a threat to us.

Two, one of the supporting commands in this case — you could argue that we're the supported command for this exercise — kind of a moot point. But in fact, if European Command, or if it's out from the west, Pacific Command can take down that threat, that's great. Let's keep — let's defend as far forward as possible.

And then, if it's necessary, and we don't detect it, we're not aware of it until it's inside our area of responsibility, then, as we discussed every day, we look at where all of the ships are in the Atlantic and in the Pacific; we work with both the Navy and the Coast Guard to ensure we know what ships are closest to this threat, what ships would have the capability to deal with the threat, whatever the threat might be, and then we respond.

Now, what we don't have right now, and what we need in the future is wide-area surveillance because —

SEN. WARNER: What's the last word?

GEN. EBERHART: Wide-area surveillance, sir. We get some surveillance, obviously, from our overhead, but that's cyclical, if you will, it's not 100 percent of the time. If we know the general area to look, we can send out aircraft for surveillance. Sometimes we can do it with other ships' radar, et cetera. But over time, we're going to have to harness technology so that we have a picture on the sea, much like we have a picture in the air today, so that we can sort the good guys from the —

SEN. WARNER: How soon do you anticipate that that will be a part of your —

GEN. EBERHART: Sir, right now we are doing what we call an advance concept technology demonstration, which is supported by the Department of Defense as it's supported by the Congress, and is funded, which this is essentially a high-altitude, unattended aerial vehicle, unmanned aerial vehicle, that will be up 60,000, 70,000 feet, that we think one day will have the capabilities to be up for a year or more and provide us this wide area of surveillance.

And —

SEN. WARNER: What about the UAVs we've got currently in inventory and coming on line with further production?

GEN. EBERHART: We can use those, too, sir. But obviously they are somewhat limited in terms of duration time and in terms of legs and in terms of their capacity to carry sensors. But all of those things we have to harness.

SEN. WARNER: Please include in the record such additional information you have, and now I want to get in within my time Secretary McHale.

And particularly port security. It's one thing to interdict a vessel beyond our shores. But there are instances where that vessel will be portside. And also the port's facilities are — could well be a target of those that have not come by sea but come by land. That is, the terrorists.

MR. MCHALE: Yes, sir. Mr. Chairman, one of the things that I've tried to do during the brief period of time that I've been in office has been a conscious focus on pushing outward the boundaries of our defense. A great deal of emphasis has been appropriately applied to port security, and I certainly do not denigrate that. But I come out of a Marine Corps background. And I believe in locating and defeating the enemy as far from my position as possible. And so I want to reach out well into the blue water to defeat the enemy threat, particularly if it's a weapon of mass destruction. I also want to locate that threat if it comes into a port, but that's, frankly, when the enemy has made it into the wire, and that is a late stage in the process.

It was noted earlier that the NORTHCOM area of responsibility includes approximately 500 nautical miles of blue water. And while that is true, it is somewhat of a generalization. It's basically 500 nautical miles on the west coast. But if you look at the UCP and see how the lines are actually drawn, it's probably three times that distance, approximately 1,500 nautical miles, along the east coast. Because of the way the line is drawn in a straight line and our coast is curved, we have a substantial amount of blue water on either side of the nation in which to detect, interdict and destroy an enemy attack.

SEN. WARNER: That includes the states of Alaska and Hawaii, I presume.

MR. MCHALE: Yes, sir, it does. We have the responsibility in ASD Homeland Defense for all of the homeland defense activities, whether they are in General Eberhart's AOR or, as is the case, for instance, of Hawaii, within the PACOM AOR. And so, our charter is a little broader, significantly broader in the sense of protecting American citizens and property and freedoms beyond the AOR that's been assigned to General Eberhart.

We have a very large amount of blue water. We need to take advantage of that entire space for an integrated defense, maritime defense of our coastline. That begins with better intelligence, intelligence that, in terms of area of interest, is worldwide for General Eberhart. We need to bring to that intelligence a homeland defense perspective that has not always been the case in the past.

Secondly, I think we can do a much better job of tracking —

SEN. WARNER: How long is it going to take you to achieve that?

MR. MCHALE: I believe that —

SEN. WARNER: I'm talking about in the future we are going to. So — I'm wondering what that time line is, and are there sufficient assets in the pipeline, perhaps in this most recent supplemental, and perhaps in the president's budget, to implement what you foresee now as being the needed requirements for equipment, training, personnel to carry out that mission.

MR. MCHALE: Mr. Chairman, we have gotten a lot better in the last few months in terms of bringing a homeland defense perspective to raw intelligence.

That intelligence has historically been oriented toward the forward edge of the overseas battlefield, and relatively few

analysts have looked at that information in order to make a connection to a domestic threat. We have gotten better. My hope is and my expectation is that the president's proposal for the Terrorist Threat Integration Center that he announced in his State of the Union address will allow us to fuse overseas intel collection capabilities for analysis and review by those who in the United States look at that information to determine its relevance to a threat that might materialize here so that we connect the dots before an event occurs.

Mr. Chairman, I also think that we can in the future take advantage of our GPS tracking system in order to have real-time location information with regard to a naval platform that may ultimately pose a threat to the United States and that that tracking can go on for an extended period of time so long as we believe that that ship is still on the seas and that it might at some point be a threat to our nation.

SEN. WARNER: My time is expiring.

Admiral Ellis, do you have a contribution to this question?

ADM. ELLIS: Yes, sir, very briefly.

Mr. Chairman, our job is to provide to General Eberhart and all the regional combatant commanders everything we have and to act as the spokesman on behalf of the Unified Combatant Commanders for the very real capabilities that we need to develop. That includes robust communications architecture, the persistent intelligence, surveillance and reconnaissance that Ed was speaking to, the fused multisystem ballistic missile defense capability and a viable information operations capability. So we are being asked to centralize that, to assess what we have, and to look, more importantly, about what the architecture and requirements needs to be for the future across the full spectrum of the threats that confront the nation.

SEN. WARNER: I thank the witnesses.

Senator Levin.

SEN. LEVIN: Thank you, Mr. Chairman.

I'd like to pick up with Secretary McHale and with General Eberhart particularly on the intelligence questions which you just discussed, Secretary McHale.

What is your connection and what is the new command's connection to the counterterrorist center at the CIA? How are you linked to that center, which analyzes the information relative to foreign terrorists which threaten our interests here in the United States?

MR. MCHALE: Senator, I think Ed will probably want to comment upon this as well, but there are a number of ways in which we're linked. I have daily communication with the CIA in order to have access to the information generated by the CIA related to domestic threats. I begin each day with a DIA brief and then follow that by attending the briefing that is received by the secretary of Defense on these very issues.

SEN. LEVIN: Let me interrupt you there. Are you represented at the counterterrorist center, the way the FBI is and the way the office of — the Department of Homeland Security is?

MR. MCHALE: Our office is not, but I do believe that the DIA is represented, and we have daily contact with the DIA. In addition, we've recently created, pursuant to the statutory authority provided by the Congress, the undersecretary's position for intelligence, and I know he intends to work very closely with both that agency and the Terrorist Threat Integration Center.

SEN. LEVIN: So that your connection to that place which produces the analyses —

MR. MCHALE: Is through the DIA.

SEN. LEVIN: — which you need, presumably, and General Eberhart needs, is through the DIA.

MR. MCHALE: Yes, sir. In addition, General Eberhart has on his staff full-time a representative of the CIA. That person is co-located with General Eberhart out in Colorado Springs. That person serves, along with a DIA rep, as a conduit back to the CIA in terms of their counterterrorism analysis and information.

SEN. LEVIN: General, does that — that person, however, does not sit at the counterterrorist center, is not part of the analysis process; is that correct?

GEN. EBERHART: That is correct, sir. That person is not.

SEN. LEVIN: So it's a one-way conduit from you to that center, but not from that center to you; is that fair? Or is that too simplistic?

GEN. EBERHART: Sir, I really think that doesn't appropriately capture it, because there are about five different conduits from that center to me.

There are regular reports that they send out that we get copies of, and we get those directly. In some cases, we get them from other organizations, but in some cases, we get them directly.

SEN. LEVIN: Do you get all the analyses of the CTC that affect homeland security?

