

# TWENTY YEARS OF EVOLUTIONARY CHANGE IN THE DEPARTMENT OF DEFENSE'S CIVIL SUPPORT MISSION

A Monograph

by

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Over the last twenty years, the Department of Defense's response enterprise for civil support missions has experienced evolutionary change and almost exponential growth. Three events served as the catalysts for the changes; the Tokyo Subway Sarin Gas attack, the 9/11 attacks, and Hurricane Katrina. Each event exposed critical shortfalls in the nation's, as well as DOD's, ability to respond to a domestic catastrophe in enough time to produce a life-saving effect.

Once derived solely from warfighting capabilities that could be applied to domestic assistance, DOD now maintains Title 10 and Title 32 units, teams, and task forces specifically designed for civil support missions. Not only are DOD's capabilities split among two different governing Federal statutes, the Department has created a dichotomy in its response enterprises, one designed specifically to respond to a catastrophic CBRN incident and one to respond to incidents without a CBRN element. DOD can no longer afford to maintain this dichotomy, in part because of the duplicity of the capabilities involved and also because the dichotomy is not in line with current DOD strategy and doctrine for an all-hazards approach to civil support.

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## ABSTRACT

TWENTY YEARS OF EVOLUTIONARY CHANGE IN THE DEPARTMENT OF DEFENSE'S CIVIL SUPPORT MISSION, by LTC Michael R. Anderson, 65 pages.

Over the last twenty years, the Department of Defense's response enterprise for civil support missions has experienced evolutionary change and almost exponential growth. Three events served as the catalysts for the changes; the Tokyo Subway Sarin Gas attack, the 9/11 attacks, and Hurricane Katrina. Each event exposed critical shortfalls in the nation's, as well as DOD's, ability to respond to a domestic catastrophe in enough time to produce a life-saving effect.

Once derived solely from warfighting capabilities that could be applied to domestic assistance, DOD now maintains Title 10 and Title 32 units, teams, and task forces specifically designed for civil support missions. Not only are DOD's capabilities split among two different governing Federal statutes, the Department has created a dichotomy in its response enterprises, one designed specifically to respond to a catastrophic CBRN incident and one to respond to incidents without a CBRN element. DOD can no longer afford to maintain this dichotomy, in part because of the duplicity of the capabilities involved and also because the dichotomy is not in line with current DOD strategy and doctrine for an all-hazards approach to civil support.

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## ACRONYMS

ADP	Army Doctrine Publication
C2	Command and Control
C2CRE	Command and Control CBRN Response Element
CBIRF	Chemical Biological Incident Response Force
CBRN	Chemical, Biological, Radiological, and Nuclear
CBRNE	Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive
CCDR	Combatant Commander
CCMRF	CBRN Consequence Management Response Force
CERFP	CBRN Enhanced Response Force Package
CJSC	Chairman Joint Chiefs of Staff
DART	Domestic All-hazard Response Team
DCE	Defense Coordinating Element
DCO	Defense Coordinating Officer
DCRF	Defense CBRN Response Force
DHS	Department of Homeland Security
DOD	Department of Defense
DODD	Department of Defense Directive
DSC	Dual Status Commander
DSCA	Defense Support of Civil Authorities
EMAC	Emergency Management Assistance Compact
ESF	Emergency Support Function
EXORD	Execute Order
FEMA	Federal Emergency Management Agency
FM	Field Manual
FRP	Federal Response Plan
GAO	Government Accountability Office

HRF	Homeland Response Force
HSPD	Homeland Security Presidential Directive
JFHQ-NCR	Joint Force Headquarters – National Capitol Region
JFLCC	Joint Force Land Component Command
JFO	Joint Field Office
JP	Joint Publication
JTF-CS	Joint Task Force-Civil Support
JTF-NCR	Joint Task Force – National Capitol Region
MACA	Military Assistance to Civil Authorities
MSCA	Military Support to Civil Authorities
NCR	National Capitol Region
NGB	National Guard Bureau
NIMS	National Incident Management System
NLD	Nunn-Lugar-Domenici
NMCC	National Military Command Center
NPS	National Planning Scenario
NRF	National Response Framework
NRP	National Response Plan
OSD	Office of the Secretary of Defense
PDD	Presidential Decision Directive
PFO	Principle Federal Official
PMSA	Pre-Scripted Mission Assignment
PTDO	Prepare To Deploy Order
PPD	Presidential Policy Directive
QDR	Quadrennial Defense Review
RAID	Rapid Assessment and Initial Detection
SecDef	Secretary of Defense

