

## Testimony – Accessibility

Good morning. Thank you for the opportunity to address this National Commission on the future of the Army. I am MG Livingston, the Adjutant General for the state of South Carolina and today, I am speaking in my capacity as South Carolina's senior military officer. I am not on active duty orders and no one in the Defense Department has seen, reviewed or approved my remarks.

Despite overwhelming evidence to the contrary, rumors continue to surface about issues with Army National Guard accessibility. I want to briefly address this issue by examining the facts. First I'll review the National Guard's track record with regards to Requests for Forces. Then I will briefly review DOD policy and General Grass's "All In" memo as well as existing statutes that provide multiple avenues for accessing Guardsmen. I'll conclude with a review of unrecognized contributions—those global and domestic missions we perform which count not as deployed time, but as dwell time. All of these facts together will paint a clear picture of unhindered accessibility to the Army National Guard to conduct both state and federal missions.

Any claims of Guard inaccessibility should be accompanied by an example of Guard inaccessibility. I have neither seen nor am I aware of any such example. The reality of our track record is simple. Since 9-11, the Army National Guard has filled every Request for Forces and performed every subsequently assigned

## Testimony – Accessibility

mission. Period. Absent evidence of refused requests, claims of inaccessibility ring hollow.

Despite our unblemished record filling RFFs, some point to the Department of Defense's Utilization of the Total Force policy as evidence of Guard inaccessibility. This is the policy that implemented a one year mobilized to five years dwell, usually stated as "one to five mobilization to dwell," planning factor for Reserve Component soldiers. There are two main points I wish to make about this policy. The first point is that, according to our friends at RAND, 50% of Army Guardsmen with at least six years of service exceed the DOD's planning factor. Additionally, the much vaunted All-In Memo, signed by General Grass and agreed upon by the Adjutants General, commits the Guard to more frequent rotations using deploy to dwell instead of mobilization to dwell calculations. For sustained operations we have agreed to a "one to four" deploy to dwell, and for unplanned contingency operations a "one to two" deploy to dwell. For national emergencies we will be—as we always have been—available up to the maximum limits of presidential or congressional authorities.

Even when it's *not* a national emergency, the National Guard wants to be involved. The Air Force Commission discovered that the Airmen they interviewed—from the most senior to the most junior—told the Commission of untapped potential in the Guard. They repeatedly said they'd provided what they'd

## Testimony – Accessibility

been *asked* to provide—rather than the full limit of what they *could* provide. But just like the Air Force Commission discovered—I can confirm that our Guardsmen are not telling me they’ve been deployed too often as a peacetime rotation force. I suspect you’ve discovered a similar theme when talking with our soldiers.

And when we are called up, none of the presidential and congressional mobilizations require consent of the Governor, nor does the use of 12304b require such consent. The fact is, Title 10 of the United States Code provides full access to the Guard through a robust suite of activation authorities and Governors have direct access to the Guard through State Active Duty.

In contrast to the very clear legal avenue for Governors to utilize their Guardsmen for domestic operations, claims of Title 10 accessibility for homeland response missions require a careful look at the substantial legal limits on the type of missions that Title 10 forces can perform when conducting these operations.

Although DODI 3025.18 allows Title 10 forces to respond and augment Title 32 forces conducting DOMOPS operations, that authority comes with significant restrictions. Even under immediate response authority Title 10 forces are prohibited from taking any actions that “subject civilians to the use of military power that is regulatory, prescriptive, proscriptive, or compulsory”. For example, Title 10 forces cannot be used in security operations, historically the largest mission set in disaster response. Two separate assessment of pre-scripted mission

## Testimony – Accessibility

requirements for hurricane response show that Title 10 forces can legally conduct only 46% of probable mission types. Similar restrictions in other missions limit the value of Title 10 forces in an emergency and highlight the value of Title 32 response and the National Guard's preeminent role as the military's first and largest responder to Domestic operations.