GEN. EBERHART: Sir, I am convinced that we do. I am convinced that we do. And again, we have some checks and balances here. We have the head of the DIA, that if they see a report, they pick up the phone and call our J2, our intel, and say, "Have you seen this report?" And I'm happy to report to this day we have. We've got this DIA liaison officer right there in the CTC who's checking and double checking to make sure we get the information we need. And then we have this flag level DIA — I'm sorry, CIA representative, so that if we have a question about a report, we can go back verbally and get an answer very quickly, as opposed to going back through a bureaucracy, if you will.

SEN. LEVIN: The lack of coordination of intelligence information between the various agencies was a huge failure prior to 9/11, and there's a number of efforts being made — this committee, Governmental Affairs Committee, a lot of committees — to make sure that that does not happen again. And you state in your testimony, General Eberhart, that one of the greatest challenges — one of our greatest challenges — lies in sifting through the volumes of intelligence and operational data, and that another shared challenge is to overcome cultural and procedural differences among the DOD and other departments for information that is collected, categorized, classified, analyzed and disseminated. So — and I happen to agree with that, by the way, that those challenges exist. But would you expand on that? If those challenges exist, it suggests they haven't yet been overcome. And give us a little more detail about those challenges.

GEN. EBERHART: Sir, my view is that those challenges exist. Sadly, they'll probably always exist to some degree. However, we've come a long way since 9/11 in being able to overcome those challenges and to make them manageable, if you will. There is, to a large degree, an approach now that I would — we've coined the term "need to share," as opposed to "need to know." And I think we're seeing that type of attitude out there, whether it's a law enforcement organization, whether it's the intelligence community, or if it's information from open sources that we think that we need to put together to integrate, to ideally fuse, as the secretary has said, so that we can connect the dots and have something that's actionable.

So I'm seeing, as we do these scenarios, as we do these real-time sharing of information day in and day out, I'm seeing those cultural barriers come down; I'm seeing better cooperation than I've ever seen before. Much like during the '90s, we brought down a lot of those cultural barriers in the intelligence community to share information, and Jim Ellis and others were part of that effort.

We've done things like — we call it a tear line, where we might have very sensitive information that talks about the source and a lot of other things, but that's not — the source and those kinds of things aren't important out at the tactical level. So we take that, we sanitize it to the point so where the tactical user gets the information he or she needs, and it's not as highly classified as it was before, where we said, "We can't share this information."

So, we've taken, I believe, some significant steps. That doesn't mean we have this right yet. We've got to continue to work it.

SEN. LEVIN: Thank you.

One of the issues that I've been very concerned about is the ability to detect explosives from a distance, ever since the USS Cole, that has been very high up on our radar as a challenge technologically.

Are we making any progress, Secretary McHale, on that issue, on the ability to develop stand-off detection capability for explosives as well as for chemical, biological and nuclear weapons materials?

MR. MCHALE: Senator, I think we are. I was encouraged by the briefings that I received when I came on board, to find out that our remote sensing capabilities are more advanced than I would have anticipated. That, for me, was very encouraging information.

A couple of weeks ago, I was with Senator Reed at a homeland defense symposium in Newport, Rhode Island. Congressman Kennedy attended that as well. And I had an opportunity to speak to a number of significant contractors in the private sector who are bringing advance and robust technology to this area.

With regard to explosives, the challenge is significant. With regard to weapons of mass destruction, it's even greater.

Just to give you a quick example, a few years ago, Tom Clancy wrote a novel that focused on the transport of an improvised nuclear device across the Atlantic Ocean into one of our unprotected ports. And that novel's plot went on to describe the consequences following the detonation of that improvised nuclear device.

It is my belief that if an enemy is to acquire weapons of mass destruction, that will likely take place overseas, and it is likely that the material for that weapon would be brought into our country by a maritime platform. There are sensors now in use. They're fairly — they're in the early stages of development, but there are sensors that I think hold out great promise for creating what I have called WMD chokepoints, engagement areas, where we would have the opportunity to screen passing vessels to determine whether or not a weapon of mass destruction was aboard the ship. And that is not — the science to support that effort is not too far down the road in terms of its understanding and operational employment.

And so, one of the most encouraging areas of information that I have had brought to my attention since taking this office is the very real prospect that in the not too distant future, we will be able to operationally employ in an effective way remote sensing capabilities for explosives, and particularly for high-end weapons of mass destruction.

SEN. LEVIN: My time is up. Thank you.

SEN. INHOFE: Thank you, Senator Levin.

Senator Allard?

SEN. WAYNE ALLARD (R-CO): General Eberhart, we've talked a lot in general terms about local, state and federal cooperation. I'm curious to know what kind of mechanisms perhaps you're putting in place now to encourage that cooperation to occur. I think in my own mind of things like war games, for example. I mean, there might be an opportunity there to create some kind of scenario where you could have local. Or what is the department — what are you doing, for example, to maybe have an input on training programs for law enforcement? I wondered if you would share with us some of your thoughts.

GEN. EBERHART: Senator Allard, I think the best way to answer this is there's both formal programs and informal programs.

First to the formal programs. I think the best example of that is the Civil Support Teams that Congress has authorized, and soon will be in all 54 states and territories. My view is that these teams are a wonderful bridge from those first responders to the state militia and then to federal forces, if and when those federal forces are required. And we've been able to because those teams are federally funded and equipped.

We've been able to ensure standardization among those teams. They have the same equipment, they have the same training, they use the same terminology. They're certified by the United States Army to conduct this mission. And then the secretary of Defense is the final certification official. So therefore we have this standardization and soon will have this standardization in all of our states and territories that I think will help us standardize all the way from the first responders of the fire departments and the police departments again to state agencies, to federal agencies. That's a formal program, if you will, and I think those types of programs pay big dividends.

The informal programs are what you have alluded to. Those are voluntary in nature. But we certainly don't have trouble getting people to volunteer. And these are where we do war games scenarios. And in most cases, they're in Colorado Springs when we do these, or when we participate in other places. There'll be upward to 50 different government agencies, to include state and local responders, state agencies, sitting at the table, working our way through a scenario, whether that's a weapon of mass destruction, whether that's a — some sort of epidemic, or whatever the case may be — crisis management or consequence management. And I think these interactions are very, very important in terms of standardization, in terms of interoperability, in terms of building friendship and confidence that will really be the key to our success.

And then finally, we have — back to the formal programs, we have formal exercises. This summer, TOPOFF II, that has been charted by the Congress for us to conduct. TOPOFF II will include three or four different states in this exercise

program where we will reach down all the way to the first responders, and we will exercise the entire system from first responders to federal forces when and where needed.

So I think we're making good progress there. It takes time. Sometimes it's slower than we would like. We can't mandate this. But I think everybody realizes this is the right way to go.

SEN. ALLARD: Thank you, general.

Admiral Ellis, I'm curious to know what you're doing in your command, newly created command to make sure that space remains a core mission.

ADM. ELLIS: Well, Senator, as you and I have discussed many times, space is a fundamental underpinning of everything we do in today's military, not just within — in the new missions that have been assigned to us at the United States Strategic Command. Clearly, that takes on a number of levels.

First off, you — we need to assess candidly the requirements and the programs that are being put in place by each of the services. As you know, from a joint warfighter perspective, that's our role, to assess the level of funding, the priorities and the like from each of the services, Army, Navy and Air Force, that contribute to that through robust compeer relationships with me.

I've also taken it upon myself to make sure that I visit all of the facilities that are so important to our space effort. That's the launch complexes on both coasts, obviously, and the major industry contributors to the assured access and the tremendous on-orbit capabilities that we've enjoyed and absolutely must preserve and enhance in the years ahead.

And finally, we are very much a part of the gaming and the simulation capabilities that are an important part of re-emphasizing for each of our warfighters the importance of the role that space plays in their ability to execute their missions. We just completed, as you're undoubtedly aware, SHREEVER (sp) II, which is the second of our national war games, if you will, in space. And that involved representatives from all agencies, all services, as well as the private sector, so that we take the lessons that we learn from a vision of what challenges will confront us in the future as a nation to better optimize the progress that we want to continue towards enhancing our use of space.

SEN. ALLARD: Assistant Secretary McHale, the National Guard continues to be a critical part of our military mission. At the same time, it's essential for homeland defense. Has the Department of Defense determined how to best utilize the Guard, in your view?

