

GAO

Report to the Ranking Member,
Committee on Oversight and
Government Reform, House of
Representatives

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HOMELAND SECURITY

Enhanced National Guard Readiness for Civil Support Missions May Depend on DOD's Implementation of the 2008 National Defense Authorization Act





Highlights of [GAO-08-311](#), a report to the Ranking Member, Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

The high use of National Guard (Guard) forces for overseas missions has raised questions about its ability to support civil authorities in the event of a catastrophic incident. GAO was asked to assess two alternatives for providing funding and authority specifically for the Guard's civil support missions. Congress subsequently enacted a new approach for the Guard's civil support needs, which GAO also included in this assessment. GAO determined: (1) the extent to which planning to identify the Guard's civil support requirements has been undertaken, (2) the current funding approach for the Guard's civil support capabilities and how three approaches—modeled after the U.S. Special Operations Command (SOCOM), the Coast Guard, and that in the 2008 National Defense Authorization Act—could be applied to the Guard; (3) guiding principles to consider when developing and implementing funding alternatives, and (4) the extent to which the existing and alternative approaches are consistent with these principles. GAO synthesized guiding principles for military and civil support effectiveness from the literature and discussed alternatives with defense and homeland security analysts.

What GAO Recommends

GAO recommends that DOD report to Congress on the steps taken to include the guiding principles in its implementation of the 2008 NDAA. DOD generally agreed with GAO's recommendations.

To view the full product, including the scope and methodology, click on [GAO-08-311](#). For more information, contact Janet A. St. Laurent at (202) 512-4402 or stlaurentj@gao.gov.

HOMELAND SECURITY

Enhanced National Guard Readiness for Civil Support Missions May Depend on DOD's Implementation of the 2008 National Defense Authorization Act

What GAO Found

Comprehensive planning has not been undertaken, by the states or federal agencies, to identify the Guard's requirements for responding to large-scale, multistate civil support missions, such as Hurricane Katrina, because responsibilities for conducting this planning have been unclear. While such events are likely to be state-led, federal funds are likely to be used to fund the Guard's response. The efficiency and effectiveness of response efforts can be facilitated by planning that assigns responsibilities, develops requirements, identifies gaps, and prioritizes investments. The 2008 National Defense Authorization Act addresses planning responsibilities to some extent by directing the Department of Defense (DOD) to (1) plan for the Guard's response to natural disasters and acts of terrorism and (2) plan for and fund the unique capabilities DOD needs to provide during civil support missions.

Most of the Guard's capabilities have been funded through DOD appropriations to equip, staff, and train for its warfighting missions. The states rely on these capabilities for civil support missions when available. However, alternative funding approaches could provide specific funding for the Guard's civil support role. Under a SOCOM-like approach, the National Guard Bureau could be given funding and authority to provide Guard forces with unique civil support capabilities not already funded by DOD. Under a Coast Guard-like approach, DOD would fund the Guard's warfighting needs, but the Department of Homeland Security could identify needs for and fund the Guard's civil support-unique capabilities. The 2008 National Defense Authorization Act directed DOD to develop a funding request for certain capabilities DOD needs to provide civil support.

GAO identified seven guiding principles that can be used in assessing the extent to which funding alternatives would support the Guard's dual roles. These include (1) maintain warfighting capability; (2) maintain civilian control; (3) involve key stakeholders; (4) promote interagency planning; (5) promote economy and efficiency; (6) support coherent budget formulation; and (7) provide accountability and transparency.

The current approach and two of the alternatives address some of the principles, but none incorporates all of them. For example, the current approach maintains warfighting integration; but it does not provide specific funding for civil support needs or encourage integration of Guard forces with stakeholders outside DOD. The SOCOM and Coast Guard-like models would provide processes for identifying and funding civil support requirements, but neither would promote interagency planning and collaboration. The 2008 National Defense Authorization Act addresses all of the principles, at least in part, but it is unclear the extent to which DOD's implementation will yield results that are fully consistent with the guiding principles until implemented. For example, it is unclear the extent to which DOD will consider the input of the external stakeholders or fund civil support capabilities the Guard needs for state-led but federally funded missions.

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Abbreviations

DHS	Department of Homeland Security
DOD	Department of Defense
Goldwater-Nichols Act	Goldwater-Nichols Department of Defense Reorganization Act of 1986
2008 NDAA	National Defense Authorization Act for Fiscal Year 2008
SOCOM	Special Operations Command

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United States Government Accountability Office
Washington, DC 20548

April 16, 2008

The Honorable Tom Davis
Ranking Member
Committee on Oversight and Government Reform
House of Representatives

Dear Mr. Davis:

The National Guard holds a unique dual status in that it performs federal missions under the command of the President and state missions under the command of the state's Governor. The continuing high pace of overseas deployment of National Guard units combined with the challenging nature of domestic missions for which it must be prepared has led to questions about whether the National Guard has the capabilities—the personnel, training, and equipment—it will need to respond to large-scale, multistate events and how any capabilities required solely for its domestic missions should be funded. Currently, the vast majority of the National Guard's personnel, training, and equipment is provided for its federal warfighting mission with funding appropriated to the Department of Defense (DOD). State National Guards can use the capabilities provided by DOD—such as transportation, engineering, medical, and communications units and equipment—when available to respond to domestic emergencies while operating under the command of the Governors and generally paid for with state funding. However, under certain circumstances such as large-scale, multistate events, homeland security-related activities, or federally declared disasters, federal funding has been provided for missions carried out by the state National Guards.

We have previously reported that the continued heavy use of the National Guard for overseas missions has decreased the National Guard's capabilities that are available for domestic missions in support of civilian authorities (also known as civil support). In 2004, we recommended that DOD define the full range of the National Guard's homeland missions, including those led by DOD and those conducted in support of civilian authorities; and identify the National Guard's capabilities to perform these missions; any shortfalls in personnel, training, and equipment; and the required funding to address the shortfall.¹ We also noted in our 2007 report

¹GAO, *Reserve Forces: Actions Needed to Better Prepare the National Guard for Future Overseas and Domestic Missions*, [GAO-05-21](#) (Washington, D.C.: Nov. 10, 2004), 30.

that without a process to identify requirements for the capabilities the National Guard would need to respond effectively to these types of events, it was not possible to determine whether the National Guard had the capabilities it needed and how efforts could be coordinated most effectively with local, state, and federal organizations that share responsibility for emergency response.² We further reported the concerns of state officials that although the National Guard units in their states could respond to routine incidents, such as forest fires and hurricanes, the states might not have the National Guard capabilities needed to respond to large-scale multistate events. Also in our 2007 report on the National Guard's equipment requirements and readiness, we noted that the National Guard Bureau, which acts as the channel of communication between the Secretaries of the Army and the Air Force and the state Governors on National Guard issues, is positioned to facilitate planning for multistate events. However, DOD disagreed with our recommendation that the National Guard Bureau should have this role, stating that the Assistant Secretary of Defense for Homeland Defense has this responsibility. In our report on the military's response to the consequences of Hurricane Katrina, we noted that a significant shortfall in DOD's pre-Katrina planning was that it did not fully address the division of tasks between National Guard resources under the Governors' control and federal resources under presidential control. In addition, we have also performed a body of work examining U.S. Northern Command's planning for homeland defense and civil support missions. A list of related GAO products is included at the end of this report.

You asked us to assess whether the current approach³ to funding the National Guard's capabilities adequately addresses its expected civil support role in the post-September 11, 2001, security environment and examine two funding alternatives modeled after those used to fund the U.S. Special Operations Command (SOCOM) and the U.S. Coast Guard. In January 2008, Congress enacted legislation—the National Defense Authorization Act for Fiscal Year 2008⁴ (2008 NDAA)—that established a funding approach for certain civil support needs and that may address

²GAO, *Reserve Forces: Actions Needed to Identify National Guard Domestic Equipment Requirements and Readiness*, GAO-07-60 (Washington, D.C.: Jan. 26, 2007).

³For the purposes of this report, the term “current approach” refers to the funding approach DOD used before the enactment of the National Defense Authorization Act for Fiscal Year 2008.

⁴Pub. L. No. 110-181 (2008).

some of the problems we have previously identified with planning and funding for the National Guard's civil support role. As a result, we also examined the provisions in the 2008 NDAA. Specifically, our objectives were to determine: (1) the extent to which planning to identify requirements for the National Guard's role in civil support missions has been undertaken; (2) the funding approach currently used for the National Guard's civil support capabilities and how the two alternative funding approaches—modeled after SOCOM and the Coast Guard—and the new approach established in the 2008 NDAA could be applied to the National Guard; (3) guiding principles that should be considered when developing, assessing, and implementing funding alternatives, and (4) the extent to which the current, alternative, and newly established approaches are consistent with these principles.

To determine the extent to which planning to identify requirements for the National Guard's civil support missions has been undertaken and how the current funding approach is structured, we reviewed prior GAO work and DOD and Department of Homeland Security (DHS) policy documents, and interviewed DOD, National Guard, and DHS officials. To determine how alternative funding approaches could be applied to the National Guard, we reviewed documents and met with officials responsible for identifying requirements, allocating resources, and acquiring capabilities for SOCOM and the Coast Guard. Additionally, we developed approaches for how similar roles and responsibilities could be applied to the National Guard to fund its civil support capabilities, and refined the alternative approaches through discussions with government officials and defense and homeland security analysts. Furthermore, we reviewed the 2008 NDAA and the conference report that accompanied it to identify the roles and responsibilities set forth in the act for planning for and funding the National Guard's civil support capabilities. To determine the principles that should guide efforts to develop, assess, and implement funding alternatives, we performed content analysis on prior GAO work examining the National Guard, emergency preparedness, and best practices for creating a focus on results, and reviewed principles synthesized from these reports with government officials and defense and homeland security analysts. To determine the extent to which the current and alternative approaches are consistent with the guiding principles, we assessed the current National Guard funding approach and the alternatives modeled after SOCOM and Coast Guard against the guiding principles, and reviewed our assessment with government officials and defense and homeland security analysts. In addition, we used professional judgment to assess the provisions in the 2008 NDAA for planning for and funding the National Guard's civil support capabilities against the guiding principles.

Because the act was passed late in our review, we did not discuss its provisions with the government officials and defense and homeland security analysts. We determined that the data used were sufficiently reliable for our objectives. We conducted our review from February 2007 to April 2008 in accordance with generally accepted government auditing standards. The scope and methodology used in our review are described in further detail in appendix I.

