

## **Commander, U.S. Army North Prepared Remarks for the 10 June 2015 Closed Session to the National Commission on the Future of the Army:**

First off let me just say thank you for giving us the opportunity to convey the vital missions and responsibilities the Total Army performs in the Homeland. The Army has greatly advanced its posture to respond in the Homeland. In a time of persistent conflict, our Army leadership acknowledged the need and established a dedicated Army headquarters whose singular focus is the Homeland – U.S. Army North (ARNORTH). And given the nature of the Homeland environment – DOD would be in support of another Federal Agency – established standing Defense Coordinating Officers (DCO) embedded in each of the ten FEMA Regional Headquarters. These two major changes to Homeland response has ensured there is Army effort honed in on ensuring we are as much prepared to respond in the Homeland as are the other ASCCs in their Geographical Combatant Commands AORs. And it has greatly enhanced North American Security especially with our southern partners – Mexico.

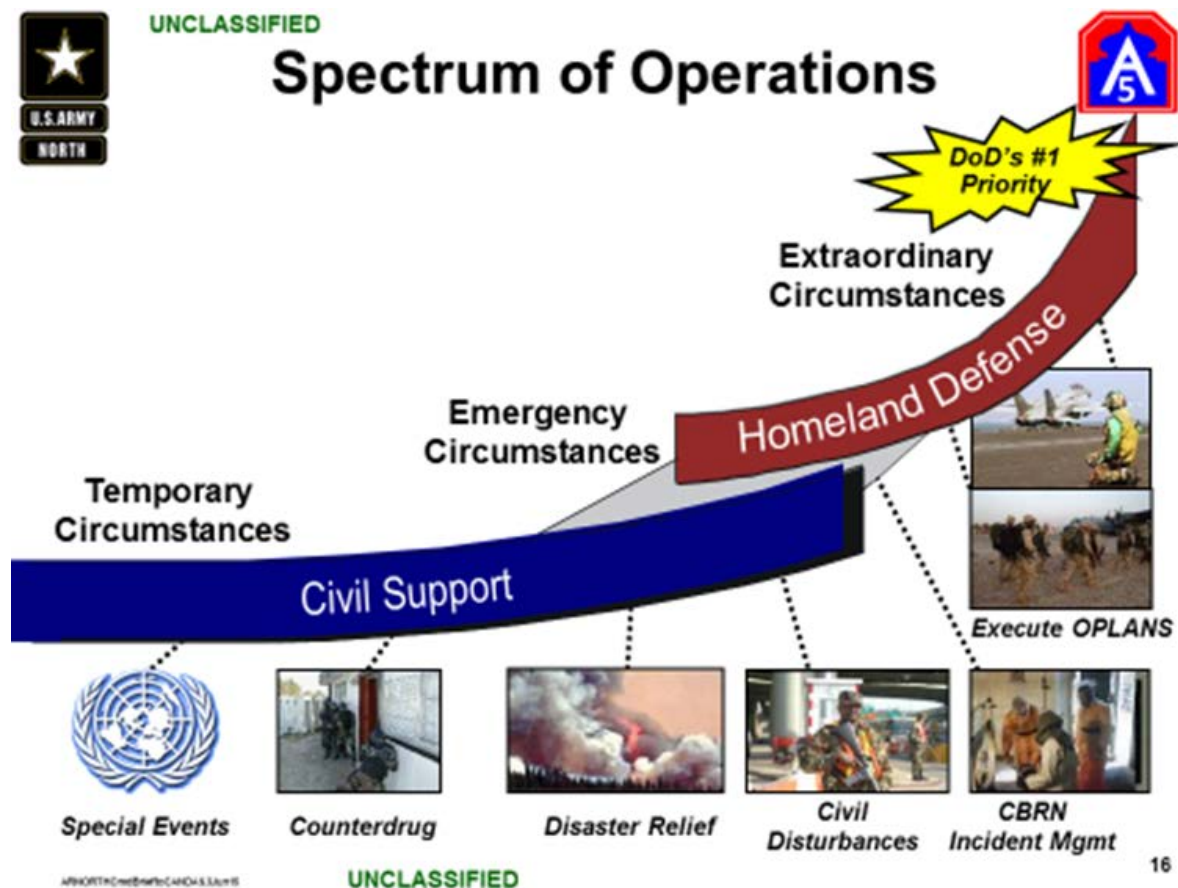
### **Historical Perspective.**

Our history is replete with examples where both Guard and Active forces were employed to respond to our Nation's disasters. In the recent era, the defining disaster was Hurricane Katrina, a Category 3 hurricane that forced the breach of levies and the subsequent massive flooding of New Orleans. It rapidly overwhelmed the capabilities of Louisiana that saw the C, NGB send upwards of 50,000 Guardsmen from other States and the President send in the 82<sup>nd</sup> Airborne Division. There have been other similar incidents in our lifetime: Hurricane Andrew (1992) where President Bush sent 2,000 to 5,000 Troops from Ft Bragg, Hurricane Hugo (1989) where over 3,000 Service members were sent in support, and the 1988 Yellowstone Fires where approximately 1,000 active duty Soldiers and Marines provided direct fire line support as part of JTF Yellowstone. These show that there are those potential catastrophic disasters (New Madrid Seismic Zone, Cascadia Subduction Zone, Cyber Attack, or even an Improvised Nuclear Detonation) that can hit the United States where the President will not hesitate to call upon Federal Forces.

### **The Role of the Army in the Homeland.**

Homeland Defense is DOD's #1 Priority and any response in the Homeland that incorporates a Military response will likely become the singular focus of the Nation's leadership and the media. Homeland Operations comprise Homeland Defense and Defense Support of Civil Authorities (DSCA). In Homeland Defense the expectation is that the Commander, USNORTHCOM is the command authority reporting through the SecDef to the POTUS while a DSCA operation is where DOD (Army) will be in support of another Federal Agency. The spectrum of DSCA ranges from supporting the US Secret Service for National Special Security Events (NSSE), Federal Law Enforcement