MR. MCHALE: I think we have a direction, but not an end state that has been defined, and that is that while maintaining the Guard as a balanced force that will continue to serve as an important part of our nation's strategic reserve, with overseas warfighting requirements and training, we anticipate that the National Guard will play a more active and focused role, a more robust role, in homeland defense. We have eight National Guard divisions that are oriented now primarily toward the overseas warfight, at least in terms of their Title 10 mission requirement. I anticipate, as General Eberhart has described a bit earlier, that the Guard will play an even more significant role in terms of future CSTs. The National Defense Authorization Act has now required that we establish 55 such teams. We currently have 32 that are certified. And so, clearly, the National Guard is going to play a bigger role in that area. The National Guard plays an important role in terms of individuals and units that have been assigned to JTF Civil Support for consequence management, including consequence management following a successful enemy attack involving a weapon of mass destruction. And so in the future what I anticipate is that while the Guard will remain committed to the training and equipment for an overseas warfight, substantial portions of the National Guard will, in addition to overseas warfighting missions, be assigned new homeland defense requirements.

SEN. ALLARD: Now you know, these individuals, a lot of them, are part-time. They have other jobs other than the Guard. If we put on too much responsibility, then it no longer becomes a part-time position. Are you able to maintain — are we able to maintain our personnel in our Guards? Are they pretty happy with —

MR. MCHALE: I think we are.

SEN. ALLARD: — the current situation? Even with the increased demands?

MR. MCHALE: Even with that increased demand. The Guard is now playing an important role with regard to our overseas warfight, particularly in combat support and combat service support capabilities that the Guard brings to our overall military capability. To the best of my knowledge, there are no ground combat units, no maneuver elements from

the Guard that are currently engaged in Iraq. We have a significant number of Guard personnel who can, either in federal status, Title 10 status, or, more likely, in state status, play a significant role in terms of protection of domestic critical infrastructure. We have Guard personnel deployed right now at various locations around the country protecting in state status critical facilities that the government of the individual state believes need to be protected under circumstances where civilian law enforcement may not be prepared to take on that challenge.

So in the years ahead, and I would emphasize this, I think there will be a much more important role for the Guard, but not just in Title 10 federal status. I think, as was the case with Liberty Shield, when Secretary Ridge announced that we were going to a heightened state of alert during the period of conflict in Iraq, at his suggestion a number of governors in state status took their Guard forces, put them on alert, brought them to active duty and, again in state status, deployed them to protect critical sites. That mission of critical infrastructure protection, I think, is one that with increasing likelihood will be assigned to the Guard.

SEN. ALLARD: Mr. Chairman, my time's expired.

SEN. INHOFE: Thank you, Senator Allard.

Senator Pryor.

SEN. MARK PRYOR (D-AR): Thank you, Mr. Chairman.

General Eberhart, I have a few questions for you. During the Columbia tragedy, what did NORTHCOM, NORAD, STRATCOM — how did they respond and how did they work together?

GEN. EBERHART: Sir, as soon as we knew that in fact it looked as if we had lost the Columbia, there was a problem with the Columbia, we initiated, with the National Military Command Center, what we call a domestic events conference.

And that domestic event conference is something that grew out of the tragedy of 9/11, where we get all the players, if you will, on a teleconference so that we know what the problem is and what type of solution sets might be available and to try to sort out those very important questions such as who will be in the lead, who will have the lead for this effort. It's proved to be a wonderful vehicle that's served us well as we've worked our way through many different problem sets.

On that conference that day, representatives from Strategic Command, representatives from North American Aerospace Defense Command, and NORTHCOM were all up. I was personally up. And through that conference and through then separate conversations offline it was established that initially NASA was the lead federal agency. Then we switched the lead federal agency from NASA to FEMA, because it was obvious that it was now a consequence management problem, but that NASA would still be supported, because we had to, in fact, secure this wreckage and make sure it didn't constitute a threat to the citizens of this great nation and also so that we could try to put together the accident investigation.

So, in fact, what you had was Strategic Command is in the lead for the accident investigation, supporting the accident investigation, and Northern Command in the lead in supporting FEMA in terms of recovering the debris and safeguarding our citizens. And that's the way it's progressed to this day — obviously, with policy guidance from the Office of the Secretary of Defense, specifically the Office of the Assistant Secretary of Defense for Homeland Defense. And we had teleconferences every day for about a week there as we sorted our way through these problems.

So I think that, one, the mechanism of the domestic event conference, the close friendship and working relationship between the commands and the Office of the Secretary of Defense served us well in the aftermath of that tragedy.

SEN. PRYOR: Yeah, it sounds like y'all work pretty well together. Is there — are there lessons learned? In other words, can we do it better next time? Did we learn some lessons this time?

GEN. EBERHART: Sir, you know, I'm a believer that if you win 70 to nothing, then all, you can still do something better the next time you get on the field, because whoever you're playing is going to be better. So there's no doubt in my mind that there's things that we can do better. And we, in fact, have an after-action report that we're working our way through now. It's the initial after-action report. It's very detailed. But I think in terms of how we provide capabilities to these agencies, there are a long list of things that we, in fact, can do better, and we're working to do those better in the future.

SEN. PRYOR: Let me ask a sort of follow-up to Senator Allard's questions a minute ago about the National Guard. And maybe you answered this, but what role do you see the National Guard having in homeland security and, more specifically, in NORTHCOM?

SEN. PRYOR: Sir, I would like to say that there are two great teachers, if you will, in terms of homeland defense and homeland security. One goes back to the 1630s, and that's our militia, that's our National Guard. The second is our Coast Guard, back to 1790. They've been doing this since their inception. And we have a lot to learn from both of these great institutions. So when I think of homeland defense, homeland security, first and foremost I default to those organizations because I know they know how to do it.

Of course, the dilemma is, as the secretary has said, do you take the National Guard and relegate it — that's probably not the right verb, but relegate it to only homeland defense and homeland security missions, or do you keep a broader view but look for ways to focus them better?

And I don't mean better in terms of their not doing it well enough, but so that we can, in fact, leverage them better for homeland security and homeland defense. I think the latter is what we should do, as the assistant secretary has mentioned.

I believe that we have a construct right now in terms of our air defense missions, that, as you well know, are predominantly, almost exclusively conducted by our National Guard. I think that construct can serve as well for sure on the land too, as we look at our quick reaction forces and our rapid reaction forces in the future. Obviously, if we do that, we have to have them so that they're able to react quickly and promptly; 96 hours or a week doesn't get it. I mean, they have to be ready to go in 12 or 24 hours. But I think we can make those kinds of things work. But I'm open to any and all ideas here. I'm convinced we can do it better.

SEN. PRYOR: Well, I'd love to visit with you sometime about what resources you think the National Guard needs to augment and, you know, to assist in the mission and to be able to achieve the mission that it's intended to do.

Secretary McHale, let me ask you, we talked a little bit here about NORTHCOM and, you know, working very closely with Canada. What about Mexico? Is there a reason why Mexico is not in this? And does that mean that we do not perceive any threats coming from the south? Or talk about that.

MR. MCHALE: Senator, if I may, could I comment briefly on the previous question and move to Mexico very expeditiously?

SEN. PRYOR: Sure.

MR. MCHALE: Among the lessons learned with regard to the Columbia tragedy was initially some uncertainty as to the lead federal agency. Immediately following the tragedy, there was an expectation that the Department of Defense might be the lead federal agency. Quickly there was a recognition that that's not the way to approach these issues under the federal response plan. FEMA assumed, very effectively, its lead. We provided support to FEMA. But there was uncertainty in the first few hours.

The military response during Columbia reflected the fact that Title 10 involvement is likely to be modest in terms of domestic engagement. Most of the military support for the recovery effort was led by the National Guard in state status; about a thousand guardsmen were deployed from the various states that were affected, and they did a superb job. But they were under state command and control at state expense. And we, in fact, used about a half a dozen CSTs in Title 32 status as part of the clean-up.

Now — well, forgive me. I'll move very quickly to your question.

SEN. PRYOR: That's okay. Good.

MR. MCHALE: We are pursuing a close cooperative relationship with the Mexican military where that effort is governed by profound respect for Mexican sensitivities with regard to their national sovereignty. NORAD has provided a bilateral relationship with Canada that goes back many decades. It's a mature military relationship, and the comfort level of that relationship reflects the friendship and professional military cooperation that has existed throughout NORAD's existence.