Results in Brief

Federal agencies with homeland security and civil support responsibilities have not undertaken comprehensive planning to identify the National Guard's requirements for responding to large-scale, multistate missions. Planning that assigns responsibilities, develops requirements, identifies capability gaps, and prioritizes investments can facilitate effective and efficient response to unexpected events. Planning for natural and man-made large-scale incidents is a shared state and federal responsibility, according to the 2007 National Strategy for Homeland Security. Despite the importance of this planning, prior to the 2008 NDAA, federal statutes had not clearly assigned responsibilities for conducting this comprehensive planning. In the absence of explicit statutory direction, this comprehensive planning has not been included as part of the other planning conducted by the states, DHS, and DOD, for several reasons. First, DHS, as the lead federal agency for homeland security, works with states, localities, and other federal agencies to conduct national emergency planning at a broad, strategic level, but it does not conduct detailed operational planning to identify the National Guard's requirements because it assumes that such planning is the responsibility of either the states or DOD. Second, states plan for smaller-scale emergencies involving the National Guard's activities likely to take place within their borders, but not for large-scale, multistate events. Third, DOD does not engage in planning to identify the resources required for the National Guard's civil support missions because it assumes most of those needs can be met with its warfighting capabilities and that planning to identify requirements for state-led missions is the states' responsibility. The 2008 NDAA addresses planning for natural disasters and terrorist events to some extent. This new law directs the Secretary of Defense, in consultation with the Secretary of Homeland Security and others, to prepare two versions of a plan for coordinating the use of the National Guard and active duty forces when responding to natural disasters, acts of terrorism, and other man-made disasters identified in the national planning scenarios. One version is required to set out a response using only members of the National Guard and the other version is required to set out a response using both the National Guard and the regular

components of the armed forces. In addition, the plans are to include an identification of the training and equipment needed by both the National Guard and active duty forces to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

The current funding approach for the National Guard's civil support capabilities assumes its warfighting capabilities will be adequate for its civil support missions while the two alternative funding approaches modeled after SOCOM and the Coast Guard, and the approach established by the 2008 NDAA, focus on providing specific funding for the unique capabilities needed for the National Guard's civil support missions. Under the current approach, DOD funds only the National Guard's warfighting capabilities, which are available to the states for civil support missions when they are not in use for federal warfighting missions. In contrast, under an alternative approach modeled after SOCOM, the National Guard Bureau could be provided authority to organize, train, equip and fund National Guard forces for unique personnel, training, and equipment requirements needed for the National Guard's civil support missions while the Departments of the Army and Air Force would continue to fund the National Guard's warfighting requirements. Under a second alternative modeled after the Coast Guard, DOD would continue to provide funding to the National Guard to support its warfighting capabilities, but the National Guard Bureau would receive direct funding transfers from DHS for unique personnel, training, and equipment requirements DHS identifies as needed for the National Guard's federally funded civil support missions. Finally, the 2008 NDAA established a third approach for funding certain civil support capabilities. The act directs the Secretary of Defense, in consultation with the Secretary of Homeland Security, to determine the "military-unique capabilities" DOD needs to provide to support civil authorities in an incident of national significance or a catastrophic incident and to develop and implement a plan to fund these capabilities as well as any additional capabilities determined by the Secretary to be necessary to support the use of the active and reserve components—which includes the National Guard—for homeland defense missions, domestic emergency responses, and providing military support to civil authorities. The act defines "military-unique capabilities" as those capabilities identified by the Secretary of Defense that cannot be provided by other federal, state, or local civilian agencies and that are essential to provide support to civil authorities in an incident of national significance or a catastrophic incident. In addition, the act requires DOD to provide quarterly reporting on the readiness of the National Guard to perform

tasks required to support the national response plan for support to civil authorities.⁵

We identified seven guiding principles that can be used to develop, assess, and implement alternatives for funding the National Guard so it can be prepared to effectively fulfill both its civil support and warfighting roles. We synthesized these principles based on our previous work examining National Guard and emergency preparedness issues, principles for creating a focus on results and enhancing and sustaining collaboration among federal agencies, and policies and practices contained in the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Goldwater-Nichols Act).⁶ Our discussions with government officials and defense and homeland security analysts confirmed that these principles are important to the National Guard's effectiveness and can be used in assessing alternative funding approaches. Specifically, these guiding principles are

1. maintaining the National Guard's warfighting capability, readiness, and integration with DOD for its role as a federal reserve of the Army and Air Force;
2. maintaining or strengthening civilian control of the military, which is a foundational principle of American democracy;
3. involving responsible stakeholders and aligning with national plans and strategies affecting the National Guard's civil support mission so that stakeholders have clear missions, reach agreement on their goals, and can measure performance;
4. promoting interagency planning, collaboration, and coordination with the National Guard's federal, state, and local partners in the civil support role to strengthen emergency preparedness and response;
5. supporting the formulation of coherent budgets for the National Guard that are supported by a rigorous analytical process to assess requirements, identify gaps, and set investment priorities for the civil support role;

⁵Section 351 of the 2008 NDAA amended 10 U.S.C. § 482 by adding this requirement.

⁶Goldwater-Nichols Department of Defense Reorganization Act of 1986, Pub. L. No. 99-433, §3 (1986).

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6. providing accountability and transparency to Congress for federal investments in the National Guard's civil support capabilities, which are essential for holding agencies accountable for results and for targeting resources to the highest priorities; and
 7. promoting economy and efficiency, which are essential elements of good government, particularly as the nation faces long-term fiscal challenges.

These guiding principles can be used in assessing the extent to which funding alternatives and their implementation would support the National Guard's dual roles.

Neither the current approach to funding the National Guard's civil support capabilities nor alternatives modeled after SOCOM or the Coast Guard systematically include all of the guiding principles. However, the 2008 NDAA approach addresses all the principles to some extent. Our assessment shows that the current approach is not consistent with the principles because it does not involve key stakeholders so as to encourage alignment with national plans and strategies, encourage interagency planning to identify requirements, or formulate budgets for the National Guard's civil support roles. Similarly, although both of the alternatives modeled after SOCOM and the Coast Guard would maintain the National Guard's warfighting capability, readiness, and integration with DOD, neither is fully consistent with some of the other guiding principles. For example, the approach modeled after SOCOM would not explicitly require involvement of key stakeholders outside DOD, such as DHS, to ensure alignment with national plans and strategies for homeland security or promote integration and interoperability with civilian partners. Likewise, while the approach modeled after the Coast Guard's relationship with the Navy would involve both DHS and DOD stakeholders, DHS would not necessarily have to consult with DOD or National Guard stakeholders to identify the most economical or efficient way to meet requirements. The approach contained in the 2008 NDAA includes provisions requiring the involvement of key stakeholders, the formulation of budget requests for some civil support needs, and readiness reporting that partially address all of the guiding principles, but until DOD implements the act's provisions, it is too early to assess whether it will result in an approach that is fully consistent with the guiding principles. For example, it is not clear to what extent DOD will decide to fund additional capabilities and how that will affect the National Guard's readiness for providing civil support during large-scale incidents. Until DOD begins to implement the new authorities and reports to Congress on the steps it has taken to include the guiding

principles, Congress may not have complete information to use in its oversight of the National Guard's preparedness for its dual roles.

To assist Congress in its oversight efforts, we are recommending that the Secretary of Defense include information in materials accompanying its fiscal year 2010 budget request on the steps the department has taken to incorporate the guiding principles in its implementation of the provisions contained in the National Defense Authorization Act for Fiscal Year 2008. Specifically, we are recommending that DOD include information on (1) the analytical process used to formulate the department's funding request for the capabilities needed to support civil authorities in an incident of national significance or a catastrophic incident and (2) its assessment of the extent to which DOD's civil support investment priorities are consistent with DHS's risk-management framework and DHS efforts to promote standards for integration and interoperability among emergency responders. DOD generally agreed with our recommendations. DOD agreed to provide information on the analytical process used to formulate DOD's civil support funding request with the 2010 budget submission. However, in its comments DOD noted that an assessment of how DOD civil support investment priorities are consistent with DHS's risk-management framework can be provided to the extent that DHS has articulated its risk-management framework and DOD agrees with that framework.

Background

In its civil support roles, the National Guard works with multiple state and federal agencies that have responsibilities for different aspects of homeland security. DOD is responsible for planning for the National Guard's federal missions conducted under the command and control of the President. The Army and Air Force are responsible for organizing, training, and equipping the Army National Guard and the Air National Guard, respectively, for federal missions. Within the Office of the Secretary of Defense, the Assistant Secretary of Defense for Homeland Defense and Americas Security Affairs supervises DOD's homeland activities, including the execution of domestic military missions and military support to U.S. civil authorities, and develops policies, conducts analysis, provides advice, and makes recommendations for these activities to the Under Secretary for Policy and the Secretary of Defense. The Assistant Secretary of Defense for Homeland Defense and Americas Security Affairs is also responsible for coordinating with DHS. The U.S. Northern Command is the unified military command responsible for planning, organizing, and executing DOD's homeland defense and federal

military support to civil authorities' missions within the continental United States, Alaska, and territorial waters.

The National Guard is unique in that it performs federal missions under the command and control of the President and state missions under the command and control of the Governors. In some circumstances, National Guard activities that are under state control can be federally funded.⁷ Since September 11, 2001, the President has authorized federal funding for several National Guard missions conducted under the command of the Governors, such as providing security at the nation's airports in the immediate aftermath of the September 11 terrorist attacks, assisting the Gulf Coast in the aftermath of Hurricane Katrina, and providing security along the southwest border in 2006. Table 1 compares the command responsibilities, authorities under which the National Guard may undertake activities, and missions of the National Guard's state and federal roles.

⁷National Guard members train for their federal missions under state control with federal funding. Federal laws also authorize federal funding for some other state-controlled missions, such as the National Guard's counterdrug support operations and weapons of mass destruction civil support teams.

Table 1: Comparison of National Guard State and Federal Roles

	State role		Federal role
	State-funded	Federally-funded	Federally-funded
Command and control entity	Governor	Governor	President
Mobilization authorities used	In accordance with state law	Title 32 (32 U.S.C 502(f))	Various Title 10 authorities
Where deployed	In accordance with state law	United States	Worldwide
Mission types	In accordance with state law	Training and other federally authorized missions	Overseas training and as assigned after mobilization
Examples of missions conducted in the United States	Forest fires, floods, civil disturbances	Post-9/11 airport security, Hurricane Katrina, southwest border security	Air sovereignty, missile defense, guarding DOD infrastructure
Support law enforcement activities	Yes	Yes	As limited by Posse Comitatus ^a

Source: GAO analysis.

^aThe 1878 Posse Comitatus Act, 18 U.S.C. §1385, as applied by DOD, prohibits the direct use of federal military troops for domestic civilian law enforcement except where authorized by the Constitution or an act of Congress. This act applies to the Army National Guard of the United States and the Air National Guard of the United States, which are reserve components of the armed forces under 10 U.S.C. §10101.

The 2008 NDAA enhanced the functions of the National Guard Bureau.⁸ Under the act, the bureau, which had previously been a joint bureau of the Army and the Air Force, became a joint activity of DOD, and the Chief of the National Guard Bureau became a principal advisor to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on matters involving nonfederalized National Guard forces. In addition the act specifies that the bureau will assist the Secretary of Defense in facilitating and coordinating with other federal agencies, the Adjutants General of the states, the U.S. Joint Forces Command and the U.S. Northern Command for the use of National Guard personnel and resources for operations conducted under Title 32 or in support of state missions. In addition to these enhanced functions, the National Guard Bureau also remains responsible for the administration of the National Guard, including participating with Army and Air Force staff in developing and coordinating policies, programs, and plans affecting Army National Guard and Air National Guard personnel, and it serves as the channel of communication

⁸Pub. L. No. 110-181, §§1811, 1812, and 1813 (2008).

on all matters pertaining to the National Guard between the Army and the Air Force and the states. The Chief of the National Guard Bureau has overall responsibility for the National Guard's military support to civil authorities programs. During civil support missions, the National Guard Bureau provides policy guidance and facilitates National Guard assistance to the Adjutants General who lead National Guard forces within the states.

At the federal level, the President's Homeland Security Council and DHS both have responsibilities that could affect the National Guard's civil support role. To assist in integrating state and federal responses to domestic emergencies, the Homeland Security Council developed 15 national planning scenarios in 2004 whose purpose was to form the basis for identifying the capabilities needed to respond to a wide range of emergencies. The scenarios focus on the consequences that federal, state, and local first responders may have to address and are intended to illustrate the scope and magnitude of large-scale, catastrophic emergencies for which the nation needs to be prepared and include a wide range of terrorist attacks involving nuclear, biological, and chemical agents, as well as catastrophic natural disasters, such as an earthquake or hurricane. DHS, which was established in 2002⁹ to reduce America's vulnerability to terrorism, is the lead federal agency responsible for preventing, preparing for, and responding to a wide range of major domestic disasters and other emergencies. The President has designated DHS and its Secretary as the lead federal representative responsible for domestic incident management and coordination of all-hazards preparedness. In 2008, DHS issued its National Response Framework, which provides a framework for federal, state, and local agencies to use in planning for emergencies and establishes standardized doctrine, terminology, processes, and an integrated system for federal response activities.

DHS is also responsible for developing a risk-management framework to guide investments in emergency response capabilities as well as improving interoperable public safety communications and identifying requirements and allocating resources to promote integration and interoperability among responders. For example, DHS, through its state grants program, provides funding to states to support and improve their state and local emergency response capabilities. States may use DHS federal grants to

⁹The Homeland Security Act of 2002, Pub. L. No. 107-296, §101 (2002).

purchase equipment for the National Guard's use in civil support missions conducted in state status.