Agencies in Counterdrug and Border Security operations, FEMA for natural and man-made disasters (to include the extreme complex catastrophes), to the most dangerous a Chemical – Biological – Radiological – Nuclear (CBRN) incident. Recent examples include: providing Navy divers to recover the remains in the IH35 Bridge collapse, establishing housing at three separate DOD Installations for unaccompanied children coming into the US from our Southern border – in support of the Department of Health and Human Services (DHHS), and forming and training two EBOLA medical teams that could be inserted into any US hospital to assist in the care of infected patients – DHHS.



As the Commander of U.S. Army North, the Army Service Component Command (ASCC) to U.S. Northern Command (USNORTHCOM) and the sole Army headquarters dedicated to the Homeland, I can assure you there is a role and function for all compos within the Army – there is enough work for everyone. I can also stress upfront that from a Homeland response perspective the current structure within the Active, Guard and Reserves is about right. My intent is to briefly highlight:

1. The Role of the Federal Force. How in DSCA through the Department of Homeland Security's guiding doctrine, the National Response Framework, the State led response and the Federal led response achieve unity of effort and that through this all composites have a major role given their current structured capabilities.

2. Secondly, in that same vein, I will stress the criticality of retaining a DoD CBRN Response Enterprise – trained and ready to respond – dedicated to that specific scenario.

3. Lastly, I will show the strategic linkage to North American Security being fostered by having a dedicated Theater Army headquarters in the homeland.

### **The Federal response in DSCA.**

Clearly the National Guard in its State Military role under the authority of their respective Governor has primacy and as reflected on the State Response Capabilities charts submitted to NGB on a monthly basis, there are twelve essential capabilities that the Governor of each state desires and tracks for state response to a natural or man-made disaster:

- command & control
- transportation
- medical
- aviation (reconnaissance and lift)
- communication
- security
- logistics – to include power generation
- JRSOI
- Engineering
- Maintenance
- CBRN

If due to deployments or other readiness concerns any of these capabilities are not fully able to meet the Governor's response plans, the Adjutant general can turn to his fellow states in an Emergency Management Assistance Compact or EMAC to gain the additional capabilities and fill his gaps. This is a co-share between the Governors for the utilization of these capabilities but it does keep the response within a Governor's authority and does not elevate a request to the President to invoke the Stafford Act.

However as shown as recent as Super Storm Sandy, where a specific capability – dewatering pumps were requested, the active and reserve forces became the source to fill the gap.