Also, the mere ability to access Title 10 forces in an emergency is not a guarantee of effective response. National Guardsmen frequently participate in exercises and drills specifically designed to prepare them for disaster response *in their hometowns*. Guardsmen leverage long-term relationships with local politicians and civilian first responders. Guardsmen are familiar faces in county Emergency Operation Centers. Guardsmen know the terrain. A Guardsman know that Third Street always floods in a hard rain, and that Mrs. Smith lives by herself and has no car to evacuate. Guardsmen bring a local's knowledge and passion to disaster response. It is an invaluable part of our success in all manners of disasters. A warm Title 10 body that has not spent the time building the relationships and partnerships that underpin our response efforts, and that cannot by statute perform a majority of required mission sets might be accessible, but there's no reason to believe he will be as effective as a National Guardsman.

We can't talk about accessibility without mentioning dwell. For the National Guard, accessibility does not end when dwell begins. Any Guardsman not that is

## Testimony – Accessibility

not involuntarily mobilized is in dwell. So, at least for the National Guard, dwell does not imply inactivity. Every day Army Guardsmen are engaged in vital global and domestic missions that is regarded as dwell time. So let me describe what dwell looks like to a soldier in the Army National Guard.

Since 9/11 Army Guardsmen have been called up in support of almost 25,000 DOMOPS missions utilizing over 10 million man days. That equates to over 1950 soldiers working every day for 14 years—all in dwell. Last month alone the Army National Guard utilized over 31,000 man-days performing Domestic Operations—all while in dwell status.

The 100 plus Guardsmen securing our southwest border—are in dwell. The 1500 Guardsmen on the Counter Drug Task Force—dwell. The Guardsmen fighting wildfire in California—dwell. The Civil Support Teams responding to incidents—dwell. The Iowa Guardsmen responding to the Avian Flu outbreak—dwell. The Army Guard conducted thirteen domestic search and response missions last month—all in dwell. The Guardsmen performing Key Asset Protection today—they're in dwell.

The thousands of Guardsmen that responded to Super Storm Sandy, and Hurricane Katrina, and the Deepwater Horizon Oil Spill, and Mississippi River floods, and the Boston Marathon bombing, and the rioting in Baltimore and Ferguson—that's all dwell.

## Testimony – Accessibility

Our dwell commitments are not only in the domestic arena, but include global operations that support the requirements and objectives of the combatant commanders. In 2014, over 9400 soldiers conducted Global partnership missions in support of COCOMs—all in dwell. Perhaps the most significant of these missions is the National Guard’s State Partnership Program. The Guardsmen that supported over 700 State Partnership Program events—many of them conducted overseas—for our 74 partner nations—they were in dwell.

I suspect none of these guardsmen think of themselves as inaccessible. I bet the people whose lives they saved and whose families they protect don’t think the Guard is inaccessible. The Guard is accessible—all you have to do is ask—we’ve never said “No.”

If the Army has not adequately utilized the Guard adequately via existing authorities such as 12304b is not an accessibility problem, it is a budgeting issue. Addressing this very matter, the National Commission on the Structure of the Air Force recommended that the Air Force should *“include in all future budget submissions a specific funding line for ‘operational support by the Air Reserve Component’ to clearly identify those funds programmed for routine periodic employment of the ARC either as volunteers or under the authority of 12304b.”* They went on to recommend that the Air Force budget 15,000 man years annually

## Testimony – Accessibility

in order to take full advantage of ADOS and 12304b. We believe a similar emphasis in the Army would be worthy of further analysis.

In conclusion, the Army National Guard is accessible to our federal and state governments. Since 9/11 the National Guard has filled every request for forces—at home and overseas—and is easily mobilized via existing statutes and could be used more via increased use of 12305b and ADOS. The one to five mobilization to dwell rate cited as evidence against ARNG accessibility is rendered obsolete by the General Grass's All-In memo. We conduct thousands of missions annually, such as domestic security operations, domestic response operations and global missions supporting COCOM requirements that are not captured in deployment to dwell equations.