States are responsible for preparing and maintaining emergency plans for the employment of the National Guard in response to civil disturbances; natural, man-made, or technological disasters; and other potential emergencies within their borders, such as wildfires and floods. In responding to such events, states generally have relied on the personnel, training, and equipment that DOD has provided to their National Guard units for their federal missions. The response to large-scale, multistate events may involve a combination of state and local civilian authorities; National Guard forces from across the nation responding under mutual assistance agreements¹⁰ operating in state status; federal civilian agencies, and federal military forces operating under the command of the President.

Key Stakeholders Have Not Undertaken Comprehensive Planning to Identify the National Guard's Requirements for State-Led but Federally Funded Civil Support Missions

Key stakeholders with homeland security or civil support missions, including DOD, DHS, and the states, have not undertaken comprehensive planning to identify the National Guard's requirements for responding efficiently and effectively to large-scale, multistate civil support missions, which are likely to be state-led but federally funded. Planning has not been undertaken because key stakeholders have assumed that the National Guard's civil support needs could be met with the equipment DOD provides for its federal missions and that planning for state-led missions is the states' responsibility—even for missions that are likely to be federally funded. Since our last report, DHS, the National Guard Bureau, and the Homeland Security Council, have taken steps to facilitate planning for some of the events in the national planning scenarios, but these efforts do not include the detailed operational planning needed to identify the specific capabilities the National Guard requires and they are not part of DOD processes to develop budgets and direct funding to identified needs. The 2008 NDAA addresses the need for planning to some extent by directing the Secretary of Defense to (1) identify the training and equipment needed for both the National Guard and active duty forces to provide military assistance to civil authorities and respond to hazards identified in the national planning scenarios as part of the Secretary's plan for coordinating the use of the National Guard and active duty forces

¹⁰The states have entered into mutual assistance agreements, such as the Emergency Management Assistance Compact to provide cross-border assistance, including National Guard forces, when an event exceeds a state's capacity to respond.

when responding to natural disasters, acts of terrorism, and other man-made disasters, and (2) identify, in consultation with the Secretary of Homeland Security, the military-unique capabilities DOD needs to provide when supporting civil authorities during a catastrophic incident or incident of national significance.

Neither the States nor the Federal Government Have Conducted Planning to Identify the National Guard's Requirements for State-Led but Federally Funded Civil Support Missions

Neither the states nor the federal government have conducted the comprehensive planning needed to identify the National Guard's requirements for responding to large-scale, multistate civil support missions, which are likely to be state-led but federally funded. DOD, DHS, and National Guard documents, as well as our prior work on Hurricane Katrina, indicate that comprehensive preevent planning that is coordinated and integrated to take into account the roles of federal and state responders, including the National Guard, is a key step in facilitating an effective, efficient, and well-coordinated response to unexpected domestic emergencies. In addition, planning that assigns responsibilities, develops requirements, identifies capability gaps, and prioritizes investments is consistent with the policy for enhancing military effectiveness as well as other practices contained in the Goldwater-Nichols reforms.¹¹ Furthermore, according to the 2007 National Strategy for Homeland Security, planning for natural and manmade catastrophic incidents is a shared state and federal responsibility. Moreover, use of federal funding for National Guard activities that are state-led creates a federal interest in ensuring that National Guard forces are prepared to respond efficiently and effectively.

Despite its importance to an effective and efficient response to civil support missions, the comprehensive planning needed to determine the personnel, equipment, and training that the National Guard would need has not been undertaken. Previously, federal statutes have not assigned clear responsibility for conducting the planning to identify these requirements. Under federal law, the Secretaries of the Army and Air Force are responsible for training and equipping the National Guard for its federal missions conducted under the command and control of the President.¹² However, DOD is not required to specifically plan for the National Guard's use in state-led civil support missions that are in the

¹¹Goldwater-Nichols Department of Defense Reorganization Act of 1986, Pub. L. No. 99-433, §3 (1986).

¹²10 U.S.C. §§ 3013, 3062, 8013 and 8062.

federal interest. Similarly, the Homeland Security Act of 2002 states that DHS's primary mission includes acting as a focal point regarding natural and man-made crises and emergency planning;¹³ however, DHS is not explicitly directed to conduct detailed operational-level planning to identify the National Guard's requirements for civil support missions that are in the federal interest.

In the absence of explicit statutory direction, states, DHS, and DOD have not conducted comprehensive planning for a variety of reasons. First, although states routinely undertake planning for the National Guard's role in responding to emergencies within their borders, such as hurricanes and forest fires, they do not plan for the National Guard's role in large-scale, multistate events because, as previously reported,¹⁴ they have limited planning resources and lack a formal mechanism to facilitate planning across state borders. Second, while DHS, as the lead federal agency for homeland security, works with federal agencies, states, and localities to conduct national emergency planning, it does not conduct detailed operational planning that identifies specific requirements for the National Guard because it considers this planning to be the responsibility of either the states or DOD. Finally, DOD does not specifically plan to identify the resources required for the National Guard's civil support missions because DOD assumes that most of those needs can be met with the National Guard's warfighting capabilities and that planning to identify requirements for state-led missions is the states' responsibility—even when missions are federally funded.

¹³Pub. L. No. 107-296, §101 (2002).

¹⁴[GAO-07-60](#).

The Homeland Security Council, DHS, and the National Guard Bureau Have Taken Steps to Facilitate Planning, but Efforts Do Not Include the Detailed Planning Needed

Since the time of our last report, the Homeland Security Council, DHS, and the National Guard Bureau, have taken steps to facilitate planning for some of the events in the national planning scenarios but these efforts do not include the detailed operational planning needed to identify the specific capabilities the National Guard requires and are not part of DOD's process to develop budgets and direct funding towards identified needs.¹⁵ For example, the National Guard Bureau has a liaison assigned to DHS that provides advice on the National Guard's emergency response capabilities. In addition, the Homeland Security Council directed the establishment of a planning team¹⁶ comprised of stakeholders from various federal agencies, including DOD and the National Guard Bureau, to provide national strategy guidance and develop concept plans on how to respond to each of the 15 national planning scenarios.¹⁷ However, according to DHS and planning team officials, this team does not conduct detailed operational level planning to identify specific capabilities needed for the type of nationwide National Guard effort such as occurred during the response to Hurricane Katrina or that might occur in response to the types of large-scale, multistate events contained in the national planning scenarios. DHS and planning team officials explained that DHS coordination plans consider National Guard forces to be either a part of the state response effort or the federal DOD response effort and that the states or DOD would conduct this detailed planning. DHS's role is to provide guidance and recommendations for states and federal agencies to consider and it does not have authority to direct the states or other federal agencies to perform specific emergency response duties.¹⁸ In addition in December 2007, the Homeland Security Council issued Annex I to

¹⁵The national planning scenarios are: Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack—blister agent, chemical attack—toxic industrial chemicals, chemical attack—nerve agent, chemical attack—chlorine tank explosion, major hurricane, major earthquake, radiological attack—radiological dispersal device, explosives attack—bombing using improvised explosive device, biological attack—food contamination, biological attack—foreign animal disease, and cyber attack.

¹⁶This Incident Management Planning Team, established in 2006 in response to recommendations made in *The Federal Response to Hurricane Katrina Lessons Learned* report, provides contingency and crisis-action incident-management planning in support of the DHS national-level domestic incident-management responsibilities.

¹⁷According to DHS's National Preparedness Guidance, the planning scenarios illustrate the scope and magnitude of large-scale, catastrophic emergency events for which the nation needs to be prepared.

¹⁸Responsibilities for implementing the national preparedness goals fall to each federal, state, and local entity with a role in homeland security preparedness.

Homeland Security Presidential Directive 8. This annex is intended to further enhance the preparedness of the United States by formally establishing a standard and comprehensive approach to national planning among federal agencies with a role in homeland security. However, until federal agencies with homeland security responsibilities implement this approach, it is not clear the extent to which this guidance will result in detailed planning to identify the specific capabilities the National Guard would need to respond to large-scale, multistate events contained in the national planning scenarios.

According to National Guard Bureau officials, the bureau has also initiated some efforts to facilitate planning. For example, the bureau has developed sample plans for some of the events in the national planning scenarios that the bureau considers to be the most likely to occur or the most dangerous. The National Guard Bureau plans to provide the sample plans to the states, which can tailor them to fit their particular needs. However, National Guard Bureau officials explained that the sample plans do not cover all 15 scenarios or identify specific requirements for personnel, training, and equipment the National Guard would need for a nationwide response, and they are not considered as needs that must be included in DOD's process for formulating its budget.

2008 NDAA Assigns DOD Responsibility for Planning to Identify Certain National Guard Civil Support Needs

The 2008 NDAA directs the Secretary of Defense, in consultation with the Secretary of Homeland Security, the Chief of the National Guard Bureau, and other DOD officials to prepare two versions of a plan for coordinating the use of the members of the National Guard and active duty forces when responding to natural disasters, acts of terrorism, and man-made disasters identified in the national planning scenarios.¹⁹ One version is required to set forth a response using only members of the National Guard and the other version is to set out a response using both members of the National Guard and active duty forces. In addition, to assist the Secretary of Defense in preparing the plan, the National Guard Bureau is directed to provide the Secretary with information gathered from Governors, Adjutants General of the states, and other state civil authorities responsible for homeland preparation and response to natural disasters. This plan is to include an identification of the training and equipment needed for both the National Guard and active duty forces to provide military assistance to civil authorities and for other domestic operations

¹⁹Pub. L. No. 110-181, §1814 (2008).

when responding to hazards identified in the national planning scenarios. However, until DOD implements the provisions of the 2008 NDAA, it is unclear the extent to which DOD will plan and identify requirements for the National Guard's capabilities needed to respond efficiently and effectively to the large-scale, multistate events that are state-led but federally funded.

Current National Guard Funding Approach Emphasizes Warfighting Needs, but Alternative Approaches Could Also Address Civil Support Needs

Under the current approach, DOD generally uses its appropriations to fund the National Guard's warfighting capabilities, although the equipment may be used for civil support missions when it is available. Alternatives to the current funding approach modeled after the special authorities and funding provided to SOCOM and to the Coast Guard would provide funding to prepare the National Guard for large-scale civil support missions without altering DOD's approach to funding its warfighting needs. Finally, the 2008 NDAA established a new approach for planning for and funding some of DOD's—which includes the National Guard's—unique civil support needs while retaining DOD's approach to funding warfighting needs. Table 2 below shows how the key roles and responsibilities for building civil support-unique capabilities in the federal interest would differ among the National Guard's current approach, the approaches modeled after SOCOM and the Coast Guard, and the approach in the 2008 NDAA.

Table 2: Comparison of Key Roles and Responsibilities under the Current Approach, Alternative Approaches, and Provisions of the 2008 NDAA for Funding the National Guard’s Civil Support Capabilities

Role/responsibility	Current approach	Approach modeled after SOCOM	Approach modeled after the Coast Guard	Approach in the 2008 NDAA
Civilian oversight	DOD	DOD	DHS	DOD
Identify civil support–unique requirements	Civil support requirements not identified	National Guard Bureau	DHS	DOD in consultation with DHS ^a
Formulate budget and allocate resources for civil support–unique requirements	No budget for civil support; resources for warfighting missions/capabilities only ^b	National Guard Bureau	DHS	DOD ^c
Acquisition of civil support–unique capabilities	Prohibited unless authorized by the Secretary of Defense	National Guard Bureau	DHS	DOD

Source: GAO.

Note: Under all the alternatives, DOD would continue to develop requirements, formulate and allocate budgets, and have acquisition authority for warfighting needs.

^aThe act requires the Secretary of Defense, in consultation with the Secretary of Homeland Security, to determine military unique capabilities. The act defines “military-unique capabilities” as those capabilities that, in the view of the Secretary of Defense, cannot be provided by other federal, state, or local civilian agencies and that are essential to provide support to civil authorities in an incident of national significance or a catastrophic incident.