TCL	Target Capabilities List
USARNORTH	US Army North
USJFCOM	US Joint Forces Command
USNORTHCOM	US Northern Command
UTL	Universal Task List
WMD	Weapon of Mass Destruction
WMD-CST	Weapon of Mass Destruction Civil Support Team

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## INTRODUCTION

Do we need a larger DOD role — *or just a smarter one?*<sup>1</sup>

*-A Failure of Initiative*

In the most recent published guidance to the military, *Sustaining U.S. Global Leadership: Priorities for 21<sup>st</sup> Century Defense*, the President along with the Secretary of Defense (SecDef) listed ten mission areas in which the Department of Defense (DOD) and the Joint Force “will need to recalibrate its capabilities and make selective investments” in order to succeed in protecting U.S. national interests and achieve the objectives set for in the 2010 National Security Strategy.<sup>2</sup> One of those ten mission areas is to defend the homeland and provide support to civil authorities. The straightforward simplistic guidance issued concerning civil support was not a substantive change from previously published documents:

We will also come to the assistance of domestic civil authorities in the event such defense fails or in the case of natural disasters, potentially in response to a very significant or even catastrophic event. Homeland defense and support of civil authorities require strong, steady-state force readiness<sup>3</sup>

The 2010 Quadrennial Defense Review (QDR) recognizes that even with the creation of the Department of Homeland Security,

the role of the Department of Defense in defending the nation against direct attack and in providing support to civil authorities, potentially in response to a very significant or even catastrophic event, has steadily gained prominence.<sup>4</sup>

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<sup>1</sup> Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina U.S. House of Representatives, *A Failure of Initiative* (Washington, D.C.: U.S. Government Printing Office, 2006), 16.

<sup>2</sup> U.S. Department of Defense, *Sustaining U.S. Global Leadership: Priorities for the 21st Century Defense* (Washington D.C., January 2012), 4.

<sup>3</sup>*Sustaining U.S. Global Leadership*, 5.

<sup>4</sup> U.S. Department of Defense, *Quadrennial Defense Review (QDR) Report* (Washington D.C., February 2010), 18.

In order to meet anticipated future civil support requirements, the QDR identified a need for DOD to make capability enhancements in order to field faster, more flexible consequence management response forces. This effort was geared to adjusting the specialized consequence management response forces for a Chemical, Biological, Radiological, Nuclear, and High-yield Explosive (CBRNE) event. However, the 2010 QDR also recognized that the “United States must also be prepared to respond to a full range of potential natural disasters.”<sup>5</sup> The current fiscal environment now tempers the efforts identified in the 2010 QDR and those outlined in *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*. As the United States puts its fiscal house in order, the DOD is facing mandatory reductions in its budget.<sup>6</sup> Typically, budget reductions translate into reductions in capabilities or capacity. Even though civil support is one of ten “primary” missions of the U.S. Armed Forces, it would be naïve to believe that some type of cut to DOD’s ability to respond to requests for civil support is not forthcoming. The challenge for DOD is how to make these cuts or implement cost savings and still meet the civil support mission requirements defined by President.

DOD traditionally utilized an ad hoc approach toward conducting civil support missions. Most civil support functions were an extra duty and the units that conducted civil support missions either did so under Immediate Response Authority or, in the case of Hurricane Andrew, DoD used troops from the 82<sup>nd</sup> Airborne Infantry Division because of their higher state of readiness and posture for deployment.<sup>7</sup> Starting with the Clinton Administration, DOD’s

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<sup>5</sup> 2010 *QDR Report*, 18.

<sup>6</sup> *Sustaining U.S. Global Leadership*, preface memo by President Obama.

<sup>7</sup> Department of Defense, Chairman of the Joint Chiefs of Staff, *Defense Support of Civil Authorities Execute Order (EXORD)* (Washington, D.C., 14 August 2009). Immediate Response Authority is described as follows: When time does not permit prior approval from higher headquarters, local military commanders, or responsible officials of other DOD components, may in imminently serious conditions, upon request from local authorities, provide support to save

response enterprise for civil support missions has experienced evolutionary change and almost exponential growth. Three events served as the catalysts for the changes; the Tokyo Subway Sarin Gas attack, the 9/11 attacks, and Hurricane Katrina. Each event exposed critical shortfalls in the Nation's as well as DOD's ability to respond to a domestic catastrophe. Tokyo exposed the lack of capability that the nation and DOD possessed in responding to a domestic CBRN event. The 9/11 attacks exposed the gaps in homeland defense and security architecture. Hurricane Katrina exposed DOD's inability to respond quickly to a catastrophic homeland event and the challenges DOD faces in demonstrating unity of command over its Title 32 and Title 10 components.<sup>8</sup> Each event led DOD to make substantial changes in responsibilities, organization

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lives, prevent human suffering, or mitigate great property damage. Such immediate response should be provided to civil agencies on a cost-reimbursable basis, but requests for immediate response should not be delayed or denied because of the inability or unwillingness of the requester to make a commitment to reimburse the Department of Defense. Commanders, or responsible DOD officials will report all actions and support provided through the appropriate chain of command to the National Military Command Center (NMCC) and provide a copy to the Geographic Combatant Commander (CCDR.) After 72 hours of employment, respective military departments will coordinate continued operations with the Geographic CCDR.