The National Response Framework (NRF): Is the Department of Homeland Security's guide to how the Nation responds to all types of disasters and emergencies, the typical incident response begins with first responders (e.g., police, fire, medical) at the local level. If first responders are unable to contain an incident, they may ask for assistance from their county emergency managers. When local jurisdictions cannot contain an incident, the Governor can declare a state of emergency and invoke the state's emergency plan to augment individual and public resources as required, which typically include National Guard forces (Army and Air Force) on State Active Duty. Should requirements exceed state response capabilities or capacity, the Governor can use Emergency Management Assistance Compact (EMAC) agreements to request resources from other states. If requested resources are unavailable or requirements exceed capabilities, the Governor may also request federal assistance. If the response proceeds to the federal level, including a Presidential major disaster or emergency declaration, DOD (T10) forces may be deployed to support civilian efforts.

The conduit for integrating DOD (T10) capabilities is the Defense Coordinating Officer (DCO) and their Defense Coordinating Element (DCE). These small 9-10 person all Army teams led by a former Brigade command or equivalent Colonels are assigned to ARNORTH but perform their day-to-day duties co-located with each of the 10 FEMA Regional Headquarters. Pre-activation they closely work with their Federal partners as well as with the State JFHQs and State Emergency Managers within their region to develop likely DOD (T10) requirements for State and regional plans in order to anticipate and ensure DOD (T10) won't be late to need. When activated they directly represent the SecDef and work with FEMA's Federal Coordinating Officer (FCO) to determine the feasibility of DOD (T10) supporting a request for assistance and then once determined expediting that request, now termed a Mission Assignment, through for SecDef approval and follow on sourcing by the Joint Staff. They are also the conduit within their region for any other request for assistance by other Federal Agencies (EX: US Secret Service for the UN General Assembly). Under their Operational Control are the 173 US Army Reserve Emergency Preparedness Liaison Officers (EPLO) located two per State and a five person team at the FEMA Regional Headquarters. These Drilling Reservist are the Subject Matter Experts (SME) for their state. Under the OPCON of the fulltime DCO/E, the EPLOs become a valuable extension that when an incident occurs are activated and seamlessly integrate into the DCO's operations providing situational awareness at the State.

DOD (T10) provides support when requested by civil authorities and approved by the SecDef. However, there are several separate authorities whereby DOD (T10) resources may be provided without SecDef approval. These are Immediate Response Authority (IRA), Mutual Aid Agreements/Memoranda of Agreement (MOAs)/Memoranda of

Understanding (MOUs), or in accordance with the Chairman of the Joint Chiefs of Staff (CJCS) DSCA Execution Order (EXORD).

Immediate Response Authority. DOD (T10) response at the municipal, county, or tribal level is provided initially under IRA. If requested, any commander can provide resources to save lives, prevent human suffering, and mitigate great property damage in response to a request from a civil authority, under imminently serious conditions and if time does not permit approval from higher authority. There is an unofficial time limit of 72 hours for immediate response operations. The 72 hours corresponds with the time limit for the response phase (focus is on life-sustaining functions) of a DSCA operation.

CJCS DSCA EXORD sets the framework for resources and authorities provided to the supported combatant commander to conduct DSCA operations for actual or potential domestic incidents within the combatant commander's area of responsibility. The authorities granted by the EXORD are specified in four distinct categories of authorization: assigned forces, pre-identified resources, resources for internal use, and large-scale response categories.

Army forces will typically operate under mission command relationships established by the supported combatant commander based on a flexible, tiered construct.

- Small-scale events can be handled by a DCO, his DCE and EPLOs.
- Medium-scale events may require deployment of a mission command headquarters such as USARNORTH's Contingency Command Post, a Joint Headquarters or a Functional Component Command (FCC). Such a medium-scale organization is likely to be commanded by a Major General.
- Large-scale events, usually employing multiple Joint Task Forces (JTFs) and/or FCCs, require an overarching JTF or FCC. Organizationally, a corps headquarters, commanded by a Lieutenant General, is the preferred choice to provide mission command of federal response forces.