We hope to achieve an even closer relationship than the one we have had with Mexico in the past, but the pace of pursuing that relationship must be dependent upon the sensitivities on both sides of the relationship. There are appropriate sensitivities in Mexico with regard to the protection of Mexican sovereignty. We are pursuing cooperative military efforts with Mexico, but only at a pace that meets the requirements Mexico brings to the table. And so it is our hope that with regard to the NORTHCOM AOR, in the years ahead we will have a close cooperation between neighbors, both on our northern and southern borders. And we are in fact pursuing that, but with a sensitivity toward the historic concerns that

are manifested by the Mexican government and the Mexican people.

SEN. PRYOR: Thank you.

Mr. Chairman.

SEN. WARNER: Senator Collins?

SEN. SUSAN COLLINS (R-ME): Thank you, Mr. Chairman.

Secretary McHale, let me begin by commending you for the work that you've already undertaken to ensure a strong relationship between your office and the new department. I was very pleased to hear the update that you provided in your opening statement.

I want to follow up on concerns that have been raised by my colleagues about the National Guard.

As of April 2nd, I believe that there are nearly 220,000 members of the National Guard and Reservists now on active duty. In Maine, many of the members of the National Guard's regular jobs are in our police departments and our firefighters. They tend to be the backbone of the first responders in many Maine communities. Similarly, we've had a situation in Maine where a Coast Guard cutter which was working hard on port security in southern Maine has now been deployed to the Gulf.

Is there a concern that, as we rely more on the Guard in a conflict such as the one in Iraq and as we deploy — redeploy Coast Guard assets, is there a danger that we could end up actually weakening our homeland security? When you look at the members of the Guards who are first responders in communities all across this nation, and the first responders are the backbone of homeland security in many ways, and if you look at the Coast Guard, which has been so involved in port security, if we're starting to redeploy those assets, are we risking our homeland security in times of war?

MR. MCHALE: Senator, we obviously have to approach those kinds of issues very carefully. The first thing we need to do is get the facts. When I had my confirmation hearing, Senator Clinton had asked me about this issue and I indicated to her that we would provide information related to the number of first responders who were also Reservists in various capacities. And I discovered when I got back to the Pentagon — we've since communicated this to Senator Clinton — that we don't know that information, because when I gave the answer, it was my belief that we would locate those individuals within the Reserve and the Guard who are also first responders, and I discovered that since the majority of our first responders in the United States are, in fact, volunteers, although we have data at the Department of Defense with regard to employment of our Reservists, we don't have data with regard to their volunteer activities that might relate to first-responder requirements.

In fact, I think there are something like a million, perhaps slightly more than that, a million firefighters in the United States; three-quarters of them are volunteers. And so as a direct result of the questioning before this committee, the Department of Defense has now undertaken a comprehensive survey in order to determine not only the occupations of those who serve in the Reserves, but also their volunteer activities insofar as they relate to first responder status.

In addition, the department does have a program for delaying the activation of individuals if, in fact, an exemption is appropriate based on the public-safety requirements of an individual community. That request can be made. Some requests have been made in the past. And we have attempted to the very best of our ability within a reasonably brief time frame to accommodate mobilization issues so that communities are not left without their first-responder support.

And lastly, with regard to the Coast Guard, that involves coordination between an entity that in peacetime is under the Department of Homeland Security and the Department of Defense that may require Coast Guard capabilities in an overseas warfighting role. I can assure you that very, very careful attention is paid to a balancing of overseas requirements and domestic needs whenever those kinds of capabilities are deployed to an overseas warfight.

That is not a decision that is lightly made, and included in the analysis is a careful focus on what the domestic implications are arising out of an overseas deployment of a Coast Guard unit. And we in the Department of Defense do not seek that support from the Coast Guard unless it can be determined that the risk is reasonable and prudent in terms of the deployment. And frequently what it means is an identification of other Coast Guard units that are capable of taking on that mission should the first unit be deployed.

SEN. COLLINS: Thank you for that response. And I look forward to seeing the results of the surveys that you are undertaking.

I'm also pleased to know about the exemption process because in some small towns in Maine, when the Guard member is called up and it is the only support for the police chief, it has been an issue.

I want to turn to the issue of port security and learn more about the department's role in that regard, and I'd like all three of you to comment.

I held a hearing recently in Governmental Affairs to evaluate the security of our ports, looking particularly at containers. We have literally millions of individual containers coming into the United States each and every year. And we used to look at container ships as marvels of international trade; now we look at them and we worry that they may harbor terrorists or the makings of a dirty bomb or a biological or chemical weapon. And indeed the testimony at the hearing was chilling in that regard. The experts who testified before us felt that our ports were our single greatest vulnerability.

They also told us that for years, containers have been used to smuggle in illegal aliens, drugs, other contraband. So there already is an infrastructure, if you will, that could be used by a terrorist group. There's also an al Qaeda manual that advises the recruitment of smuggling rings as possible members of terrorist units. So the combination of an infrastructure that's been used illegally for many years and the relative ease with which it could be penetrated by a terrorist group was cause for great concern among the committee members.

The Coast Guard and the Customs agencies are obviously the lead on this. They're doing a lot of screening and working with ports in other nations to station customs officials. They've developed new technology that is going to be of use. But it seems to me that the Department of Defense has an intelligence role to play in perhaps identifying cargo ships at particular risk, because the whole idea is we've got to stop them before they get to our shores. So, starting with Admiral Ellis, I'd like each of you to comment on the department's role in port security.

ADM. ELLIS: Thank you, Senator Collins. It's a great question. And clearly, it highlights the long-acknowledged relationship between criminal smuggling elements and terrorists, both in terms of the processes you describe as well as the funding streams that support terrorism in many ways.

My role in the United States Strategic Command is to oversee, as I mentioned, one of the elements of our DOD capabilities, and that is C4ISR, a very awkward acronym but that really does talk to some of the issues you are addressing, specifically in the intelligence, surveillance and reconnaissance piece. As we look to requirements to better optimize the use of current systems and to design capabilities for the future, clearly the tech transfer opportunities that you address into other agencies that are charged with the surveillance that's essential in preventing that flow of terrorist capabilities to our nation has to be a strong piece of that, and it will be.

We have some success in the past. As you know well, United States Customs Department, for example, flies P-3 aircraft with Navy E-2 surveillance radars on them. And so there is some history of finding systems that have great military applications and transferring them into areas that have application more broadly in ensuring the nation's security.

The same thing is also true of the technology that the secretary was alluding to earlier in the ability to detect chemical, biological and nuclear weapons — weapons of mass destruction, if you will. So from our standpoint, as we articulate the requirements for the military, I think it's also important that we understand the applicability that these capabilities may have in other areas. And we're committed to that.

SEN. COLLINS: Thank you.

General?

GEN. EBERHART: First of all, I'd like to applaud some of the procedures that have been initiated by Customs and Coast Guard to work this problem. The 96-hour notice, the manifest, working with the ports of departure, customs agents there at the ports of departure I think are starting to really pay dividends. And they put teeth in this, and that is not unusual for the captain of the port, if someone tries to approach the port and has not given this 96-hour notice, that — to make them mark time out there before they'll let them into the port, to make sure that we follow these procedures.

Secondly, this relationship between the United States Navy in particular and the Coast Guard goes way back. And it's — and it's a relationship that has matured over time, that there's no doubt when you talk to our leadership off of all of our coasts how they work together. And, in fact, as you know, we've put what we call law enforcement detachments, which are Coast Guard men and women, on Navy ships to work this problem. So they — at the tactical level they're working this day in and day out.

But the final resolution, in my view, will be through technology. We can't inspect every container. If we can require people to file these manifests 96 hours ahead of time, we can have surveillance, limited surveillance. But until we have wide area surveillance, then — until we have the remote sensing capability to know if there's something on that ship that could pose a hazard to our citizens, we're never really going to be able to solve this problem like we'd like to solve it. So we have to harness technology for both surveillance and sensing, and then, as we come back to the front end of the problem, share intelligence. So if we think there's something suspicious happening, that we share that with all the people who need to know this so that we can protect this nation.

SEN. COLLINS: Mr. Chairman, I know my time has expired. Could Secretary McHale just respond very quickly?

SEN. WARNER: Yes. Of course. Of course.

SEN. COLLINS: Thank you.