^bExcept for civil support missions specifically authorized by statute such as counterdrug and civil support teams.

^cThe Secretary of Defense shall include in the plan for funding capabilities, any additional capabilities determined by the Secretary to be necessary to support the use of the active and reserve components for homeland defense missions, domestic emergency responses, and providing military support to civil authorities.

DOD Appropriations Fund the National Guard’s Capabilities for Warfighting Missions, but the Current Approach Does Not Fund Unique Capabilities for Civil Support Missions

Under the current approach, Congress funds the National Guard through DOD’s annual appropriation to provide the capabilities—such as personnel, training, and equipment—required for the National Guard’s federal warfighting mission; however, federal funds have not typically been provided to DOD specifically for the National Guard’s civil support missions unless directed by statute. Instead, DOD planning has generally assumed that if the National Guard is prepared for its warfighting role it is prepared to respond to a disaster or emergency at home. Federal funding through DOD comprises more than 90 percent of the National Guard’s total funding, although states fund state-unique equipment requirements—such as vehicles or radios—for their state National Guard missions. Moreover, with the exception of two statutorily established missions—the weapons of mass destruction civil support teams and the counterdrug

program²⁰—DOD does not generally identify requirements for, formulate budgets and allocate resources for, or acquire the personnel, training, and equipment needed to support the National Guard’s civil support missions that are likely to be federally funded. Consistent with this strategy, DOD’s current policy²¹ prohibits, unless specifically authorized by the Secretary of Defense, procuring or maintaining any supplies, materiel, or equipment exclusively for providing military support to civil authorities.

SOCOM Receives Funding from DOD Appropriations and Has Authority to Identify Requirements, Allocate Resources, and Acquire Capabilities for Its Missions

SOCOM is a unified combatant command within DOD that receives funding from DOD appropriations and has statutory authority²² to validate and prioritize its unique requirements, allocate resources, and acquire unique capabilities for its missions.²³ SOCOM organizes, trains, equips, and deploys combat-ready special operations forces to regional combatant commands, subject to DOD approval and civilian oversight.²⁴ SOCOM’s funding goes toward ongoing operational activities; force enhancements; training; general support; advanced research, development, test, and evaluation planning and design; and headquarters management. However, the Services provide SOCOM with military personnel, base operating support, and equipment not unique to the special operations mission. Furthermore, SOCOM has statutory authority to develop and acquire special operations–peculiar equipment and to acquire material, supplies, and services for its unique needs. To execute its authorities, SOCOM has

²⁰The weapons of mass destruction civil support teams involve members of the National Guard serving full-time and performing duties in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction or a threatened or actual terrorist attack in the United States that results, or could result in a catastrophic loss of life or property. 10 U.S.C. § 12310(c). The counterdrug program involves using National Guard personnel in drug interdiction and counter-drug law enforcement activities, including drug demand reduction activities, authorized by the law of states and requested by state Governors. (32 U.S.C. § 112.)

²¹DOD Directive 3025.1, Military Support to Civil Authorities (Jan. 15, 1993).

²²10 U.S.C. § 167.

²³SOCOM’s special operations forces perform several tasks, which include strategic reconnaissance, direct action, unconventional warfare, foreign internal defense, counterterrorism, humanitarian assistance, theater search and rescue, psychological operations, and civil affairs operations.

²⁴The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict provides “the overall supervision, including oversight of policy and resources, of special operations activities and low intensity conflict activities of the Department of Defense,” and is the principal civilian advisor to the Secretary of Defense on these activities.

developed a strategic planning process for identifying and validating its requirements for special operations—peculiar items, assigning priorities, and allocating resources among its requirements. SOCOM formulates its budget documentation, which identifies the items required for its missions and allocates resources that remain within its overall funding limits, and submits its budget to DOD for approval. Additionally, any significant issues related to SOCOM's readiness measures and status of its resources are reported to Congress on a quarterly basis. While SOCOM's acquisition workforce manages and acquires items for many small programs, it seeks to leverage existing service acquisition processes whenever possible by relying on the services to help manage larger programs. This approach provides SOCOM the means to leverage resources and expertise that may not reside at SOCOM, such as program management, engineering and technical services, testing and evaluation support, and logistical support. For example, a large program such as the Advanced SEAL Delivery System is funded by SOCOM and executed by the Navy Acquisition Decision Authority.

An Alternative Approach to Funding the National Guard's Civil Support—Unique Capabilities Modeled after SOCOM

We examined the special authorities and funding approach used by SOCOM to organize, train, equip, and deploy special operations forces to develop an alternative funding approach that could be used to fund National Guard unique requirements for civil support missions. Under this approach the National Guard Bureau, although not a combatant command like SOCOM, could be provided authority and funding to organize, train, and equip National Guard forces with the unique capabilities for large-scale, multistate civil support missions that are expected to be federally funded—such as the events depicted in the national planning scenarios. In this alternative approach, the National Guard Bureau could also be provided the statutory authority to identify requirements, formulate budgets, allocate resources, and acquire capabilities for civil support missions, subject to DOD civilian oversight and approval. Furthermore, to provide civilian oversight on the National Guard Bureau's civil support role, an Office of the Secretary of Defense—level office could be assigned responsibility for oversight similar to the oversight role the Office of the Secretary of Defense performs for SOCOM. The National Guard would maintain its existing command and control relationships for civil support operations.

Under this approach, the National Guard Bureau would receive funding directly from DOD defensewide appropriations for civil support capabilities—such as equipment, materiel, supplies, training, and services—that are unique to the National Guard's federally funded civil

support missions. Current funding arrangements for the National Guard's warfighting mission would remain the same, and DOD would continue to pay for warfighting capabilities, including dual-use capabilities required for the National Guard's civil support mission. Furthermore, the National Guard Bureau would need to establish memorandums of understanding with the Army and the Air Force to clearly define what dual-use warfighting capabilities would be provided to the National Guard by the Army and Air Force, and what capabilities are unique to the civil support mission, similar to the agreements SOCOM has with the services.

Under this approach, the National Guard Bureau would be required to develop a rigorous analytical process to develop, identify, and prioritize the National Guard's civil support-unique requirements, similar to the strategic planning process developed by SOCOM. The National Guard Bureau would also be required to develop a resource allocation process to address its civil support-unique requirements that includes planning, programming, budgeting, and execution processes designed to develop a budget request for civil support-unique capabilities. Additionally, the National Guard Bureau would be required to begin tracking and reporting on its performance through the collection and reporting of readiness data that provides information on the status of its personnel, training, and equipment for its civil support missions that are likely to be federally funded and its readiness to carry out these missions. Furthermore, the National Guard Bureau would develop an acquisition workforce to develop, acquire, and manage its civil support-unique capabilities while retaining the ability to leverage existing service acquisition capabilities when it is appropriate to do so.

The Coast Guard Receives Funding from DHS and DOD Appropriations and Has Authority to Identify Requirements, Allocate Resources, and Acquire Capabilities for Its DHS-Funded Missions

The Coast Guard is a multimission, maritime military service within DHS that receives funding from DHS and DOD, and has authority to identify its unique requirements, allocate resources, and acquire unique capabilities for its missions funded by DHS. The Coast Guard performs a range of missions to meet multiple national goals, including law enforcement, national defense, mobility, maritime safety, environmental protection, and humanitarian response.²⁵ Moreover, the Coast Guard is also part of the armed forces and can operate as a specialized service under the Navy in time of war or when directed by the President.²⁶ The Coast Guard and Navy have entered into formal agreements to further define specific mission sets and clarify the roles the Coast Guard is expected to perform when working for or with the Navy.²⁷

The Coast Guard's statutory role as both a federal maritime agency and a branch of the military allows the agency to receive funding from both DHS and DOD. The Coast Guard receives more than 98 percent of its funding through the annual DHS appropriation. Because of the Coast Guard's need to work closely with the Navy and the possibility that it may be brought under the military's control as part of the armed forces, the Navy also provides equipment and funding to the Coast Guard to keep it prepared and integrated with the Navy for national and maritime defense missions such as maritime intercept operations, and deployed port operations security and defense. Although the Navy is not expressly required by law to provide funding to the Coast Guard, the Navy provides funding from its appropriations because it is in the Navy's interest that the Coast Guard's systems are compatible with the Navy's systems when the Coast Guard is performing national defense missions in support of the Navy. For example, the Coast Guard receives funding from the Navy to purchase and maintain equipment, such as self-defense systems or communication systems,

²⁵The Coast Guard has 11 mission areas: Search and Rescue; Marine Safety; Ports, Waterways, and Coastal Security; Illegal Drug Interdiction; Undocumented Migrant Interdiction; Defense Readiness; Other Law Enforcement; Marine Environmental Protection; Living Marine Resources; Aids to Navigation; and Ice Operations. For purposes of congressional oversight, Congress has designated five of these areas—Ports, Waterways, and Coastal Security; Drug Interdiction; Migrant Interdiction; Defense Readiness; and Other Law Enforcement—as homeland security missions in 6 U.S.C. §468.

²⁶14 U.S.C. § 1, 3.

²⁷The formal agreements include, for example, the 2004 memorandum of agreement between DOD and DHS for the inclusion of the U.S. Coast Guard in support of maritime homeland defense and the 2006 memorandum of agreement between DOD and DHS for DOD support to the United States Coast Guard for maritime homeland security.

needed to ensure the Coast Guard is prepared to carry out assigned naval warfare tasks and missions alongside Navy units.

For the Coast Guard, the source of the funding, either DHS or the Navy, determines which agency conducts the planning, requirements identification, and resource allocation for its missions. In accordance with DHS planning, programming, and budgeting guidance and approval, the Coast Guard is responsible for identifying and prioritizing requirements for its maritime defense missions and for formulating budgets and allocating resources using the funds provided through the DHS appropriation. The Navy is responsible for identifying and prioritizing requirements for the Coast Guard's national defense missions, and the Navy is also responsible for formulating budgets and allocating resources for the capabilities it provides to the Coast Guard. While DHS has oversight authority over Coast Guard acquisitions funded out of DHS's appropriations, the Navy has oversight authority over the acquisition programs it funds and provides to the Coast Guard.

An Alternative Approach to Funding the National Guard's Civil Support—Unique Capabilities Modeled after the Coast Guard

We adapted the special authorities and funding approach used by the Coast Guard to develop an alternative approach that could provide funding to prepare the National Guard for large-scale civil support missions. Under an alternative approach modeled after the Coast Guard, DHS would have authority and would provide funding to the National Guard Bureau to organize, train, and equip the National Guard with unique capabilities for civil support missions. The National Guard would maintain its existing command and control relationship for civil support operations. The National Guard's dual status as a federal military reserve under the command and control of the President and as a state militia under the command and control of the state Governors would not change. Under this approach, DHS would be responsible for identifying unique requirements for the National Guard's civil support missions that are expected to be federally funded. DHS also would be responsible for formulating budgets for, allocating resources for, and acquiring any related civil support—unique capabilities—such as personnel, training, maintenance, and equipment items. In addition, DHS would provide civilian oversight for these civil support policy and resource decisions. Similar to the Navy's relationship with the Coast Guard, DHS would not be required by law to provide funding to the National Guard for its civil support missions, but rather would do so under Secretary-level agreements between DOD and DHS, if and when it is determined that it would be mutually beneficial to do so. Moreover, DHS would be tasked to work with the National Guard and DOD to establish standards for federal

interagency integration and interoperability for civil support missions, similar to current agreements between the Coast Guard and Navy for warfighting missions.

Under this approach, DHS would provide the National Guard with funding for its civil support–unique capabilities directly from the DHS appropriation. DOD would continue to provide funding for the National Guard’s warfighting missions through its annual appropriation, including dual-use capabilities required for the National Guard’s civil support mission. For example, the National Guard would still receive DOD appropriations for military personnel, operation and maintenance, and military construction. Furthermore, DOD, through the Army and Air Force, would remain responsible for continuing to develop, identify, and prioritize requirements for and organizing, training, and equipping the National Guard for the federal warfighting mission. DOD also would maintain responsibility for formulating budgets, allocating resources, acquiring capabilities, and exercising civilian oversight over capabilities needed for the National Guard’s warfighting mission.