<sup>8</sup> Explanations of Title 10 and Title 32 are taken from U.S. Department of the Army, *Civil Support Operations*, Field Manual (FM) 3-28 (Washington, D.C., August 2010), 1-7 and 1-8. Title 10, USC, governs all Federal military forces. For the Army, these forces include the Regular Army, the Army Reserve, and all National Guard units ordered to Federal active duty in Title 10 status ("Federalized" National Guard). For the other Services, Federal military forces include all their components except the Air National Guard unless it mobilizes for Federal service. Federal military forces—all forces in Title 10 status, including Federalized National Guard—are Federal assets under the command of the President. The Posse Comitatus Act applies to all forces in Title 10 status, including Federalized National Guard.

Under certain circumstances, a governor may request that the Federal government pay for the costs associated with a state activation of the National Guard for responding to an emergency. When the SecDef approves, National Guard forces change from state active duty status to Title 32 status. Title 32, USC, is the principal Federal statute covering the National Guard. National Guardsmen in Title 32 status remain under the command of the governor even though they are funded by the Federal government. Although the distinction between funding lines is important to the respective state and Federal treasuries, it has no tactical impact. For Army commanders, the important distinction is that National Guard units in Title 32 status remain under state control and therefore have authority for some missions that Regular Army and Army Reserve units do not.

or capabilities. DoD has expanded its civil support role, but as the introductory quote states, has the expansion of DOD's role been smarter? According to the recently published *Strategy for Homeland Defense and Defense Support of Civil Authorities*, DOD is expected to play a prominent role in response efforts:

The prevailing “go big, go early, go fast, be smart” approach to saving lives and protecting the homeland requires DOD to rapidly and effectively harness resources to quickly respond to civil support requests in the homeland.<sup>9</sup>

Since the Clinton Administration, DOD has certainly followed the “go big” paradigm and has created new organizations in support of this mission type at an alarming rate. Unfortunately, the changes still have not produced a trained and ready all-hazard response capability prepared to respond with little or no warning to a catastrophic natural or manmade disaster. In fact, DOD still maintains a dichotomy in its approach, that is civil support for a catastrophic CBRN event and civil support for an event without a CBRN component, as if to weight its resources and efforts toward the most dangerous course of action instead of the most likely course of action. The dichotomy in this approach has led to the creation of capability and capacity that in some cases has never been utilized. If even for only budgetary reasons, DOD will have to make changes to its current response enterprise. DOD, therefore, has an opportunity to make improvements to its response enterprise and thus achieve the capability enhancements in order to field faster, more flexible, all-hazard, consequence management response forces.

The President's 2010 National Security Strategy (NSS) calls for a whole of government approach in order to strengthen national capacity as one of the strategic approaches to achieving the nation's national security goals:

Our approach relies on our shared efforts to...ensure our national resilience in the face of the threat and hazard. ... these efforts must support a homeland that is safe and secure

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<sup>9</sup> U.S. Department of Defense, *Strategy for Homeland Defense and Defense Support of Civil Authorities* (Washington, D.C., February 2013), 6-7.

from terrorism and other hazards and in which American interests, aspirations, and way of life can thrive.”<sup>10</sup>

The NSS identifies Security as one of the nation’s enduring national interests, and further subdivides the interest into multiple facets. One of the facets, Strengthen Security and Resiliency at Home of Security, provides additional guidance for the Civil Support mission.

Effectively Manage Emergencies: We are building our capability to prepare for disasters to reduce or eliminate long-term effects to people and their property from hazards and to respond to and recover from major incidents. To improve our preparedness, we are integrating domestic all hazards planning at all levels of government and building key capabilities to respond to emergencies. We continue to collaborate with communities to ensure preparedness efforts are integrated at all levels of government with the private and nonprofit sectors. We are investing in operational capabilities and equipment, and improving the reliability and interoperability of communications systems for first responders. We are encouraging domestic regional planning and integrated preparedness programs and will encourage government at all levels to engage in long-term recovery planning. It is critical that we continually test and improve plans using exercises that are realistic in scenario and consequences.<sup>11</sup>

The President further directs this whole of government approach toward resiliency with his Presidential Policy Directive (PPD) 8 National Preparedness. The goal of PPD 8 is to strengthen “the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters.”<sup>12</sup> PPD 8 directs the Secretary of Homeland Security to develop a national preparedness goal and a national preparedness system that will enable the Nation to achieve the goal. The national preparedness goal is supposed to be shaped by:

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<sup>10</sup> National Security Council, *National Security Strategy* (Washington D.C.: White House, May 2010), 14-15.