MR. MCHALE: Senator, in my judgment, we need to develop a maritime defensive strategy in depth for the 21st century. And the purpose of that strategy should be the decisive defeat of terrorists in possession of weapons of mass destruction. The Navy needs to maintain its blue water capability to protect our country against hostile nation-states. But we need to take the current capabilities of the Navy, supplement them with evolving technological capabilities, and find an equally effective defense against terrorism and weapons of mass destruction. We need to bring a homeland defense perspective to worldwide intelligence so that we understand how that intelligence affects a potential domestic threat. We need to track hostile vessels real time so that we know where they are all the time in terms of the implications for domestic security. We need to advance remote sensing capabilities for weapons of mass destruction so that when a hostile vessel approaches our shores we know it and we can screen it to guarantee that a weapon of mass destruction will not be brought into an American port. And then lastly, we in the Department of Defense need to strongly support the efforts of the lead federal agencies in this regard: the Coast Guard and law enforcement agencies, including Customs, Border Patrol and the FBI. We will support them with emerging technologies that are being developed within the Department of Defense, and we'll support them when appropriate with unique capabilities: for instance, when the Navy may have a capability that is not possessed by the Coast Guard, but which would be of advantage to the Coast Guard in carrying out its mission of port security.

We receive those kinds of requests from the Coast Guard, and we routinely cooperate with the Coast Guard in providing that support.

SEN. COLLINS: Thank you.

SEN. WARNER: Thank you very much, Senator.

Senator Dole.

SEN. ELIZABETH DOLE (R-NC): General Eberhart, you've stated that over 29,000 sorties have been flown since September 11th, and in addition to that, NORAD has supported a continuous layered air defense of the national capital region. The professionalism of all of the men and women who have accomplished these missions without a single mishap is truly exceptional.

Now in carrying out your responsibilities for contingency planning, how are you addressing the various readiness issues that surface for some of the high-density, low-demand forces that have been through repeated deployments? And do you foresee any future morale issues, morale problems with regard to these forces and their families?

GEN. EBERHART: Senator, as you well know, we are concerned about operations tempo, personnel tempo. We're concerned about the wear and tear on our equipment, but more so on our people, whether they're guardsmen or reservists or active-duty.

Right now, in terms of how we work our way around low-density, high-demand capabilities we have, in terms of NORAD and NORTHCOM, we're careful to ask for capabilities and not platforms.

For example, if we need air surveillance, we don't specifically ask for an AWACS airplane. What we'll ask for is the capability, and in some cases, as Admiral Ellis has said, we will get that capability from Customs or Coast Guard or from the United States Navy, as opposed to the E-3s that are stationed there at Tinker Air Force Base in Oklahoma.

But that really doesn't work the problem in the longer term. I think, in the longer term, what we need to do — and the secretary of Defense has alluded to this — "low-density, high-demand" is sort of a nomenclature we put on things that we

haven't bought enough of. And we need to, over time, buy more of those kinds of things, so that they're no longer low-density, high-demand; that we have the force structure we need in those areas to work our problem.

Secondly, as the secretary of Defense has said, in the longer term, we have to look at how we use Guard and Reserve and active-duty forces. Do we have the right mix of those forces? If we are continually having to use the Guard and Reserve, maybe we have the wrong force structure in terms of our Guard and Reserve force structure and our active-duty force structure.

So those — that is how we work the problem in the longer term. In the near term, we look for work-arounds in terms of these low-density, high-demand forces.

SEN. DOLE: Secretary McHale, you supervise all homeland defense activities, including combatant command capabilities. How do you envision that the Special Operations Command and its component units might be used in a homeland defense role?

MR. MCHALE: There are number of ways in which they could be utilized. The most likely employment of Special Operations forces would be upon assignment to a combatant commander who requested those forces in order to execute a homeland defense mission where that combatant commander thought that the use of those forces would enable him to achieve the mission. That's another way of saying that homeland defense missions would be treated the same as all other missions with regard to the transfer of forces to the combatant commander for the execution of the mission.

Now in a purely domestic setting, the distinction between the responsibilities of SOLIC in the Department of Defense and the new Office of the Assistant Secretary of Defense for Homeland Defense would be a boundary drawn generally at the U.S. border.

Counterterrorism activities, including Special Operations Forces, external to the United States, would remain a SOCOM/SOLIC function. The use of Special Operations Forces within the United States would be the responsibility of the combatant commander, in whose AOR they would be operating. That would be General Eberhart and the command would be Northern Command.

Once counterterrorism activity begins to take place internal to the United States, that counterterrorism activity would be conducted in support of a lead federal law enforcement agency. And at the low end of that DOD support, we would typically be talking about the use of DOD equipment by civilian law enforcement agencies. We would temp loan to a law enforcement agency equipment that we possessed that they might want to use.

As you move up the scale of response, it is conceivable that at the high end of WMD capabilities and our ability to defeat an enemy threat, that under appropriate circumstances, particularly in the chem/bio arena, that Special Operations Forces could, based on the mission, be employed by General Eberhart as the supported commander.

At the very high end, we get into a classified area of response capability that we'd have to discuss in a closed session, where Special Operations Forces have had traditional, but again, highly classified missions.

SEN. DOLE: The Special Operations community has been able to transition technology into capability at a much faster rate than other DOD agencies, primarily due to their unique acquisitions process. General Eberhart, you mentioned the High Altitude Airship Advance Concept Technology Demonstration. Beyond the ACTD, what else is being done to accelerate the transition of a promising technology into a homeland defense capability?

GEN. EBERHART: There are several other projects we have. We have one in terms of information sharing and command and control; it's another Advance Concept Technology Demonstration for homeland security. We also have been supported by the Department of Defense from several others that, as Secretary McHale has said, may not be uniquely designed for homeland defense and homeland security, but have applications in terms of our security and our defense of the homeland.

So therefore, we believe right now that we're making good progress in terms of harnessing technology. I say that a little bit tongue in cheek because we're never satisfied with how fast we're going, because again, this is an important mission, this is important business; I would like to put the throttle all the way to the stops here. But I think we're making good progress. There are promising technologies out there. There are technologies that will be appropriate for homeland defense that will also have application in terms of homeland security. In fact, we've entered with a strategic relationship with the Sandia Laboratory and also with the Threat Reduction Agency, DITRA, in terms of sorting our way through technologies that exist today and how those can be applied for homeland defense and homeland security.

SEN. DOLE: Thank you very much.

SEN. WARNER: The question that you asked, and in your direct testimony you talk about this system — I think for those following this hearing that this system is envisioned to be not unlike the old blimp, which was a part of my generation and that of your famous husband — (chuckles) — which we all knew in World War II.

(To General Eberhart.) But this one, presumably it would be unmanned, is that correct?

GEN. EBERHART: That's correct, sir.

SEN. WARNER: And it would have the duration of perhaps up to a year without servicing and the like?

GEN. EBERHART: And it would be theoretically above the weather, Senator, 60 (thousand), 70,000 feet. So we're not — we don't have to deal with thunderstorms and those types of phenomenon.

SEN. WARNER: Yes. What's that altitude again?

GEN. EBERHART: 60 (thousand), 70,000 feet, sir.

SEN. WARNER: That's up there.

(To Senator Dole.) But I'm glad you asked that question and we're looking into it; it's in our markup right now.

And perhaps the senator would want to follow it in the markup because it may well be that we have to augment your funding profile to make certain that the estimated dates can be met.

So thank you, Senator, very much.

Senator Chambliss?

SEN. SAXBY CHAMBLISS (R-GA): Thank you, Mr. Chairman. And that blimp generation was a pretty good generation! You all did all right. (Laughter.)

SEN. WARNER: (Laughing) There's a few of us still surviving! I remember — if I can say as an aside — when I was secretary of the Navy, there was a move afoot out in California to tear down the old blimp — what did we call them, Admiral? They were hangars.

ADM. ELLIS: Hangars, blimp hangars.

GEN. EBERHART: Dirigibles, too, we called them dirigibles.

SEN. WARNER: Dirigibles. But they were magnificently constructed — wooden —

GEN. EBERHART: Yes, sir, Navy Moffett.

SEN. WARNER: And I said no way are we going to tear them down, there might be a future use for them. So there they are! (Laughter.)

They're still there, are they not, Admiral?

SEN. CHAMBLISS: Super Bowl.

ADM. ELLIS: Navy Moffett.

GEN. EBERHART: Yes, sir. At Navy Moffett they're still there.