The 2008 NDAA Approach to Funding the National Guard’s Civil Support–Unique Capabilities

The 2008 NDAA includes provisions that may fund certain National Guard civil support capabilities, depending on how it is implemented by DOD.²⁸ This approach requires the Secretary of Defense to (1) prepare and submit to Congress a plan for coordinating the use of National Guard and active duty forces when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios; (2) develop in the plan two versions of the response to the scenarios—one using only members of the National Guard and the other using both members of the National Guard and members of the regular components of the armed forces; and (3) to include in the plan, among other things, an identification of the training and equipment needed for both National Guard personnel and active duty forces to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios. While preparing this plan, DOD is to consult with, among others, DHS and the Chief of the National Guard Bureau and receive information the National Guard Bureau gathers from Governors, Adjutants General, and other state civil authorities responsible for preparing for and responding to disasters. Additionally, the Chief of the National Guard Bureau will serve as a principal advisor to the

²⁸Pub. L. No. 110-181 §1814 (2008).

Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving the nonfederalized National Guard forces.

The 2008 NDAA also requires the Secretary of Defense to determine certain necessary civil support capabilities and develop and implement a plan to fund them.²⁹ Specifically, the Secretary of Defense, in consultation with the Secretary of Homeland Security, is to identify the military-unique capabilities that DOD needs to provide to support civil authorities during catastrophic incidents or incidents of national significance.³⁰ In addition, the 2008 NDAA directs DOD to plan, over at least a 5- year time frame, how to fund and resource these military-unique capabilities as well as any other capabilities the Secretary of Defense determines to be necessary to support the use of the active components and the reserve components of the armed forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities, and request the funds in its budget materials to implement this plan.³¹ The 2008 NDAA does not change DOD's civilian oversight over policy or resource decisions affecting the National Guard.

Another provision in the 2008 NDAA addresses reporting on the National Guard's readiness for emergencies and major disasters.³² First, the Secretary of Defense is to include in the annual report on National Guard and reserve component equipment an assessment of the extent to which the National Guard has the equipment required³³ to respond to an emergency or major disaster. The assessment is to identify shortfalls, if any, in equipment provided to the National Guard by DOD that is likely to affect the ability of the National Guard to carry out these responsibilities as well as an evaluation of the effect of any such shortfalls; and an identification of the requirements and investment strategies needed to

²⁹Pub. L. No. 110-181 §1815 (2008).

³⁰The act defines "military-unique capabilities" as those capabilities that, in the view of the Secretary of Defense, cannot be provided by other federal, state, or local civilian agencies and that are essential to provide support to civil authorities in an incident of national significance or a catastrophic incident.

³¹Pub. L. No. 110-181 §1815 (2008).

³²Pub. L. No. 110-181 §351 (2008), which amends 10 U.S.C. §10541(b) and 10 U.S.C. §482.

³³The Secretary is to assess the extent to which the National Guard possesses the equipment to perform the responsibilities under 10 U.S.C. §§331, 332, 333, 12304(b) and 12406 in response to an emergency or major disaster as such terms are defined in 42 U.S.C. §5122, the Robert T. Stafford Disaster Relief and Emergency Response Act.

reduce or eliminate equipment shortfalls—if any exist. Second, the Secretary of Defense is to begin including an assessment of the National Guard’s readiness to perform tasks required to support the National Response Plan for support to civil authorities to Congress in its quarterly reports on personnel and unit readiness. The Secretary is also required to make any information from this assessment that is relevant to the National Guard of a particular state available to that state’s Governor and to ensure that each Governor has the opportunity to provide an independent evaluation of that state’s National Guard to be included with the Secretary’s assessment. Finally, the Secretary of Defense is required to submit a report to the congressional defense committees on actions taken to implement the amendments in this section as part of the budget justification materials for fiscal years 2009 and 2010. This report is required to include a description of the mechanisms to be used by the Secretary for assessing the personnel, equipment, and training readiness of the National Guard, including standards and measures that will be applied and mechanisms for sharing information on such matters with the Governors of the states.

Guiding Principles Form a Basis for Assessing Funding Alternatives for the National Guard’s Civil Support Capabilities

Guiding principles for creating a focus on results can form a basis for efforts to develop, assess, and implement funding alternatives for the National Guard’s civil support capabilities. We identified seven guiding principles to use in assessing whether funding alternatives include the principles essential for the National Guard to be prepared to effectively fulfill its dual roles in the new security environment. We synthesized these principles from a review of GAO’s prior work examining key principles for creating a focus on results, National Guard management challenges, and emergency preparedness issues. In addition, we also examined policies and practices contained in the Goldwater-Nichols Department of Defense Reorganization Act. Specifically, funding alternatives can be examined to determine whether they: (1) maintain warfighting capability, readiness, and integration with DOD; (2) maintain or strengthen civilian control of the military; (3) involve responsible stakeholders; (4) promote improved interagency planning; (5) support the formulation of coherent budgets; (6) provide accountability and transparency; and (7) promote economy and efficiency. We also held discussions with government officials and defense and homeland security analysts to confirm that we identified the principles that are important to use in evaluating funding alternatives.

Maintain Warfighting Capability, Readiness, and Integration with DOD

The first key principle that should guide efforts to develop, assess, and implement funding alternatives for the National Guard's civil support capabilities is to maintain the National Guard's warfighting capabilities, readiness, and integration with DOD for its federal warfighting role.³⁴ The continuing importance of the National Guard's federal warfighting missions makes it important that alternatives for funding the National Guard's civil support capabilities not detract from the National Guard's federal warfighting capabilities, readiness, or its ability to integrate with its active component counterparts when performing a federal mission. Since 2001, more than 213,000 National Guard members, representing almost 46 percent of the National Guard, have been mobilized to support the federal mission, with more than 55,000 mobilized more than once.³⁵ In addition to maintaining the National Guard's ability to perform its statutorily required role as a federal reserve, this principle is also consistent with creating a focus on results. Specifically, we have previously reported that leading organizations are able to respond effectively to multiple priorities³⁶ and that agencies often face a variety of interests whose competing demands continually force policymakers and managers to balance quality, cost, stakeholder concerns, and other principles. Similarly, the National Guard needs to maintain readiness for its warfighting mission, which competes with its need to maintain readiness for its domestic civil support mission. Alternative funding approaches for the National Guard's domestic civil support needs can be examined for the degree to which they strike a balance in maintaining readiness for both its federal warfighting mission and its domestic civil support mission.

Maintain or Strengthen Civilian Control of the Military

The second key principle that should guide efforts to develop, assess, and implement funding alternatives for the National Guard's civil support capabilities is to maintain or strengthen civilian control of the military. Maintaining or strengthening civilian control of the military is a

³⁴Capabilities are defined as trained personnel and their associated equipment that are capable of achieving a desired military outcome. Readiness is achieved through the application of resources such as personnel, training, and equipment over time. Integration refers to the ability of forces to effectively operate together.

³⁵Defense Science Board, *Final Report of the Defense Science Board Task Force on Deployment of Members of the National Guard and Reserve in the Global War on Terrorism* (Washington, D.C.: Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, September 2007), p. 8.

³⁶GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1996), p. 25.

foundational principle of American democracy reflected in the constitution and is also a policy stated in the Goldwater-Nichols Department of Defense Reorganization Act. There are two general categories of civilian control: (1) command and control of forces for military operations, and (2) control over administrative matters such as the allocation of resources. The potential for sizable National Guard forces to conduct military operations in the United States highlights the need for civilian leadership to be in control of such military forces. In addition, the potential cost of building and maintaining civil support capabilities could be significant and should be subject to civilian oversight to ensure effective and efficient use of resources. Alternative funding approaches for the National Guard's civil support capabilities can be examined to determine whether they will maintain or strengthen civilian control over military operations as well as resource allocation decisions.

Involve Responsible Stakeholders to Ensure Alignment with National Plans and Strategies

A third key principle that should guide efforts to develop, assess, and implement funding alternatives for the National Guard's civil support capabilities is to involve responsible stakeholders to ensure alignment with national plans and strategies. In performing its civil support missions, the National Guard works with multiple federal and state stakeholders that have responsibilities for different aspects of emergency preparedness, such as the DHS, which has responsibility for developing national plans and strategies. Substantive involvement of these stakeholders in identifying requirements and operational responsibilities is needed to ensure a coordinated response and facilitate targeting of resources to meet critical needs. In our prior work, we have found that successful organizations base their strategic planning, to a large extent, on the interest and expectations of their stakeholders.³⁷ Stakeholder involvement is important to help agencies ensure that their efforts and resources are targeted at the highest priorities. At the federal level, stakeholders in the National Guard's civil support missions include DHS—which is responsible for developing national guidance for emergency preparedness, identifying required capabilities for the national planning scenarios, and developing a risk-management framework to guide investments—and DOD, which executes domestic military missions and military support to U.S. civil authorities. Funding alternatives for the National Guard's civil support needs can be examined to determine whether they involve stakeholders with responsibility for developing plans and strategies

³⁷ [GAO/GGD-96-118](#), p. 14.

affecting the National Guard's civil support missions, such as the states, DHS, and DOD.

Promote Improved Interagency Planning for Emergency Preparedness and Response

A fourth key principle that should guide efforts to develop, assess, and implement funding alternatives for the National Guard's civil support capabilities is to promote improved interagency planning for emergency preparedness and response. Interagency planning to identify what capabilities the National Guard will be expected to provide is critical to providing an efficient and effective response because the National Guard's response to large-scale, multistate events may involve a combination of state and local civilian authorities, National Guard forces from across the nation operating in state status with federal funding, federal civilian agencies such as the Federal Emergency Management Agency, and federal military forces operating under the command of DOD and the President. To identify the National Guard's required capabilities for civil support missions, its plans must be integrated with other responders' plans and account for the contributions expected to be made by civil authorities as well as federal military forces. Specifically, funding alternatives can be evaluated to determine to what extent they will promote interagency planning to define the following planning elements:

- the National Guard's role in the interagency division of labor for emergency preparedness and response;
- the tasks the National Guard will be expected to lead or provide to support other agencies;
- the risk-management framework that will guide strategies and investments in the National Guard's civil support capabilities;
- who will establish standards for the National Guard's equipment, skills, and capabilities for the civil support mission;
- how will readiness for the National Guard's civil support role be measured;
- what costs for building and maintaining the National Guard's civil support capabilities should be borne by federal, state, and local governments or the private sector; and
- the role of the National Guard Bureau and other multistate entities likely to be involved in identifying requirements and funding capabilities.

Support the Formulation of Coherent Budgets Based on Rigorous Requirements Analysis, Identified Capability Gaps, and Investment Priorities

A fifth principle that should guide efforts to develop, assess, and implement funding alternatives for the National Guard's civil support capabilities is to support the formulation of coherent budgets that are based on rigorous requirements analysis, identified capability gaps, and investment priorities for the National Guard's civil support mission. Having coherent budgets that are based on a rigorous analysis of requirements that identifies gaps and investment and readiness priorities for the National Guard's civil support capabilities would provide assurance that resources are aligned with priorities and capabilities are sustainable and affordable. The formulation of budgets that are linked to strategic plans, identification of capability gaps, and prioritization of investments are practices consistent with the policy of creating a more efficient use of resources as stated in the Goldwater-Nichols Act.³⁸ The funding alternatives can be examined to determine whether they support the formulation of a coherent budget for the National Guard's civil support—unique needs that are in the federal interest. Specifically, alternatives can be evaluated to determine whether they will produce fully justified budgets that program resources to meet identified requirements for the National Guard's civil support mission that were developed using a rigorous analytical process to assess requirements, identify gaps, and set investment and readiness priorities for the National Guard's civil support capabilities.