<sup>11</sup> 2010 *National Security Strategy*, 18-19.

<sup>12</sup> The White House, *Presidential Policy Directive 8: National Preparedness*, PPD-8 (Washington, D.C., March 30, 2011).

the risk of specific threats and vulnerabilities – taking into account regional variations - and include concrete, measurable, and prioritized objectives to mitigate that risk. ... shall define the core capabilities necessary to prepare for the specific types of incidents that pose the greatest risk to the security of the Nation, and shall emphasize actions aimed at achieving an integrated, layered, and all-of-Nation preparedness approach that optimizes the use of available resources.<sup>13</sup>

The National Preparedness System is the current instrument the U.S. uses to build, sustain, and deliver the core capabilities in order to achieve the goal of a secure and resilient Nation.<sup>14</sup> The Post-Katrina Emergency Management Reform Act and other statutes following that disaster established many of the components of the National Preparedness System. The purpose of the National Preparedness System is to integrate efforts in order to be more efficient and effective in confronting any threat or hazard. The National Preparedness System also provides a mechanism to track the progress in building and improving the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation.

Not all of DOD's current civil support structure, doctrine, and policy are in line with the current administration's whole of government and all hazard approach to civil support. DOD defines civil support as support to US civil authorities for domestic emergencies, and for designated law enforcement and other activities.<sup>15</sup> This mission used to be divided into two categories: Military Support to Civil Authorities (MSCA) and Military Assistance to Civil Authorities (MACA). MSCA was defined as civil support consisting of support for natural or manmade disasters, chemical, biological, radiological, nuclear (CBRN), or high-yield explosive

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<sup>13</sup> PPD-8.

<sup>14</sup> U.S. Department of Homeland Security, *National Preparedness System* (Washington D.C., November 2011), 1.

<sup>15</sup> U.S. Department of Defense, *Civil Support*, Joint Publication (JP) 3-28 (Washington, D.C., 14 September 2007), GL-6.

consequence management, and other support as required.<sup>16</sup> MACA was defined as civil support consisting of the three mission subsets of military support to civil authorities, military support to civilian law enforcement agencies, and military assistance for civil disturbances.<sup>17</sup> MSCA was typically further divided into two broad categories: incidents involving CBRN and those without.<sup>18</sup> Joint doctrine is now moving back towards an all-hazard approach, recognizing that consequence management is not solely a DOD function or mission but a whole of government responsibility and capability. Both of these terms MSCA and MACA have been replaced by the current term Defense Support of Civil Authorities (DSCA) which Department of Defense Directive 3025.18 defines DSCA as:

Support provided by U.S. Federal military forces, DoD civilians, DoD contract personnel, DoD Component assets, and National Guard forces (when the Secretary of Defense, in coordination with the Governors of the affected States, elects and requests to use those forces in title 32, U.S.C., status) in response to requests for assistance from civil authorities for domestic emergencies, law enforcement support, and other domestic activities, or from qualifying entities for special events. Also known as civil support.<sup>19</sup>

The Army divides DSCA into four primary tasks: provide support for domestic disasters, provide support for domestic CBRN incidents, provide support for domestic civilian law

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<sup>16</sup> U.S. Department of Defense, *Military Support to Civil Authorities (MSCA)*, Department of Defense Directive (DODD) 3025.1 (Washington, D.C., January 15, 1993).

<sup>17</sup> U.S. Department of Defense, *Military Assistance to Civil Authorities*, Department of Defense Directive (DODD) 3025.15 (Washington, D.C., 18 February 1997).

<sup>18</sup> Joint and Coalition Warfighting Directorate, Joint Staff, J-7, "Joint Doctrine Update," *Joint Doctrine Support Division Newsletter*, Volume 7, Issue 3, 30 July 2012, 1. Joint Publication 3-41, *Chemical, Biological, Radiological, and Nuclear Consequence Management*, 21 June 2012, eliminates the term 'high yield explosives', i.e., the "E" in CBRNE because of a lack of residual hazard.