SEN. CHAMBLISS: Gentlemen, all three of you have a great challenge in your respective, newly created positions. And I commend you on getting off the ground and getting going like each of you have.

General Eberhart, you and I — because, as you know, my close ties to the Air Force — have had many opportunities to work together over the last eight-and-a-half years. I've always been impressed with your dedication, your hard work and your capabilities. And I could not have been more pleased when I saw who the president's choice for the newly created NORTHCOM CINC was. So I, again, congratulate you and commend you for the good job you're doing.

And, Mr. Secretary, again, you and I go back to our days on the House Armed Services Committee. And we've both come a long way since then. Our mutual friends say you've taken a step up and I've taken a step down. I don't know what my House buddies mean by that, but —

MR. MCHALE: (Chuckles.)

SEN. CHAMBLISS: An issue that has been very important to me over the last couple of years, particularly since September 11, has been the issue of information-sharing between all of our intelligence-gathering agencies, as well as all of our law enforcement agencies at the federal level all the way down to the state and local level. Each of you have your own respective intelligence piece, but I think most significantly, information coming to you from our intelligence-gatherers is critically important to winning this battle of protecting our homeland and winning the war on terrorism.

And I'd just like to hear from each of you as to how that integration and cooperation and dialogue between our intelligence-gatherers is working as far as coming to you, and as far as information that you gather going back to them with respect to not just the war on terrorism, but any other issues that may be important to us.

So, Admiral Ellis, if you'd start off, please.

ADM. ELLIS: Thank you, Senator. I appreciate the opportunity. You rightly point out the critical element that intelligence provides to whatever we do, whatever our shared responsibilities are in defense of the nation. It's not enough just to talk sensors, it's not enough to talk about the technologies we have and what we need to collect, but it's very important how we process that, how we evaluate it, and how we distribute and disseminate that to the people that need to have it. And so those processes are under stringent review.

We've identified new organizational elements that can fuse intelligence more quickly. Some of those have already been mentioned in the course of this hearing. We're exploring other concepts to bring agency representatives more into active participation rather than just liaison officer roles within our organizations. And for the first time, I think, we're beginning to look at the entire intelligence, surveillance and reconnaissance issue as a process, not just as a sensor or, as Ed noted, a platform issue.

So I am pleased that we've made great progress. We're going to try it out. We're making quick changes if we see better ways to do it. And I promise you that it's getting better every day. It is not yet as good as the nation must have for the future, but we're working at it.

GEN. EBERHART: Sir, from our perspective, we work this problem in several different ways.

First of all, hopefully, when you visit our command, you will see that when we have an intelligence briefing or when we have a staff meeting, we're re-defining "joint", we're re-defining the intelligence community, if you will, because not only will there be military intelligence experts there, but there are experts there representing the entire intelligence community: NSA, CIA, obviously representatives from DIA. But also there's an FBI rep there. There are Coast Guard reps. There are other representatives there so that we can, in fact, receive — ensure that we're receiving the intelligence and information those agencies have. And then it's a two-way street: make sure that we get back to them any information we have that might be of interest to them.

A perfect example is when we thought we perceived a threat in the state of Arizona recently. Our FBI rep was the one who brought that to the intelligence meeting. And then we immediately through that FBI rep ensured that that information was getting played back in to the State of Arizona, that their FBI rep there knew, that local authorities, the state authorities who needed to know had that information. So in many cases we find ourselves as a facilitator, to make sure that this information is, in fact, flowing to the right people, knowing that we don't have the lead at this time, someone else by our Constitution has the lead. But that doesn't mean that we don't work hard to make sure they have the information that they, in fact, need.

As we talk about the word "transformation" we also try to think of those types of things that we have that we normally think of in terms of a homeland defense, fighting-our-nation's-war-type perspective, and how we could possibly harness the types of capabilities that Jim Ellis has in terms of reconnaissance, imagery, communications, et cetera for the homeland security mission — obviously, in accordance with the laws of the land. But there are ways to use those capabilities whether we're fighting fires, whether we're in the aftermath of the tragic Challenger accident, or whatever it might be. But there are ways to harness those capabilities that we normally think of in other terms to work homeland security problems.

MR. MCHALE: Senator, I think it was clear in the immediate aftermath of September the 11th that there was an immediate need for the sharing of information across parochial boundaries among those who had a genuine need to know. And I can tell you from firsthand observation the sharing of that information today does, indeed, take place. It took a very painful experience to teach us that lesson. But the information is now being passed without resistance across boundaries

that in the past were major impediments to the passing of information. And as a result of that, what I have observed is that the need now is to bring a sense of analysis and prioritization to huge volumes of information in order to identify within that mass of information what is truly relevant and important with regard to homeland defense. Most of the information in the intel world that I see relates to the historic commitment to be prepared to prosecute, if necessary, an overseas war fight. That information is not routinely analyzed in order to bring the homeland defense perspective to the work product.

Now, in order to achieve that result, the Congress created the new position of Undersecretary of Defense for Intelligence. Secretary Cambone was recently confirmed for that position. We do have robust ties through DIA and through the Joint Intelligence Task Force for Counterterrorism with other agencies such as the CIA and the FBI.

And in fact, I can tell you the sharing of information between the Department of Defense and the Department of Homeland Security is robust and conducted on a daily basis. We, in fact, send to their operations center those daily updates that are relevant to the mission they have to accomplish.

Now what we have to do is change not only the process of sharing information, but modify the culture related to its analysis. We need to create an unprecedented capability to analyze and understand the homeland defense implications that arise out of huge quantities of data and information that has been compiled — that have been compiled for purposes other than homeland defense. We are bringing a sense of urgency to that new homeland defense prioritization.

SEN. CHAMBLISS: I agree with you the analytical part of it is just as critical. Now, you say that you're sharing with them. Now, are you getting that same information they gather back?

MR. MCHALE: Yes. And we tap into many of the same sources in terms of collection capabilities. But we have a very robust daily flow of information back and forth. As I mentioned earlier, we have a permanent representative in their operations center. I've been on the phone in the last couple of weeks with Secretary Ridge on a number of occasions where he had a matter that he wanted to bring to our attention in the Department of Defense. I, Pete Verga (ph), who is seated behind me, and others have routinely — and by that, I mean daily — communicated with folks within the Department of Homeland Security with regard to those matters that we needed to bring to their attention.

The real challenge now is bringing comprehension and meaningful analysis to enormous quantities of threat-based information, where separating the wheat from the chaff is really the difficulty. We have an enormous amount of information. Determining what is significant is much more difficult.

SEN. CHAMBLISS: Thank you, Mr. Chairman.

SEN. WARNER: Well, that's an important question you raise, Senator. And if I could just probe it a little bit.

You know, we have this new concept that the president has established, the synthesizing, some person. Could not that be the area in which you can get some distillation? I'm concerned that if every government agency has this enormous overhead and infrastructure necessary to do their own evaluation, synthesis, distillation, whatever it is — and we all recognize the ever-increasing massive amounts of this information — that we've got a wide range of redundancy across the government. Are you familiar with this new set-up that the president —

MR. MCHALE: Yes, sir, I am. I'm not directly involved in it, but I certainly have a strong interest as a potential customer in terms of the work product that they will generate. It's the Terrorist Threat Integration Center.

SEN. WARNER: Yes.

MR. MCHALE: The president proposed it in his State of the Union Address. Secretary Cambone, who, as I said, was just recently confirmed by the Senate, will take over — has taken over as the undersecretary for intel. He and I have spoken at some length on this issue. And he will be the representative of the department with regard to our integration, our participation in the Terrorist Threat Integration Center. And he understands in some detail the interest that I have in obtaining through him —

SEN. WARNER: I've pointed this out.

MR. MCHALE: Yes, sir.

SEN. WARNER: And I urge that you—all would take a look at it and see —

MR. MCHALE: The potential benefit is enormous in terms of bringing together into a single stream diverse sources of information.

SEN. WARNER: Now, this committee will be addressing its annual authorization bill. We're mid-way in doing that now. And I recognize that with the best of intentions, the administration put in place legislation under which you're now operating, but I urge you to bring to the attention of your next level, echelon, the need you feel for any additional legislation, because now is the time to incorporate it in our bill, assuming it's in oversight range of this committee.

So that's an open invitation to discuss that with your secretary of Defense, and I think primarily it would cover all three of you. So take a look at that.

Next is the assets that you have within your respective responsibilities. Are those assets sufficient?