Provide Accountability and Transparency to Congress for Investments and Performance

A sixth principle that should guide efforts to develop, assess, and implement funding alternatives for the National Guard's civil support capabilities is to provide accountability and transparency to Congress for investments in the National Guard's civil support capabilities and the performance achieved in the form of civil support readiness. An important aspect of accountability is to report program cost information for investments in the National Guard's civil support—unique capabilities and information about the performance achieved in the form of civil support readiness. This reporting would provide the transparency needed for Congressional oversight by enabling decision makers to link expenditures of resources to outcomes and investments made in the National Guard's civil support capabilities—such as its personnel, training, and equipment—and the outcomes achieved from the funding provided, such as the civil support readiness levels. Funding alternatives can be evaluated

³⁸Goldwater-Nichols Department of Defense Reorganization Act of 1986, Pub. L. No. 99-433, §§ 3,153 (1986).

to determine whether they require reporting to Congress on investments made in the National Guard's civil support capabilities—such as its personnel, training, and equipment—and the outcomes achieved from the funding provided, such as the National Guard's civil support readiness levels.

Promote Economy and Efficiency

The seventh principle that should guide efforts to develop, assess, and implement funding alternatives for the National Guard's civil support capabilities is to promote economy and efficiency in building and maintaining the National Guard's civil support capabilities. A funding approach should emphasize increasing interoperability; pursuing joint solutions; eliminating unnecessary duplication in other federal, state, and local programs; promoting economies of scale; and ensuring that capabilities are only situated in the National Guard if that is the best federal solution to a requirement. This principle is consistent with one of the stated policies of the Goldwater-Nichols Act, which is to provide for a more efficient use of defense resources. The funding alternatives for the National Guard's civil support missions can be evaluated to determine the extent to which they incorporate these principles for achieving economy and efficiency.

Current Approach and Two Alternatives Do Not Fully Incorporate the Guiding Principles, while the 2008 NDAA Partially Addresses All the Principles

The current approach to funding the National Guard's civil support capabilities and the SOCOM and Coast Guard alternatives do not incorporate all of the guiding principles we identified; the 2008 NDAA approach partially addresses all the principles but how DOD implements the provisions will determine whether the new approach will yield results that are fully consistent with the principles. Our assessment shows that while the current approach promotes economy and efficiency by relying on existing warfighting equipment, it does not (1) involve responsible stakeholders to align with national plans and strategies, (2) promote integration and interoperability with civilian emergency responders, or (3) formulate a coherent budget for the National Guard's civil support needs that is based on a rigorous requirements analysis, identified capability gaps, and established investment priorities. The alternatives modeled after SOCOM and the Coast Guard would maintain the National Guard's warfighting capability, readiness, and integration with DOD, but neither is fully consistent with the guiding principles and each could pose implementation issues. While the approach contained in the 2008 NDAA has elements that address each of the principles, it is unclear whether DOD will implement the approach in a manner that is fully consistent with the principles.

The extent to which the current approach and the three funding alternatives incorporate the guiding principles varies. Figure 1 summarizes our assessment of the extent to which the current approach, the alternatives modeled after SOCOM and the Coast Guard, and the provisions of the 2008 NDAA include the guiding principles we identified as essential for the National Guard to fulfill both its federal warfighting and civil support roles effectively.

Figure 1: GAO’s Assessment of Extent to Which the Current Approach, Alternative Approaches, and the Provisions of the 2008 NDAA Include Guiding Principles

Guiding principle (approach promotes...)	Current approach	Approach modeled after SOCOM	Approach modeled after the Coast Guard	Approach in the 2008 NDAA
Warfighting readiness, and integration with DOD	●	●	●	●
Civilian control of the military	●	●	●	●
Federal stakeholder involvement to encourage alignment with national plans and strategies	○	○	●	●
Interagency planning, collaboration and coordination with federal, state, and local partners	○	○	◐	◐
Formulation of coherent budgets for the National Guard’s civil support requirements	○	●	Unclear	◐
Accountability and transparency to Congress	○	●	Unclear	◐
Economy and efficiency	◐	◐	◐	●

- Incorporates the principle to a little or no extent
- ◐ Incorporates the principle to some extent
- Incorporates the principle to a large extent

Source: GAO analysis.

Current Funding Approach Does Not Fully Include All Guiding Principles

The current approach addresses the guiding principles of maintaining warfighting readiness and civilian control, but it does not fully include the other five principles that are necessary for the National Guard to be effective in its civil support role. The current approach maintains the National Guard's warfighting capabilities, readiness, and integration with DOD for the National Guard's federal warfighting mission within available resources. DOD's planning assumption that if the National Guard is prepared for its warfighting role, it is prepared to respond to a disaster or emergency at home, focuses the department's resources on its top priority—the federal warfighting mission. Because it focuses on its warfighting missions, DOD has not developed requirements for the National Guard's civil support roles and DOD policy prohibits, unless specifically authorized by the Secretary of Defense, procuring items solely for the military assistance to civil authorities role. Furthermore, the current approach addresses the guiding principle of maintaining civilian command and control over military operations, which are provided by either Governors or the President, and over resource decisions, which are provided by the Secretaries of Defense, of the Army, and of the Air Force. These officials are charged with overseeing matters related to the National Guard, such as generating warfighting requirements, allocating resources, and managing acquisition processes for the federal warfighting mission.

However, the current approach does not incorporate five guiding principles that are important to providing the National Guard with capabilities it needs for its civil support missions. First, the current approach does not involve key stakeholders to promote alignment with national plans and strategies because it does not involve DHS, which has lead responsibility for developing the National Response Framework as well as setting investment priorities to build response capabilities, and promoting standards for integration and interoperability among emergency responders for the types of domestic missions to which the National Guard will be responding and providing support. Second, the current approach does not promote interagency planning for the National Guard's role in state-led but federally funded civil support missions. Neither DOD, DHS, nor the states are comprehensively planning for the National Guard's role in large-scale, multistate missions such as Hurricane Katrina that are likely to be federally funded. Under the current approach, interagency planning for the National Guard's role in state-led but federally funded civil support missions does not take place because the legal authorities did not assign clear responsibility for conducting planning for those missions in which there is a shared state and federal interest. As a result, important planning considerations remain undefined such as (1) how tasks will be divided among interagency partners; (2) which tasks

the National Guard will lead and support; and (3) what level of risk should guide strategic investments. Additionally, there is no explicit requirement that the National Guard's civil support capabilities be consistent with DHS efforts to promote integration and interoperability standards among emergency responders. Third, under the current approach, the formulation of coherent budgets that are supported by a rigorous requirements analysis, identified capability gaps, and investment priorities for the National Guard's federally funded civil support role does not take place. DOD's approach is for National Guard forces to respond to civil support missions with the warfighting capabilities they have on hand and not to specifically allocate resources to build and maintain capabilities for the civil support mission. Fourth, the current approach does not provide accountability and transparency to Congress for investments in the National Guard's civil support capability and outcomes resulting from that investment. As we reported in January 2007, DOD has taken some steps to measure the National Guard's domestic preparedness, but currently there are no readiness standards and measures for the National Guard's domestic civil support missions.³⁹ As a result, the extent to which National Guard units are prepared to undertake potentially challenging and important civil support missions, such as those contained in the national planning scenarios, remains unknown. Finally, while the current approach promotes economy by relying on existing warfighting equipment, it may not promote efficiency or effectiveness in civil support operations because it does not systematically generate requirements, identify capability gaps, or set investment priorities for civil support missions that are likely to be federally funded.

**Approach Modeled after
SOCOM Includes Some but
Not All Guiding Principles
and Could Pose
Implementation Issues**

The alternative approach modeled after SOCOM for funding the National Guard's civil support capabilities includes four of the seven guiding principles, but it is not fully consistent with the other three guiding principles and could pose implementation issues. First, the SOCOM approach would maintain the National Guard's warfighting capability, readiness, and integration with DOD within available resources because DOD and the services would retain responsibility for these tasks. Second, the approach would provide civilian oversight over the National Guard's efforts to establish requirements, allocate resources, and acquire civil support-peculiar capabilities through oversight by the Secretary of Defense similar to the oversight the Secretary provides for SOCOM. Third,

³⁹ [GAO-07-60](#).

the approach would support the formulation of coherent budgets because the National Guard would implement a strategic planning process to generate requirements for its civil support missions that is similar to the strategic planning process SOCOM uses to generate budgets for its unique capabilities. This process would enable the National Guard to assess its civil support requirements, identify any gaps, and set readiness and investment priorities. Fourth, the approach modeled after SOCOM would provide accountability and transparency to Congress for investments in the National Guard's unique civil support capabilities and the resulting readiness produced with this investment because it would produce fully justified budget exhibits and readiness reports to Congress.

However, the approach modeled after SOCOM did not fully include three of the guiding principles. While the approach modeled after SOCOM promotes economy and efficiency through the use of the strategic planning and acquisition processes, it does not include provisions to prevent duplicating civil support capabilities in the National Guard that can or should be provided by other federal or state responders. While the approach would seek to balance the National Guard's resources between short- and long-term needs and look for procurement solutions that are joint, standardized, and interoperable with the DOD, it would not systematically promote economy and efficiency because it does not involve civilian stakeholders, such as DHS, in identifying requirements. The involvement of these stakeholders could prevent duplicating capabilities provided by other state and local responders in the National Guard and ensure that situating the capability in the National Guard is the most efficient and effective solution. In addition, the approach modeled after SOCOM also is not consistent with the principle of involving responsible stakeholders in that it would not systematically involve non-DOD stakeholders, such as DHS and the states, to ensure the National Guard's efforts are consistent with national plans and strategies, its capabilities are integrated and interoperable with civilian responders, or that it is consistent with national investment priorities for homeland security.

Government officials and defense and homeland security analysts with whom we spoke pointed out several lessons learned from implementing SOCOM's authorities that could be useful when considering such a model for the National Guard's civil support requirements:

- The SOCOM experience demonstrated that the responsibility for providing resources for dual-use capabilities needs to be clearly defined. Officials stated that agreements between SOCOM and the

services have been invaluable in ensuring service support for common items especially during times when the services are facing budget pressures. The National Guard would need to establish similar memorandums of understanding with the Army and the Air Force in order to clearly define what dual use equipment and training the services intend to provide to the National Guard.

- Developing a strategic planning process to produce fully justified budgets takes time. Although SOCOM was established in 1987, the command did not submit fully supported budget documents until 1991.
- Determining the correct size of the acquisition workforce is important. If the National Guard Bureau is assigned responsibilities similar to those of SOCOM, it may need more personnel or personnel with different skills. The National Guard would need to conduct a manpower study similar to the study currently being conducted by SOCOM to determine the appropriate number and mix of personnel for its workforce.
- To promote economy and efficiency, the National Guard should leverage the personnel and expertise that the services can provide wherever feasible. For example, the National Guard could avoid costs by relying on the services, which have existing expertise in areas such as program management, engineering and technical services, testing and evaluation support, and logistical support that could be useful for building the National Guard's civil support capabilities.

The approach modeled after SOCOM could be modified to incorporate more of the guiding principles. In particular, the approach could be constructed to promote alignment with national plans and strategies—such as the National Strategy for Homeland Security and the National Response Framework—interagency planning, and integration and interoperability among civilian responders by requiring systematic involvement of stakeholders such as DHS and the states.