<sup>19</sup> U.S. Department of Defense, *Defense Support of Civil Authorities Incorporating Change 1*, Department of Defense Directive (DODD) 3025.18 (Washington, D.C., 21 September 2012). This directive also cancelled the MSCA and MACA directives.

enforcement agencies, and provide other designated support.<sup>20</sup> Earlier Army doctrine specified only three primary tasks but Army *Field Manual 3-28, Civil Support Operations*, added a fourth by dividing disaster support into non-CBRN and CBRN categories. The reasoning behind the addition was the complexity involved in CBRN incidents.<sup>21</sup>

The changes in mission definitions for civil support are the result of lessons learned by DOD and the United States Government from recent events which required a significant DOD response to a catastrophic event or at the very least made a lasting impact on the leadership of the country. Although, the Obama administration has yet to experience a seminal catastrophic event, the impact of the 2011 Great Eastern Japan earthquake, tsunami, and nuclear reactor disaster can be seen in the current *Strategy for Homeland Defense and Defense Support of Civil Authorities*, and other policies and directives.<sup>22</sup> These three events are responsible for initiating and continuing the dichotomy in the way DOD views civil support — incidents involving CBRN and incidents without — a dichotomy that is contradictory to current doctrine and one which DOD can longer afford to maintain.

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<sup>20</sup> U.S. Department of the Army, *Defense Support of Civil Authorities*, Army Doctrine Publication (ADP) 3-28 (Washington D.C., 26 July 2012), 10.

<sup>21</sup> FM 3-28, 1-12 and 1-13. From section 1-46: The expansion to four tasks recognizes the increased emphasis placed on chemical, biological, radiological, nuclear, or high-yield explosives incident response, particularly if terrorist groups employ weapons of mass destruction. Incidents involving chemical, biological, radiological, nuclear, or high-yield explosives threats require specialized capabilities, and the effects of weapons of mass destruction on domestic operational environments may be considerably more complex than other disasters. Similar considerations apply to pandemic response.

<sup>22</sup> Although the explosion on and subsequent sinking of the *Deepwater Horizon* offshore oil drilling rig in April 2010 resulted in one of the largest offshore oils spills in U.S. history, it has not resulted in any significant change in policy or statute concerning the use of Department of Defense resources in response to a catastrophic incident.

## THE IMPACT OF THE TOKYO SUBWAY ATTACKS

Prior to March 20, 1995, the thought of a CBRN attack not conducted by a government was at the far end of the spectrum of possibility. That all changed when five teams from the doomsday cult Aum Shinrikyo placed eleven newspaper wrapped plastic bags of liquid sarin onto the floors of five different Tokyo subway cars. Although the terrorists released less than 160 ounces of sarin, the results of the attack were horrific.<sup>23</sup> Images of subway exits littered with commuters with blood noses, falling to the ground gasping for air flooded television and print outlets across the globe. The casualty figures from the attack included twelve dead, fifty four critically and severely injured, over 980 with mild exposure symptoms and almost 5000 “worried well.”<sup>24</sup>

In the United States, the attack became a crystallizing event for those working on consequence management policy and a rallying cry for those who had previously pointed out that a terrorist WMD attack was not a matter of if, but when.<sup>25</sup> Public predictions that in the near future terrorists would harm large numbers of Americans using chemical and biological agents soon appeared.<sup>26</sup> In June 1995, President Clinton signed Presidential Decision Directive (PDD) 39 which outlined his counter-terrorism policy.<sup>27</sup> The PDD provided specific guidance to DOD

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<sup>23</sup> Amy E. Smith and Leslie-Anne Levy, *Ataxia: The Chemical and Biological Terrorism Threat and the US Response* (Washington D.C.: Henry L. Stimson Center, October 2000), 89.

<sup>24</sup> *Ibid.*, 106.

<sup>25</sup> Mark A. Lee, "Seeing the Elephant: Consequence Management Policy for the Department of Defense" (School of Advanced Military Studies Monograph, May 2001), 6.

<sup>26</sup> Smith and Levy, *Ataxia*, xi.