Typically, military operations in the homeland will be executed at multiple levels of authority (state and federal) with separate, distinct, and mutually exclusive command and control structures, including instances in which a Dual Status Commander (DSC) is employed. This is unique only to homeland operations for DOD. *While use of a DSC can be a source of friction and create arguments over resources, it illustrates a great strength of our system of government in achieving unity of effort.* In DSCA operations, there is a federal-led structure led by the President, SecDef, and the supported combatant commander. There is also a state-led structure headed by the Governor. The federal-led structure operates in support of the Lead Federal Agency. The state-led structure operates in support of the state and its Governor, who is sovereign in his/her own right. Both chains of command have similar missions and objectives in the

response effort; thus unity of effort, vice unity of command, is sought between the two separate chains of command and we have made much progress in our DSCA planning in that regard. Specific command and control structures used in the homeland are dependent on the mission and the nature and size of the incidents. Non-federalized National Guard forces will remain under the control of their respective Governor; or, when deployed to another state, under the tactical control of the supported Governor.

Authorities: The National Defense Authorization Act (NDAA) of 2012 added Sec. 12304a. authorizing the SecDef to involuntarily order the Army Reserve, as well as all Services' Reserves, to active duty to provide assistance in response to a major disaster or emergency for up to 120 days. This change will greatly expand the flexibility and capabilities available, especially when one considers that the Army Reserve is predominately those capabilities required to render aide in disasters – logistics, engineer, medical, transportation, etc. The challenge will be the pre-activation resourcing to ensure they are available when looked at by FORSCOM to source as this is a paradigm shift.

Another catalyst to integrating the Army Reserve has been LTG Tally's Army Reserve Engagement Cell or AREC initiative. I have in my headquarters a Brigadier and a small team of AGR Reservists whose sole focus is to see how best to include Army Reserve Units in all activities within the USNORTHCOM AOR. This is a great initiative. I will also use my AREC to educate the Reserve commands on their new mission set – disaster response, primarily their ability to conduct Immediate Response and to ensure the Reserves get the credit when they do in fact respond which was not the case in the recent Colorado Waldo fires when Army Reserve engineers were reported by the media as Guard forces.

Our main reason to activate a Guard unit is because they are assigned to USNORTHCOM, OPCON to ARNORTH and missioned to be our Theater enablers. Our experience with our assigned National Guard Theater Enablers [167<sup>th</sup> Theater Sustainment Command (ALNG) – HQs only, 63<sup>rd</sup> Theater Aviation Brigade (KYNG) – HQs only, and 263<sup>rd</sup> AAMDC (SCNG) – HQs only] that this is not a viable option. Going down the list of mobilization statutes and highlighting the main requirements/limitations:

Section 12301(a): A NG Unit could be called to active duty, but we first need a Declaration of War or a National Emergency Declaration (NED) by the Congress.

Section 12301(b): A NG Unit could be called to active duty, but there is a limit of 15-days of active duty per year. Typically the authority for annual Active Duty Training (ADT).

Section 12301(d): A NG Soldier could be called to active duty, but each Soldier must first sign a "consent" statement and so must the Governor. This is not a Unit mobilization. We have attempted to use this authority with employing the 167<sup>th</sup> TSC to no avail.

Section 12302: A NG Unit could be called to active duty, but we need a NED by the President (A declaration under the Stafford Act does not qualify as a NED).

Section 12303: A NG Unit cannot be called to active duty under this section because it applies to individual Soldiers not assigned to a unit or for unsatisfactory participation in a unit.

Section 12304(a): A NG Unit could be called to active duty, but it cannot be for a domestic natural or manmade disaster, unless it involves WMD or terrorist event. This authority would allow the activation of the CBRN Response Enterprise that reside in the National Guard.

Section 12304a: A NG Unit cannot be called to active duty under this section, because it applies to only the non-NG "Reserves."

Section 12304b: A NG Unit could be called to active duty for a "preplanned mission." The statute says, "Units may be ordered to active duty under this section only if: (A) the manpower and associated costs of such active duty are specifically included and identified in the defense budget materials for the fiscal year or years in which such units are anticipated to be ordered to active duty; and (B) the budget information on such costs includes a description of the mission for which such units are anticipated to be ordered to active duty and the anticipated length of time of the order of such units to active duty on an involuntary basis." There is a limit of 365 days.