And as you well know, this committee looks at the president's budget, does its own work, and then we take into consideration late entries by the administration. It's referred to in some vernacular as a "wish list." But that often is the case, because the president's budget is formulated almost a year ahead of time, and here we are, about a year later, and we try and do as much real-time adjustment as necessary. So if — in the terms of assets, if there's something that would meet — should just say the vernacular — the wish list, I would hope you'd bring it to the attention of the committee.

Now the question of the posse comitatus — it's been of great interest to a number of us here on the committee. I know my colleague Senator Levin and I have discussed this. Is there some ongoing examination, Secretary McHale, of that statute framework to determine whether or not any amendment is necessary?

MR. MCHALE: Senator, I think the analysis, at least from the Department of Defense's perspective, has been largely completed. I'm hesitant to say that it has been — that it is entirely complete, because I can't be sure that there isn't a lawyer somewhere taking a look at it. But let me tell you where we stand.

First of all, the department is aware of your concern with regard to the issue, and we obviously are aware that you have considered in the past and may still be considering hearings into a possible revision of the posse comitatus statute. Should you choose to move forward with those hearings, you will have the complete cooperation of the Department of Defense in that effort.

SEN. WARNER: Well, it's not necessary to have hearings if the secretary of Defense has made a decision that he doesn't think any changes are necessary.

MR. MCHALE: Well, sir, I think he has made that decision. The general counsel —

SEN. WARNER: Well, if that's the case, for the record, I wish you'd give me a supplemental communication on the status of that, so that we can take it into consideration as a hearing.

MR. MCHALE: Yes, sir.

SEN. WARNER: My concern is that if another catastrophe — certainly of the magnitude that we experienced on 9/11 — took place, say, in another part of the United States which is somewhat remote from the assets that were available to the New York scene, we would have to call upon everybody to pitch in and help. And it could well be that, from the standpoint of local security and the like, the military could step up.

MR. MCHALE: Yes, sir.

SEN. WARNER: Now we just don't want, if that misfortune struck the United States, everybody running around on the telephone and a military commander saying, "You know, I would like to help, but I got posse comitatus" —

MR. MCHALE: Well, sir, let me give you a reassurance on that. We do plan in some detail for those kinds of contingencies, and we do have forces prepared to respond in the event that we were to experience that kind of attack, and the Department of Defense would be directed by the president or the secretary of Defense to respond.

However, with regard to posse comitatus, we do not believe that the statute in its current form would in any way impede that response. There are a number of significant exceptions to posse comitatus that have been adopted statutorily over the years. And in terms of our ability to respond, for instance, to a weapon of mass destruction attack, there's an entire command subordinate to General Eberhart that is prepared to launch such a response, and we do not believe in the department that that emergency response involving military capabilities would be impeded in any way by posse comitatus.

SEN. WARNER: Fine. Are you — that's your understanding, General Eberhart?

GEN. EBERHART: Yes, sir, it is.

SEN. WARNER: You're satisfied with that. And General (sic) Ellis, to the extent that somehow you might be affected —

ADM. ELLIS: Yes, sir.

SEN. WARNER: Well, then it may well be that this issue is cared for, but I'd appreciate a letter in that —

MR. MCHALE: Yes, sir.

SEN. WARNER: — which should contain just the testimony that you've just given —

MR. MCHALE: Yes, sir.

SEN. WARNER: — as a conclusion on it.

Now on the unmanned systems, as I think I shared with you yesterday, General, not to get too personal about this, but when I was a young man in the late '30s and '40s, all of my generation was consumed with making model airplanes.

And I'm sure that there's a successive generation just as active as my generation was many, many, many years ago — a half century ago. But that prevents a platform that can deliver some meaningful harm to communities if it fell into the wrong hands. Now, as long as people are aware of that potential, I hope it's being addressed and steps being taken to monitor certain aspects of that to try and follow what's taking place in the open marketplace, in my telephone order or catalog order or whatever the case may be.

MR. MCHALE: Yes, sir.

SEN. WARNER: I assume that issue has been addressed and people are looking at it, is that correct, Mr. —

MR. MCHALE: People are looking at it, sir, that is correct.

SEN. WARNER: General?

GEN. EBERHART: Yes, sir —

SEN. WARNER: That's all we need for the record — that it's being examined.

MR. MCHALE: And sir, I would point out because of your comment, I guarantee you as soon as we get back, I'll make sure that even more attention is paid to that issue.

SEN. WARNER: Well, it's just good common sense.

MR. MCHALE: Yes, sir.

SEN. WARNER: Computer network defense, Admiral Ellis. Could you give us an assessment of the threats to our defense information infrastructure and measures you are implementing to protect it?

ADM. ELLIS: I'd be delighted, Senator. As you know, I have an element under my command, initially established by General Ed Eberhart when it was under the United States Space Command, called the Joint Task Force for Computer Network Operations. My responsibility is specific to the task of ensuring Department of Defense network security, and it's in that context that I'd like to couch my comments.

The JTF-CNO is headquartered here in Washington. It's embedded with the Defense Information Systems Agency because of their role in overseeing the department's entire communications network. And it has a phenomenal record of success in tracking network intrusions and responding appropriately. They are empowered to establish protective policies, to actually unplug elements of the network, should they be placed at risk by attacks. And their entire focus is to ensure the rigor and the integrity of the networks on which the department is increasingly reliant.

It's also fair to say that we are also a part of the growing concern on the federal government and national side with regard to the vulnerabilities that are potentially resident in massive computer network attacks, as, indeed, as a nation we've become much more reliant on them. And a number of initiatives that have begun under this administration, under the former leadership of Richard Clarke specifically, that have brought together interagency and interdepartmental efforts to oversee this, including the cyberwarning information network, and agencies and mechanisms to rapidly disseminate the awareness and understanding and sensitivity of what's going on with regard to the health of the network are well underway. And the Joint Task Force Computer Network Operations commander, the two-star general, is our representative to those

agencies.

So, we do believe and continue to assess the importance of networks to our future. We're committed to establishing firewalls that prevent intrusion, but we also acknowledge that intrusion, even on a small scale, can be particularly devastating. And we're pursuing aggressively capabilities to deliver — to respond appropriately to intrusions when they occur. So it's not enough to have a perfect defense. One would argue, and I think persuasively, that it's never going to be perfect. The issue is how do you deal with it when it occurs? And we are pursuing those options aggressively, sir.

SEN. WARNER: Thank you very much, Admiral.

Role of the unmanned missions — we have a number of — off the shelf, it could well be in due course. What policy and operational concerns do you have about the use of unmanned systems in homeland security, General?

GEN. EBERHART: Sir, as we discussed yesterday, I'm concerned about those technologies, should they in fact be used against us by a terrorist. That is one issue that you've already addressed, and that concerns me greatly.

Secondly, I believe that those unmanned aerial vehicles can be used very effectively for surveillance, whether it's maritime surveillance, whether it's border surveillance, just as we've used them in downtown Baghdad and other places, and surveillance to ensure that in fact we can defeat the bad guy, those who wish us ill.

Concerns, obviously, the concerns always are in terms of the safety of those vehicles, in terms of deconflicting those vehicles with other traffic, to make sure that they're properly certified, properly operated; that they don't, in fact — the unintended consequences aren't that they present more of a risk than they do an advantage to us as we work our way through those — the use of that technology.

I believe all those things can in fact be overcome, and that we will see that these unattended aerial vehicles will become more and more prevalent in the future. But we have to do this correctly, and I know that's your concern.

SEN. WARNER: Yesterday I wrote a letter to the president, just a general letter, on this subject, since I and other members of this committee are quite interested in it, pointing out the rights of privacy of individuals. We have to be cautious as to that issue. I'll make that letter a part of the record here. It's a public document — can be made.

Do you have anything further to add about the unmanned vehicles, Secretary McHale?

MR. MCHALE: Yes, I do. I think the UAVs — and my personal experience with them goes back to the Gulf War. We used them in the Gulf when I was there the last time around as a Marine. So I'm familiar not only with the policy issues, but the actual operational employment of UAVs.

The use falls into two categories. I think there's a tremendous potential benefit from the effective offshore use of UAVs as part of an integrated surveillance plan that, in turn, might be coordinated with a sea-based array of WMD sensors. We establish various platforms in the air to observe threats as they approach our shores, and then array a sensor system, maritime sensor system, that might well detect a weapon of mass destruction while still out in the blue water. And so I think whether you're talking about an airship or a UAV, we have to push out as far as we can the surveillance and other capabilities of a maritime defense in depth.