<sup>27</sup> "Presidential Decision Directive (PDD) 39 U.S . Policy on Counterterrorism (6/21/1995)," Presidential Decision Directives & Presidential Review Directives, The William J. Clinton Presidential Library, [http://www.clintonlibrary.gov/\\_previous/Documents/2010%20FOIA/Presidential%20Directives/PDD-39.pdf](http://www.clintonlibrary.gov/_previous/Documents/2010%20FOIA/Presidential%20Directives/PDD-39.pdf) (accessed April 7, 2013).

and other Federal Agencies on the threat posed by nuclear, biological, and chemical (NBC) agents or weapons in the hands of a terrorist, “The United States shall give its *highest* priority to developing effective capabilities to detect, prevent, defeat and manage the consequences of nuclear, biological or chemical materials or weapons used by terrorists.”<sup>28</sup> The PDD distinguished between crisis management in which the Department of Justice (subsequently delegated to the Federal Bureau of Investigations) was the lead agency for crisis management and consequence management in which the Federal Emergency Management Agency (FEMA) was the lead agency.<sup>29</sup> PDD 39 also directed FEMA to develop a Terrorism Incident Annex to the Federal Response Plan (FRP), which it completed in February 1997.<sup>30</sup> Up until that point, the FRP primarily dealt with major disasters or emergencies as defined by the Stafford Act, which included a natural catastrophes, explosions regardless of cause; or any other occasion or instance for which the President determined that Federal assistance was needed to supplement State and local efforts and capabilities.<sup>31</sup> Specific to DOD, PDD 39 directed the Department to be prepared

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<sup>28</sup> PDD 39.

<sup>29</sup> “Presidential Decision Directive 39,”; The Air University, U.S. Air Force, <http://www.au.af.mil/au/awc/awcgate/pdd39/pdd39-synopsis.htm> (accessed April 7, 2013). PDD 39 defined crisis management as measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism. Crisis management is predominantly a law enforcement response. Consequence management includes measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by the consequences of terrorism.

<sup>30</sup> “Federal Emergency Management Agency Federal Response Plan Notice of Change, TERRORISM INCIDENT ANNEX TO THE FEDERAL RESPONSE PLAN, February 7, 1997,” Presidential Directives and Executive Orders, Federation of American Scientists, [http://www.fas.org/irp/offdocs/pdd39\\_frp.htm](http://www.fas.org/irp/offdocs/pdd39_frp.htm) (accessed April 7, 2013).

<sup>31</sup> FM 3-28, 7-2, section 7-6. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (known as the Stafford Act) is the primary Federal statute giving the President the authority to direct Federal agencies to provide assistance to state and local authorities during an incident. The purpose of this assistance is to save lives, alleviate human suffering, protect public health and safety, and lessen or avert the threat of a catastrophe. The Stafford Act, passed in 1988, directed FEMA to create the Federal Response Plan, the predecessor to the National

“to activate technical operations capabilities to support the Federal response to threats or acts of WMD terrorism.”<sup>32</sup>

In 1996, Congress passed the Defense Against Weapons of Mass Destruction Act, also known as the Nunn-Lugar-Domenici (NLD) Act, the first law written to counter the “new” threat of WMD terrorism. The act created a DOD program to teach first responders in 120 of the largest US cities how to deal with unconventional terrorism, created a formalized link for first responders to reach back to DOD and other Federal departments for expertise when dealing with a chemical or biological incident, and called for a long term set of Federal, state, and local exercises to practice integrated response operations.<sup>33</sup> Although DOD has always provided assistance when asked to respond to catastrophic disasters, PDD 39 and the NLD Act now levied DOD with specific requirements to provide CBRN expertise to the American populous, a capability which DOD already possessed because of wartime mission requirements. PPD 39 and the NLD Act did not levy force requirement changes, but DOD soon announced the creation of new structures within the Joint Force to take on this new role. DOD even created a new senior policy official position, Assistant Secretary of Defense for Civil Support, in order to synchronize DOD’s role

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Response Plan and National Response Framework.

Federal Emergency Management Agency (FEMA), *Federal Response Plan* (Washington D.C., April 1999 interim update January 2003), Forward. The Federal Response Plan (FRP) outlines how the Federal Government implements the Stafford Act to assist State and local governments when a major disaster or emergency overwhelms their ability to respond effectively to save lives; protect public health, safety, and property; and restore their communities. The FRP describes the policies, planning assumptions, concept of operations, response and recovery actions, and responsibilities of 25 Federal departments and agencies and the American Red Cross, that guide Federal operations following a Presidential declaration of a major disaster or emergency.

<sup>32</sup> Federal Emergency Management Agency (FEMA), *Federal Response Plan, Terrorist Incident Annex* (Washington, D.C., January 2003), TI-12.