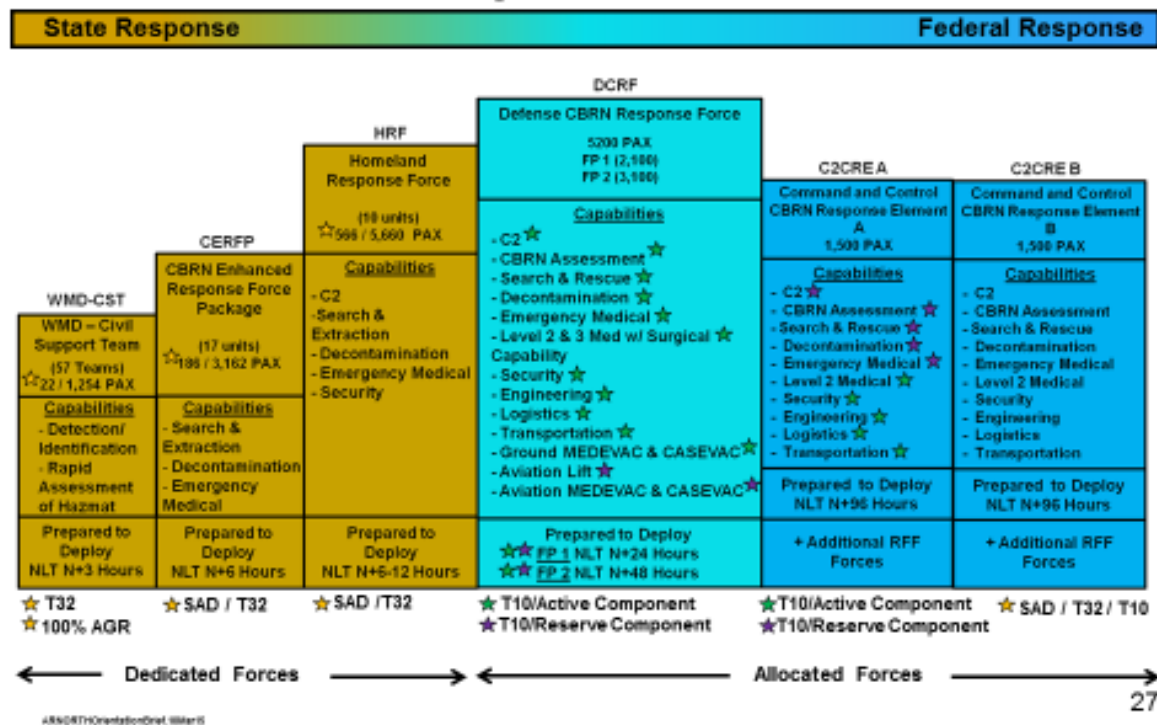
The key take away for the Commission is that forces assigned to USNORTHCOM must be accessible to USNORTHCOM through all phase of an operation. Given the current construct Army North cannot fully support USNORTHCOM with its assigned Theater Enablers right of incident as they cannot be placed in T10 status. The Army needs to look to source Army North with Theater Enablers that can meet the no notice timelines, which gravitates to a T10 sourcing solution.

### **CBRN Response Enterprise (CRE).**

Given that an Improvised Nuclear Device (IND) is a least likely but certainly one of the most dangerous potential incidents, DOD rightfully retains a sourced and annually validated response capability. As directed in QDR 2010, the CBRN Response Enterprise comprises a total of 18,000 DOD personnel forming response capabilities at

the State through Federal level. The CJCS CBRN EXORD further defines the CRE as a State Response capability and a Federal Response capability with the NORTHCOM commander responsible for the Federal Response and the State Adjutant Generals and Chief, NGB responsible for the State response. It also directs Army North to be the training proficiency assessor for the entire CRE.

## CBRN Response Enterprise – Capabilities



**State Response:** The Weapons of Mass Destruction – Civil Support Teams (WMD-CST) are clearly the gold standard as they are an organization of 22 Army and Air Guard AGR personnel who are solely dedicated to this mission set. The CBRN Enhanced Response Force Package (CERFP) and the Homeland Response Force (HRF) are dual-hatted M-Day Army and Air Guard units that are tasked organized for this mission and provided extra drill hours to train on this mission set over and above their primary wartime mission set. While they are part of the overall DOD response, their primary response is expected to stay under Governor Authority either in a single State or as part of a regional response. Much like we experience in the Federal Response having these as task organized capabilities they come with several challenges in manning, training and ultimately ensuring their readiness especially when you look at the prepared to deploy timelines (NLT N+3 to N+12-hours).