And then secondly, coming ashore, we can make certain capabilities available to lead federal law enforcement agencies for their primary use with regard to domestic activity. We would make equipment available at the direction of the president and the secretary of Defense, and subject to whatever privacy constraints the Congress might want to impose upon that lead federal law enforcement agency.

So I think UAV's play a significant potential role both in traditional defensive missions, where we would take the lead, and in law enforcement missions, where we would simply provide support to a properly constrained domestic law enforcement agency.

SEN. WARNER: And if these vehicles become somewhat more prolific in the private sector — I mean, some of these companies might well offer them to the private sector — then you've got an airspace situation that has to be, hopefully, monitored within the structure that you're in.

MR. MCHALE: Yes, sir.

SEN. WARNER: Admiral Ellis, any point on UAVs?

ADM. ELLIS: Well, sir, I think you've teed it up very well. This is yet another issue that builds on several others, that as we look at the tremendously changed national security environment, we have to balance appropriately between the need for that intelligence essential to our defense, and the rights to privacy and personal security that are an important part of being an American.

This is the same challenge we face in the computer network operations area, in the intelligence issues that you're well familiar with, sir, as we look to better fuse that together. And this adds to that and just highlights the direction in which we're going as we as a nation address those trades between needing more information, actionable information and the rights of the individual citizens that have to be held in appropriate regard.

SEN. WARNER: Thank you.

Senator Levin.

SEN. LEVIN: Admiral, you made reference to the computer network defense mission in response to the chairman's question and then made an allusion as to the offensive possibilities of computer network operations as well. In that regard, have you had a chance to study the various legal implications of an offensive mission?

ADM. ELLIS: Yes, sir. The issues that you describe within computer network operations writ large, including both defense and attack, are an important part of any policy consideration as we look to the future. The Department of Justice and others have undertaken reviews, and it's an important part of what we do as we look for policy guidance on the way ahead, even as we examine technological alternatives. The computer network operations piece is particularly challenging because it's, as you know, possible to employ the global information grid in manners that disguise if not hide the origin of certain elements. So there's an increasing challenge in knowing where the potential threats to our own systems originate. They can be laundered, if you will, through various routes and mechanisms. And so there are legalities associated with that as we address the issues that I was discussing with the chairman, how do we deal with the rights of the American citizens and still deal with the security element. And that translates — the obverse of that, of course, is on the computer network attack side as we examine potential capabilities for the future.

SEN. LEVIN: What are some of the legal issues that you're grappling with in that area in terms of attack?

ADM. ELLIS: I'd be happy to provide a more detailed discussion for the record, sir.

SEN. LEVIN: Would you do that? That'd be helpful —

ADM. ELLIS: And perhaps —

SEN. LEVIN: Thank you.

Secretary McHale, on the — going back to the intelligence coordination issue, which is something that I've been deeply concerned about for a long time. When we went through a number of hearings on this subject, the conclusion of the new Department of Homeland Security and, I think, everybody else was that the CTC is the primary location to analyze foreign intelligence, and that the new Terrorist Threat Integration Center would take those analyses, supplement it any way they want it, refer it back to the CIA/CTC for additional analysis, and then integrate those analyses on foreign intelligence, in foreign — intelligence about foreign terrorist threats, integrate that with any domestic threats —

MR. MCHALE: Yes, sir.

SEN. LEVIN: — and then link all of that to infrastructure vulnerabilities. But that's all done between CTC and the Department of Homeland Security. How does the Department of Defense link up to the Terrorist Threat Integration Center? Go through that again with us.

MR. MCHALE: It will be on two levels. On the tactical level, DIA has a Joint Intelligence Task Force for Counterterrorism, and the JITF-CT is the principal portal between tactical, intel external to the Department of Defense, and the internal needs of the Department of Defense to be aware of that information. On a policy level, the new undersecretary for intelligence will take the lead in terms of coordination with the Terrorist Threat Integration Center.

And so as a practical matter on a daily basis, I would anticipate that JITF-CT, Joint Intelligence Task Force for Counterterrorism, would remain the principal day-to-day contact with the international and domestic intel community, subject to the supervision of the newly created position of the undersecretary for intelligence. And as a practical matter what that means is every day I start with a DIA briefing. Most of the information they bring to my attention has been

given to them from their JITF-CT. And so I have daily and, I think, open access to that information which is deemed to be of domestic significance, whether it's gathered internationally or domestically.

Senator, it's also significant that — as I said, I start the day with that DIA briefing, but minutes later, at the direction of the secretary of Defense, I attend with him each day his briefing on these issues, at least during a wartime environment. So I first get the briefing from the DIA, and then I'm able to attend and hear the same information covering those and perhaps some additional topics that might be presented to the secretary of Defense. I think that really highlights the importance the secretary has placed, not on me, but on the office that I'm privileged to hold.

SEN. LEVIN: Thank you.

General Eberhart, your prepared statement mentions that the Joint Task Force Civil Support provides command and control of consequence management forces that would respond to a chemical, biological radiological, nuclear or high-yield explosive event. How would that joint task force and these forces be coordinated with efforts of the Department of Homeland Security as well as with state and local emergency response forces?

GEN. EBERHART: Sir, there's a variety of ways that this could happen, that this would happen. First of all, an incident occurs, and a determination is made at that time that in fact the local responders or the state agencies or other federal agencies do not have the wherewithal to deal with this problem. At that time, a lead federal agency would in fact be established, and they would request what they thought was appropriate military support. If, in fact, we thought that military support was best provided by the Joint Task Force for Civil Support, that's where we would go for those capabilities.

Now, I don't want to lead you to believe that we're just sitting there waiting, doing nothing, in case somebody might call. Hopefully, we have some intelligence up front that this might happen. Secondly, as soon as it occurs, we will know that it's occurred. So in football terminology, we're dressing out for the game. We're getting ready so, if they call us, that we can delay the amount of time it takes us to respond with qualified people to help alleviate the situation.

Then we will in fact respond to this area, initially with a planning force, with follow-on forces then to help. We have everything from transportation to ambulance capabilities, to medical capabilities, to abilities to help establish a cordon or whatever we think is appropriate. In almost every case, Senator, we would be in support of another lead federal agency, probably FEMA. It could be someone else if they'd established that another agency is best suited to be the lead federal agency.

We take our instructions from that agency, but we would, in fact, command and control those forces. Most likely, that commander would report directly to me. Depending on the situation, we may have them report to another one of our subordinate commanders, if we thought that was appropriate.

But those people work daily, and they study response plans from various counties, our large cities. The counterterrorist organization from the city of New York will soon visit down there. So we're trying to, in fact, oil this mechanism so that in fact people know each other, we share plans, and we're prepared to respond, if and when needed.

SEN. LEVIN: Thank you.

Thank you, Mr. Chairman.

SEN. WARNER: Gentlemen, we've had an excellent hearing, and well attended by a large number of this committee. And it's going to be extremely helpful to us as a committee, and indeed, the Senate as a whole, to recognize, with the detail you've given us, the very significant participation by the Department of Defense in the overall responsibility for homeland defense.

We shall continue to follow this as one of the highest priorities of this committee. We thank you. And I once again encourage you to access this committee for such assistance as you need with regard to legislation, and to such — the priority of asset flow as authorized here in the Congress, and eventually appropriated.

So we're off to a good start —

SEN. LEVIN: Mr. Chairman, if I could just —

SEN. WARNER: Yes? Traveling long distances, Admiral Ellis and General Eberhart. It's always pleasure to have a former member of the United States Congress facing us. We know full-well that you're prepared for all of our questions.

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MR. MCHALE: Thank you, sir.

SEN. LEVIN: Particularly one who wears his glasses just as wonderfully — (laughter).

MR. MCHALE: (Laughs.) I think we bought them at the same drugstore!

SEN. LEVIN: Mr. Chairman, thank you. Thank you for convening the hearing.

Thanks to our witnesses for very useful testimony.

And I have some additional questions which I'd like to ask for the record.

SEN. WARNER: Provide for the record. Thank you.

MR. MCHALE: Thank you, gentlemen.

ADM. ELLIS: Thank you, Mr. Chairman.

END

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