Approach Modeled after the Coast Guard Includes Some but Not All Guiding Principles and Could Pose Implementation Issues

The funding approach for the National Guard's civil support capabilities modeled after the Coast Guard's relationship with the Navy includes three of the seven guiding principles, but it only partially addresses the other four guiding principles and could pose implementation issues. First, this approach would maintain the National Guard's warfighting capability, readiness, and integration with DOD within available resources because DOD and the services would retain responsibility for these tasks. Second, the approach would also maintain or strengthen civilian control over the

National Guard because it would not change the operational command and control of the National Guard or DOD's civilian oversight over administrative resource decisions to develop its warfighting capabilities. In addition, under this alternative approach, DHS would be able to provide civilian oversight for efforts to establish requirements, allocate resources, and acquire civil support–unique capabilities for the National Guard. Third, the approach would involve responsible stakeholders and align with national plans and strategies because DHS would be responsible for identifying civil support requirements for the National Guard that are in the federal interest. Since DHS has the responsibility for working with federal, state, and local responders to identify needs and gaps, DHS would be able to identify roles and responsibilities for the National Guard that are needed to respond to the national planning scenarios that are also consistent with the National Strategy for Homeland Security and the National Response Framework. Additionally, the Coast Guard approach would promote integration and interoperability with civilian responders because DHS has responsibility for promoting standards for integration and interoperability for organizations with homeland security missions. Under this approach, DHS's funding transfers to the National Guard could address the personnel, training, and equipment needs of state National Guard units to better communicate with other federal, state, and local emergency response authorities across jurisdictional lines during a large-scale, multistate event.⁴⁰

However, this approach modeled after the Coast Guard does not fully include four of the guiding principles. First, this approach would partially address the guiding principle of promoting interagency planning, collaboration and coordination. Although DOD and DHS would engage in strategic planning for catastrophic natural disasters and terrorist events with states and federal agencies, the approach would not require DOD or DHS to conduct operational planning to identify specific capabilities the National Guard would need to fulfill its civil support missions. Second, it is not clear whether the approach would support the formulation of coherent budgets for the National Guard that use rigorous, analytical processes to assess requirements, identify gaps, and set investment priorities for the

⁴⁰In a catastrophic event, effective interoperable communications among responders is vastly more complicated than an event that is limited to a single jurisdiction or immediately adjacent jurisdictions because, as happened after Hurricane Katrina, the response involves civilian and military responders from the federal government as well as responders from various state and local governments who provide help under the Emergency Management Assistance Compact among states.

civil support role because the approach does not require DHS to develop a specific budget for the National Guard's civil support—unique needs. Third, it is unclear whether the approach would provide accountability and transparency to Congress for investments DHS makes in the National Guard's civil support—unique needs because the approach would rely on voluntary reporting and may not produce budget justification reports for Congress explaining how the funds would be used towards the National Guard's civil support mission or report on domestic readiness levels achieved with the provided funds. In addition, DOD has yet to fully define its process and measures for assessing the National Guard's domestic readiness, and DHS is still in the process of developing its own agencywide readiness system. As a result, it is unclear how DOD's efforts to measure the National Guard's readiness for its domestic civil support missions would be integrated into DHS's larger effort to measure national preparedness. Finally, the approach modeled after the Coast Guard does not fully incorporate the principle of promoting economy and efficiency. The approach encourages economy by creating an incentive for DHS to provide funding to situate capabilities in the National Guard only if they determine it is the most effective and efficient solution to a civil support capability gap that is in the federal interest. However, the approach does not fully promote efficiency because it does not require DHS to consult with DOD or the National Guard Bureau or obtain their advice and expertise on how to best leverage existing DOD and National Guard capabilities that could be used for civil support missions and make the best use of existing federal investments in the National Guard.

Government officials and defense and homeland security analysts with whom we spoke pointed out some potential issues that could arise in implementing the funding approach modeled after the Coast Guard:

- DHS's existing processes to determine requirements are not yet fully developed and may not be able to fully perform the type of detailed planning needed to identify specific personnel, training, and equipment requirements for the National Guard for several years.
- This approach would establish the National Guard as a new competitor for DHS's emergency preparedness funds, and this competition would have an effect on both the National Guard and other DHS agencies. For example, under this approach DHS might reallocate resources intended for the National Guard to other departmental priorities, such as border security, transportation security, and immigration and customs

enforcement.⁴¹ Conversely, DHS funding for the National Guard could reduce funds available for other DHS agencies and for the DHS grant program to build state and local preparedness.

The funding alternative modeled after the Coast Guard could be modified to include more of the guiding principles by requiring the National Guard Bureau to be involved in generating the National Guard's civil support requirements. The National Guard Bureau could advise DHS on how to leverage the existing federal investment in the National Guard's warfighting capability to achieve greater economy as well as to improve interagency planning for the National Guard's role in domestic missions. In addition, involving the National Guard Bureau in determining its civil support requirements could also provide valuable military planning expertise to DHS as it begins to develop a requirements process for the domestic emergency preparedness mission. Furthermore, although the approach modeled after the Coast Guard assumes that DHS would not be required by law to fund the National Guard, the Congress could modify the approach to require DHS to fund the National Guard's civil support capabilities and produce fully justified budgets for the National Guard's civil support mission requirements.

Approach in the 2008 NDAA Addresses All of the Guiding Principles in Part, but Cannot Be Fully Assessed Until DOD Implements Its Provisions

The approach established by the provisions in the 2008 NDAA addresses, at least in part, all the guiding principles we identified as essential for the National Guard to be prepared to effectively fulfill its dual roles, but it is unclear whether DOD's implementation of the act's provisions will yield results that are fully consistent with the guiding principles.⁴² First, this approach maintains civilian control over the National Guard because it does not include any changes to operational command and control of National Guard forces during domestic civil support missions. In addition, the approach maintains civilian administrative control over resource decisions because it gives the Secretary of Defense responsibility for generating requirements and allocating resources for DOD's—which includes the National Guard's—civil support requirements.

⁴¹DHS funding could be directed to other departmental priorities among the components, such as: the Directorate of Science and Technology, the Domestic Nuclear Detection Office, the Transportation Security Administration, United States Customs and Border Protection, and United States Immigration and Customs Enforcement.

⁴²We did not consult with government officials and defense and homeland security analysts about our assessment of its provisions because the 2008 NDAA became a public law late in our review.

Second, the approach promotes the involvement of responsible stakeholders by including provisions to involve state, National Guard Bureau, and DHS officials in planning to identify the capabilities the National Guard will need for its civil support missions. According to the 2008 NDAA provisions, the President shall establish a Council of Governors to advise the Secretary of Defense on matters related the National Guard and civil support missions.⁴³ The act also directs the Secretary to consult with the Secretary of Homeland Security, the Chief of the National Guard Bureau, and others as DOD plans for coordinating both the National Guard and members of the armed forces when responding to natural disasters, acts of terrorism and other man-made disasters as identified in the national planning scenarios. In addition, DOD is directed to consult with DHS as it determines its civil support requirements, and develop and implement a plan and budget request for the military-unique capabilities DOD—which includes the National Guard—needs to support civil authorities in an incident of national significance or a catastrophic incident. However, it is unclear whether DOD’s implementation of the act’s provisions will yield results that are fully consistent with the guiding principles. For example, it is unclear whether DOD’s consultations with DHS will result in the alignment of DOD’s planned investment priorities for the National Guard’s civil support capabilities, if any, with DHS’s risk-management framework for emergency preparedness and response. Similarly, it is unclear whether the extent of coordination and consultation between DOD and DHS will be sufficient to promote the goal of integration and interoperability within the civilian responder community.

Third, the 2008 NDAA includes provisions that partially promote accountability and transparency over investments in the National Guard’s civil support needs because it directs DOD to include, in its annual budget submission, funding requests for military-unique capabilities DOD needs to be able to provide to support civil authorities. The approach also includes additional reporting requirements that will aid Congress in its oversight role. Specifically, DOD is to report annually⁴⁴ on: whether the National Guard has any equipment shortfalls likely to affect its ability to perform its

⁴³Pub. L. No. 110-181 §1822 (2008).

⁴⁴Section 351 of the 2008 NDAA amended 10 U.S.C. §10541(b) by adding these reporting requirements to the requirements for DOD’s annual report on the National Guard and reserve component.

responsibilities⁴⁵ in an emergency or major disaster, the effect of any shortfalls on the National Guard's capacity to respond, and DOD's requirements and investment strategies to reduce or eliminate shortfalls. In addition, DOD is required to include reports on the National Guard's readiness to perform tasks required to support civil authorities during events envisioned by the National Response Plan in its quarterly reports on personnel and unit readiness.⁴⁶ However, until DOD implements these provisions, it is not clear to what extent DOD's readiness reporting will address the National Guard's readiness for large-scale, multistate missions that are state-led but federally funded.

Fourth, the approach creates incentives to promote economy and efficiency in several ways. The approach seeks to avoid duplicating capabilities of other responders by requiring DOD to identify military-unique capabilities that cannot be provided by other federal, state, or local civilian agencies. Additionally, the approach seeks to ensure these requirements are in the federal interest by requiring DOD to determine whether they are essential for providing civil support in an incident of national significance or catastrophic incident—support that is likely to be federally funded. Furthermore, the approach creates an incentive for DOD to rely on dual-use solutions that maximize the use of warfighting capabilities because it requires DOD to fund military-unique capabilities out of its budget. Lastly, by making DOD responsible for determining requirements, the approach would promote economy and efficiency overall by leveraging DOD's existing processes that seek to evaluate options for providing needed capabilities, such as implementing changes to its organization or training or considering the need to acquire new items.

However, DOD's implementation will determine the extent to which the approach yields results that are consistent with the guiding principles. First, until DOD's implementation occurs, it is not clear the extent to which the National Guard's warfighting capability, readiness, and integration with DOD will be maintained. DOD, which has primary

⁴⁵The Secretary is to assess the extent to which the National Guard possesses the equipment to perform the responsibilities under 10 U.S.C. §§331, 332, 333, 12304(b) and 12406 in response to an emergency or major disaster as such terms are defined in 42 U.S.C. §5122, the Robert T. Stafford Disaster Relief and Emergency Response Act.

⁴⁶Section 351 of the 2008 NDAA amended 10 U.S.C. § 482 by adding this requirement. Since the act was written, DHS has published a new National Response Framework which replaces the National Response Plan.

responsibility for the warfighting mission, is in charge of implementing the new provisions to identify requirements and fund DOD's—which includes the National Guard's—military-unique capabilities for civil support. However, at this time, it is unclear what the nature and extent of the military unique requirements will be and the extent to which DOD will be able to rely on dual-use forces and equipment to fulfill them. To the extent that DOD identifies requirements for military-unique capabilities that can not be filled with its existing warfighting capabilities, there is potential for these new civil support-unique requirements to compete with DOD's warfighting priorities, and it is unclear how DOD will balance these priorities while maintaining the National Guard's preparedness for both missions. Second, until DOD implements the new approach, it is not clear whether the approach in the 2008 NDAA will result in the formulation of coherent budgets for the National Guard's civil support requirements. While the NDAA directs DOD to include funding requests for certain civil support capabilities in the annual budget submission, it does not require DOD to develop a specific budget for the National Guard's civil support requirements in state-led but federally funded missions. In addition, it is not clear how DOD will involve the National Guard, even though the Chief of the National Guard Bureau has been designated as a principal advisor on matters involving nonfederalized National Guard forces, in determining military-unique civil support requirements and funding priorities. Third, several provisions of the approach promote interagency planning, collaboration, and coordination by requiring DOD to consult with DHS and by providing a mechanism through the Council of Governors to provide advice to the federal stakeholders about the National Guard and its civil support missions. However, until DOD implements these provisions, the extent to which DOD will consider the input its interagency partners provide and align its efforts to build the National Guard's capabilities with national plans, strategies, and integration standards for the National Guard's civil support missions will remain unclear.

Conclusions

Planning and funding for the National Guard's civil support missions has traditionally been considered a state responsibility, although the states have relied on the warfighting capabilities provided to the National Guard by DOD to perform these missions. However, since September 11, 2001, the National Guard has played a key role in responding to catastrophic natural disasters and homeland security-related events of national significance, demonstrating the shared interest of the states and federal government in preparing the National Guard to conduct these civil support missions as efficiently and effectively as possible. The absence of rigorous planning to determine the personnel, training, and equipment the National

Guard would need to respond to events that are likely to be state-led but federally funded means that the nation does not know the extent to which the National Guard is adequately prepared for its crucial role. Until DOD completes the planning and develops a funding request for civil support capabilities as required by the 2008 NDAA, it is not clear to what extent its plan and funding request will provide the National Guard with the capabilities it requires for its role in state-led but federally funded missions. This could place the nation at risk of having a key part of its safety net less prepared than it should be in the event of a terrorist attack or catastrophe affecting the American people at home.