Federal Response: Joint Task Force – Civil Support (JTF-CS) commands and controls the primary Federal response – the Defense CBRN Response Force (DCRF), a ~5,200 joint manned (95% Army) response force expected to deploy within 24-hours of notice with life-saving capability and within 48-hours with the remainder of the force. The Army portion of the DCRF is literally sourced from across Army installations within the U.S. creating those similar challenges faced by the Adjutant Generals in manning, training and readiness, as well as the trans-feasibility of getting them to the incident in the prescribed time. Compounding this, per the CJCS EXORD the DCRF as well as the two Command and Control CBRN Response Elements (C2CRE), are only allocated to the COCOM leaving the Services to ensure their segments of the overall force are trained and ready. This creates additional challenges when you consider that this force would be called upon no-notice and expected to operate as if it was a coherent joint organization to save lives and prevent human suffering.

All the CRE stakeholders continue to refine and work through the challenges to ensure the CRE is fully capable of providing a rapid response to the American people. With the recent Ebola threat we are now relooking the Biological aspects of the CRE and seeing where we might be able to adjust the organization to better counter those types of threats.

This is a part of Army structure that cannot be overlooked by this Commission nor should you overlook the requirements levied on Army North to maintain the training proficiency and standardization across the entire CRE.

### **North American Security.**

As a subset of Homeland Defense, Army North looks to secure the land approaches to the United States through our Security Cooperation Activities with Mexico and Canada. With Mexico, since the President Calderon administration, we have seen unparalleled cooperation as we have greatly enhanced their abilities to fight the Trans-National Criminal Organizations (TCO) (aka Drug Cartels) through Mobile Training Team (MTT) and Subject Matter Exchanges (SME). Since 2008 we have been assisting them to create an Intelligence Branch and using our vast experience learned in Afghanistan and Iraq on taking down networks through actionable intel driven operations. We have seen the successes of our assistance through the taking down of notables like 'El Chapo' Guzman the head of the Sinaloa Cartel. We are also striving to become their enduring partner of choice and closest Ally – recently striving to modernize their Army and build interoperability through Foreign Military Sales of \$1.6B last year. Our immediate operational effort is coordinating the US Military support effort to SEDENA's Mexico Southern Border Security Strategy. Our long term vision is establishing a bi-lateral defense agreement with them much like what we have with Canada through NORAD.

Critical to what we have been able to accomplish in our security cooperation activities with Mexico is the allocation of a Regionally Aligned Force (RAF) to USNORTHCOM. The 3<sup>rd</sup> BCT, 3<sup>rd</sup> ID and now the 1<sup>st</sup> BCT, 1<sup>st</sup> AD have been instrumental in bringing their wartime expertise to these MTTs and SMEs. Long term we also plan to develop a reciprocal training opportunity with up to company sized organizations.

Equally in Canada, the RAF has been that re-integration of Active Duty units in cross border training and exercise opportunities – having elements from their BCTs participating in Canada’s premier annual training exercise MAPLE RESOLVE.

With Canada, the CSA has directed that ARNORTH be that central conduit for all cross border activities so we now oversee and orchestrate all Active, Guard and Reserve cross border activities. This is a paradigm shift and our intent is not to stifle the relationships that have been fostered through 13-years of conflict by the Guard and Reserves, but rather to ensure we apply the right capability to the training or exercise event to ensure we are maximizing our efforts to retain interoperability with the Canadian Forces for global application.

Of note, both Canada and Mexico do not recognize a State Partnership Program and given the focus we at Army North have on our Security Cooperation Activities with these two Nations, we in essence are the SPP and keenly look at opportunities to employ the total Army in our efforts.

In closing, the Nation, States, DOD, and the Army have come a long way in preparing for and responding to our Nation’s threats. There is a role for Active, Guard and Reserve within the Homeland. Each one brings its own skill set at the appropriate level. There is no argument the Guard must be structured to fully support their Governors for Homeland responses and now with access to the Reserves for disaster response we must ensure they are informed and ready to respond.

Lastly having a T10 Army headquarters solely dedicated to the Homeland as USNORTHCOM’s ASCC has greatly enhanced relations with those Federal Agencies we will be expected to support – we are no longer that ‘unknown entity’ that just shows up when the disaster hits – we are integrated and a valued partner. It has also enhanced North American Security. Without the singular efforts by Army North, we, the Army, would not have a relationship with the Mexican Military and we would not be on the road to ultimately achieve a bi-lateral defense agreement with Mexico. Our Army leadership has entrusted Army North to build this relationship and we have quietly been delivering.

Strength in the Nation – Army North (Fifth Army)