<sup>33</sup> Smith and Levy, *Ataxia*, 121.

within the interagency civil support response and to serve as the single point of contact within the Office of the Secretary of Defense (OSD) for civil support, specifically those responses involving a weapon of mass destruction.<sup>34</sup>

In 1998, then Secretary of Defense William Cohen announced a new mission for the National Guard: response to chemical and biological weapons terrorism.<sup>35</sup> Spearheading this initiative was creation of ten Rapid Assessment and Initial Detection (RAID) teams who would assist state and local responders in a CBRN event. DOD originally planned to create a team in a state in each of the ten FEMA regions; however, the number of teams progressively grew to the current number fifty-seven, as well as a change in name to WMD Civil Support Team (WMD-CST). There are currently WMD-CSTs in every state, territory and the District of Columbia with two in California, Florida, and New York.<sup>36</sup>

The WMD-CST mission is to support civil authorities at a domestic CBRN incident site by identifying CBRN hazards/substances, assessing current and projected consequences, advising on response measures, and assisting with appropriate requests for state support to facilitate additional resources.<sup>37</sup> WMD-CSTs are rapid response units made up of twenty-two full-time Title 32, Active Guard and Reserve personnel. Since they normally operate in Title 32 status, these teams are under the control of the governor. A WMD-CST can conduct continuous

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<sup>34</sup> Ibid., 135.

<sup>35</sup> Ibid., 140.

<sup>36</sup> “National Guard Weapons of Mass Destruction Civil Support Teams,” 2012 Army Posture Statement, [https://secureweb2.hqda.pentagon.mil/VDAS\\_ArmyPostureStatement/2012/InformationPapers/ViewPaper.aspx?id=126](https://secureweb2.hqda.pentagon.mil/VDAS_ArmyPostureStatement/2012/InformationPapers/ViewPaper.aspx?id=126) (accessed April 7, 2013).

<sup>37</sup> Ibid.

operations for seventy-two hours.<sup>38</sup> In 2006, the Government Accountability Office (GAO) reported that the cost of establishing a CST was \$7.7 million and \$3.4 million per year to sustain equipment, vehicles, personnel, and training support.<sup>39</sup> Some of this cost comes from two specially constructed vehicles: the Unified Command Suite, which contains a wide range of radio, data, and video communications equipment, and the Analytical Laboratory System, which contains such equipment as a gas chromatograph/mass spectrometer, a gamma spectrometer, and other laboratory support equipment.<sup>40</sup> This equipment represents valuable capabilities which can be used in an all-hazards catastrophe and presents one of the challenges DOD and the National Guard Bureau (NGB) have in managing expectations for this capability.

In 2004, NGB advised all state National Guard headquarters to ensure that their CST responded only to intentional uses of WMD, to terrorist attacks, or to threatened terrorist attacks.<sup>41</sup> Although the intent of this type of guidance is to ensure that the CSTs are not overused, deploying to an actual incident, regardless of the cause, can serve as a valuable means of exercising the CSTs' core capabilities, such as communication and coordination with state, local, and Federal responders and authorities. According to the GAO report, CST commanders valued non-WMD and non-terrorism responses as a means of helping the CSTs to prepare for responses that are WMD related.<sup>42</sup>

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<sup>38</sup> U.S. Department of Defense, *Chemical, Biological, Radiological, and Nuclear Consequence Management*, Joint Publication (JP) 3-41 (Washington, D.C., 21 June 2012), C-1.

<sup>39</sup> U.S. Government Accountability Office (GAO), *Homeland Defense: National Guard Bureau Needs to Clarify Civil Support Teams' Mission and Address Management Challenges* (Washington D.C., May 2006), 12.

<sup>40</sup> *Ibid.*, 7.

<sup>41</sup> *Ibid.*, 18.

<sup>42</sup> *Ibid.*, 18.

The WMD-CSTs were the first force created by DOD for the sole purpose of domestic response. All other capabilities that DOD could provide in a domestic response were dual-purposed, that is, the capability was designed to meet a wartime requirement that could also be used in a civil support role. For example, chemical decontamination units or a medical company could easily adapt their combat mission into civil support tasks. DOD created a purely Title 10 response capability when Marine Corps Commandant General Charles Krulak sought and received congressional approval to establish the Marine Chemical Biological Incident Response Force (CBIRF) in 1996.<sup>43</sup> Stationed at Indian Head Naval Warfare Center outside of Washington, D.C., CBIRF's primary mission was to defend against and respond to attacks on the U.S. Capitol building. The expanded mission of CBIRF now reads:

When directed, forward-deploy and/or respond to a credible threat of a Chemical, Biological, Radiological, Nuclear, or High Yield explosive (CBRNE) incident in order to assist local, state, or Federal agencies and Unified Combat Commanders in the conduct of consequence management operations. CBIRF accomplishes this mission by providing capabilities for agent detection and identification; casualty search, rescue, and personnel decontamination; and emergency medical care and stabilization of contaminated personnel.<sup>44</sup>

CBIRF is comprised of approximately 430 personnel that can be task organized into multiple response forces, one of which is historically dedicated to the U.S. Capitol building. As their mission statement indicates, CBIRF is not assigned to any particular Combatant Command and, therefore, the entire unit or one of its response forces can be deployed anywhere in the world.<sup>45</sup>

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<sup>43</sup> Paul McHale, *Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness in DOD's Civil Support Missions* (Washington D.C.: The Heritage Foundation, 13 August 2012), 9.