While the funding approach for the National Guard's civil support needs contained in the 2008 NDAA addresses to some extent all of the guiding principles we identified as important to preparing the National Guard for its dual roles, it is not clear how DOD will implement some of its provisions. Specifically, until the Secretary of Defense assesses DOD's civil support requirements, determines the capabilities it needs to provide, if any, and develops and implements a plan to provide these capabilities, the National Guard may not be adequately prepared for its critical civil support role. An effective and efficient National Guard that is fully prepared to respond to civil support missions may reduce the demand for federal forces, which are currently in high demand for overseas missions. Furthermore, in the absence of an assessment of how DOD's planned investment priorities for its civil support capabilities align with DHS's risk-management framework for emergency preparedness and response and its standards for integration and interoperability, DOD may be unable to make the best use of existing federal investments in the National Guard. Integration of the National Guard's capabilities with those of civil authorities as well as federal military forces is critical to providing an efficient and effective response. Finally, without input, advice, and expertise from state and federal stakeholders such as DHS and the National Guard Bureau, DOD may be unable to leverage existing DOD and National Guard capabilities that could be used for civil support missions efficiently and effectively. DOD's involvement of these stakeholders can help DOD ensure that its efforts and resources are targeted at the highest priorities, while helping the department balance its competing demands against available resources. Since DOD has not yet begun implementing the 2008 NDAA, it is too early to determine whether the 2008 NDAA will yield results fully consistent with the guiding principles. Until an approach is implemented that is consistent with the guiding principles, the National Guard may not be prepared to effectively and efficiently fulfill its dual state and federal roles.

Recommendations for Executive Action

To assist congressional oversight, we recommend that the Secretary of Defense include information in materials accompanying its fiscal year 2010 budget submission on the steps the department has taken to incorporate the guiding principles in its implementation of the provisions contained in the National Defense Authorization Act for Fiscal Year 2008. Specifically, DOD should include information on

(1) the analytical process used to formulate the department's funding request for the capabilities needed to support civil authorities in an incident of national significance or a catastrophic incident including how it identified requirements, assessed capability gaps, and set investment priorities; and

(2) its assessment of the extent to which DOD's civil support investment priorities are consistent with DHS's risk-management framework for emergency preparedness and response and DHS efforts to promote standards for integration and interoperability among civilian responders.

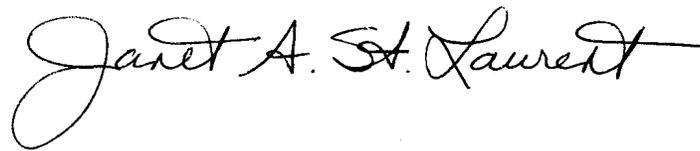
Agency Comments and Our Evaluation

The Assistant Secretary of Defense for Reserve Affairs provided written comments on a draft of this report, which are reprinted in their entirety in appendix II. DOD also provided technical comments which we have included as appropriate. In general, DOD agreed with our recommendations. It agreed to provide information on the analytical process used to formulate DOD's civil support funding request with the 2010 budget submission. However, in its comments, DOD noted that an assessment of how DOD civil support investment priorities are consistent with DHS's risk-management framework can be provided to the extent that DHS has articulated its risk-management framework and DOD agrees with that framework. DHS reviewed the draft and did not provide comments.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution of it until 30 days from its date. At that time, we will send copies of this report to interested congressional committees; the Secretary of Defense; and the Director, Office of Management and Budget. We will also make copies available to others upon request. In addition, this report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you have any questions about this report, please contact me at (202) 512-4402. Contact points for our offices of Congressional Relations and Public Affairs may be found on the last page of this report. Major contributors to this report are listed in appendix III.

Sincerely yours,

A handwritten signature in black ink that reads "Janet A. St. Laurent". The signature is written in a cursive style with a large, looping initial "J".

Janet A. St. Laurent
Managing Director, Defense Capabilities and Management

Appendix I: Scope and Methodology

To conduct our work, we analyzed data, reviewed documentation, and interviewed officials from the Department of Defense's (DOD) Office of the Assistant Secretary of Defense for Reserve Affairs, the Office of the Assistant Secretary of Defense for Homeland Defense and Americas Security Affairs, the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, U.S. Special Operations Command (SOCOM), the National Guard Bureau, the Army National Guard, the Air National Guard, and the State Adjutants General of Oregon and Washington. In addition we analyzed data, reviewed documentation and interviewed officials from the Department of Homeland Security's (DHS) Military Advisor's Office, Office of Operations Coordination, and Office of the Chief Financial Officer and the Coast Guard's Office of Cutter Forces and the Directorate for Planning, Resources, and Procurement. We also consulted with defense and homeland security analysts at the Center for American Progress, the Center for a New American Security, the Center for Strategic and International Studies, the Heritage Foundation, the National Emergency Management Association, and the National Governors Association.

To identify the extent to which key federal stakeholders have undertaken planning to determine the capabilities the National Guard needs for its state-led but federally funded civil support role, we reviewed our prior work examining National Guard domestic equipment requirements and readiness, catastrophic disaster response, and the military response to Hurricane Katrina. To determine the extent of DOD planning for the National Guard's role in large-scale multistate events that are state-led but federally funded, we reviewed DOD strategy, policy, and planning documents including DOD's Strategy for Homeland Defense and Civil Support; DOD Directive 3025.1, Military Support to Civil Authorities; and The Illustrative Homeland Defense and Civil Support Multi-Service Force Deployment, Civil Support Annex, Volume I. In addition, we reviewed reports and hearing transcripts of the Commission on National Guard and Reserves. To determine the extent of DHS planning for the National Guard's role in large-scale multistate events that are federally funded, we reviewed key strategy and planning documents including the 2007 National Strategy for Homeland Security, the DHS National Response Framework, the Homeland Security Council's National Planning Scenarios, and the DHS Nationwide Plan Review Phase 2 Report. To determine the extent of state planning for the National Guard's role in large-scale multistate events that are federally funded, we reviewed our prior work examining National Guard domestic equipment requirements and readiness, National Guard Regulations, such as NGR 500-1 Military Support to Civil Authorities, and interviewed officials responsible for reviewing state National Guard plans

at the National Guard Bureau. In addition, we reviewed laws and legislative histories governing the National Guard and its civil support role and discussed these with the DOD General Counsel and the National Guard Bureau Office of the Judge Advocate.

To determine the funding approach currently used for the National Guard's civil support capabilities and how the alternative funding approaches—modeled after SOCOM and the Coast Guard—could be applied to the National Guard, we reviewed documents, interviewed government officials and defense and homeland security analysts listed above, and analyzed information on National Guard, SOCOM, and Coast Guard roles and responsibilities for identifying capability requirements, allocating resources, and acquiring capabilities. We analyzed information on the two SOCOM and Coast Guard models and developed proposals for how similar roles and responsibilities for identifying requirements, allocating resources, and acquiring capabilities could be applied to the National Guard to build the National Guard's civil support capabilities that are in the federal interest. In addition, we reviewed the National Defense Authorization Act for Fiscal Year 2008 to identify the roles and responsibilities set forth in the act for planning and funding for the National Guard's civil support capabilities.

To determine what guiding principles should be considered when developing, assessing, and implementing alternatives for the National Guard's capabilities for its state-led but federally funded civil support missions, we consulted internal GAO stakeholders, performed content analysis of GAO guidance and prior work examining best practices in enhancing and sustaining collaboration among federal agencies, achieving results-oriented government, and internal controls. In addition, we reviewed key findings from our recent work examining National Guard and emergency preparedness issues. We then synthesized the findings of these reports and guidance to develop seven guiding principles relevant to the audit objectives. We discussed and refined these guiding principles based on our discussions with government officials and defense and homeland security analysts. We used professional judgment and audit liaison assistance to identify government officials from DOD and DHS with knowledge of National Guard civil support issues. We identified the government officials and defense and homeland security analysts with expertise on the National Guard, Coast Guard, Special Operations, and homeland security by researching defense and homeland security databases, conducting Web searches, and reviewing published writings to identify individuals with background relevant to the audit objectives. We used a standard set of questions to interview each of the government

officials and defense and homeland security analysts to ensure we consistently discussed the seven guiding principles, the current National Guard funding approach, and the alternatives modeled after those used by SOCOM and the Coast Guard.

We then assessed the current National Guard funding approach, the two alternatives modeled after the SOCOM and the Coast Guard, and the provisions of the National Defense Authorization Act for Fiscal Year 2008 against the guiding principles we developed. To refine our analysis, we consulted with the government officials and defense and homeland security analysts identified above using a standard set of questions to obtain their opinions on the extent to which the current approach and the proposed alternatives are consistent with the guiding principles for creating a focus on results. Because the National Defense Authorization Act for Fiscal Year 2008 became public law late in our review, we used our professional judgment to assess the act's provisions and did not consult with government officials and defense and homeland security analysts on our assessment.

We conducted our review from February 2007 to April 2008 in accordance with generally accepted government auditing standards.

Appendix II: Comments from the Department of Defense



RESERVE AFFAIRS

ASSISTANT SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1500

APR 02 2008

Ms. Janet A. St. Laurent
Managing Director, Defense Capabilities and Management
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Ms. Laurent,

This is the Department of Defense (DoD) response to the GAO draft report, GAO-08-311, "HOMELAND SECURITY: Enhanced National Guard Readiness for Civil Support Missions May Depend on DoD's Implementation of the Provisions of the 2008 National Defense Authorization Act," dated March 4, 2008 (GAO Code 350938).

DoD appreciates the opportunity to review and comment on the draft report. The Department partially concurs with the recommendation. Detailed comments are attached. For further questions please contact the primary action officer within DoD for this report, LTC John Fortune. He can be reached at (703) 693-2229.

Sincerely,

for John D. Whitt
T. F. Hall

Attachment:
As stated



GAO DRAFT REPORT – DATED MARCH 4, 2008
GAO CODE 350938 /GAO-08-311

**"HOMELAND SECURITY: Enhanced National Guard Readiness for Civil Support
Missions May Depend on DoD's Implementation of the Provisions of the 2008 National
Defense Authorization Act"**

**DEPARTMENT OF DEFENSE COMMENTS
TO THE RECOMMENDATION**

RECOMMENDATION 1: The GAO recommends that the Secretary of Defense include information in materials accompanying its FY 2010 budget submission on the steps the Department has taken to incorporate the guiding principles in its implementation of the provisions contained in the National Defense Authorization Act of FY 2008. Specifically, DoD should include information on:

(1) the analytical process used to formulate the Department's funding request for the capabilities needed to support civil authorities in an incident of national significance or catastrophic incidents including how it identified requirements, assessed capability gaps, and set investment priorities; and

(2) its assessment of the extent to which DoD's civil support investment priorities are consistent with Department of Homeland Security's risk management framework for emergency preparedness and response and Department of Homeland Security efforts to promote standards for integration and interoperability among civilian responders.

DOD RESPONSE: Overall, the Department partially concurs with the recommendation.

Concur with Part 1. The information can be provided with the 2010 budget submission to describe formulation of the budget request for civil support.

Partially Concur with Part 2. An assessment of how DoD Civil Support investment priorities are consistent with the Department of Homeland Security's risk management can be provided to the extent that the Department of Homeland Security has articulated their risk management framework, and to the extent DoD agrees with that framework.

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Janet A. St. Laurent, (202) 512-4402 or stlaurentj@gao.gov

Acknowledgments

In addition to the person named above, Margaret Morgan, Assistant Director; Renee Brown; Eugene Gray; Nicole Harms; Shveta Khanna; Stephanie Moriarty; Jay Smale; John Van Schaik; and Suzanne Wren made major contributions to this report.

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Homeland Defense: U.S. Northern Command Has Made Progress but Needs to Address Force Allocation, Readiness Tracking Gaps, and Other Issues. [GAO-08-251](#). Washington, D.C.: forthcoming.

Defense Acquisitions: An Analysis of the Special Operations Command's Management of Weapon System Programs. [GAO-07-620](#). Washington, D.C.: June 28, 2007.

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