<sup>44</sup> "Chemical Biological Incident Response Force, II Marine Expeditionary Force, Indian Head, MD," *Marines: The Official Website of the United States Marine Corps*, <http://www.cbirf.marines.mil> (accessed 17 March 2013).

<sup>45</sup> If CBIRF is deployed in the National Capitol Region, it will be assigned to Joint Task

In 1999, the Pentagon announced the creation of Joint Task Force-Civil Support (JTF-CS), which would be responsible for coordinating DOD's response to a domestic CBRN attack. The 1999 Unified Command Plan assigned JTF-CS to US Joint Forces Command and tasked the Functional Combatant Command as the operational controller of domestic WMD consequence management planning and response.<sup>46</sup> The creation of JTF-CS, and giving USJFCOM the lead, now made domestic response a Joint Force mission, whereas before it was primarily an Army responsibility with response operations to domestic terrorism run through Response Task Forces at 1<sup>st</sup> Army (Fort Gillem, GA) and 5<sup>th</sup> Army (Fort Sam Houston, TX).<sup>47</sup> JTF-CS's mission is to anticipate, plan, and integrate (now US Northern Command's (USNORTHCOM)) chemical, biological, radiological and nuclear response operations. JTF-CS commands and controls designated DOD forces to assist local, state, Federal and tribal partners in saving lives, preventing further injury, and providing critical support to enable community recovery.<sup>48</sup> JTF-CS provides planning, training, and coordination for Title 10 operations in a catastrophic CBRN incident response. It serves as the lead planning authority for the development of operational JTF and tactical level CBRN response operation plans.<sup>49</sup> With the creation of JTF-CS, the mission of responding to a chemical or biological attack now became shared between the National Guard and the Active Force. JTF-CS's role is to command and control only Title 10 forces, not National Force – National Capitol Region (JTF-NCR). Until deployment, CBIRF remains solely a service capability. The next section includes a brief description of JTF-NCR.

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<sup>46</sup> Jim Garamone, "Unified Command Plan Changes Announced," American Forces Press Service, <http://www.defense.gov/News/NewsArticle.aspx?ID=42884>, October 7, 1999 (accessed 17 March 2013).

<sup>47</sup> Smith and Levy, *Ataxia*, 134.

<sup>48</sup> Mission Statement from Joint Task Force – Civil Support Homepage, <http://www.jtfc.northcom.mil> (accessed 15 March 2013).

<sup>49</sup> JP 3-41, C-4.

Guard forces operating in Title 32 status, which remain under the control of the state's governor. The name of JTF-CS is a misnomer as well; the JTF was created only to respond in the case of a catastrophic CBRN incident, helping to further create the dichotomy of organizations that respond to CBRN incidents and forces that respond to incidents without a CBRN component.

In just five short years, DOD's civil support mission expanded significantly. What started as merely providing CBRN expertise to civilian first responders grew into expanded missions and force structure. DOD assigned the National Guard the new mission of responding to chemical and biological terrorism, which led to the creation of the WMD CSTs. Originally planned for ten, the number of teams ballooned to fifty-seven as states saw value in possessing this new capability. With the creation of JTF-CS and the CBIRF, DOD now possessed a purely Title 10 response capability for a CBRN domestic incident. Unlike the WMD-CSTs, which have been used as part of an all-hazard approach to domestic response, JTF-CS has never been employed, except in controlled exercises. Thus bringing into question whether or not JTF-CS can effectively deploy in response to a catastrophic incident.<sup>50</sup>

#### THE IMPACT OF 9/11

Even though the Federal Response Plan, with its Terrorism Annex, was in effect prior to 9/11, the Federal response framework to a non-CBRN incident was still ad hoc.<sup>51</sup> Following the 9/11 attacks, the National Commission on Terrorist Attacks Upon the United States, which authored *The 9/11 Commission Report*, identified the need to reorganize the government in order

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<sup>50</sup> McHale, *Critical Mismatch*, 11.

<sup>51</sup> Reese, Shawn, *Defining Homeland Security: Analysis and Congressional Considerations*, Congressional Research Service Report for Congress, R42462 (Washington, D.C.: Library of Congress, January 8, 2013), 3-4.

to prepare for, mitigate against, respond to, and recover from future attacks.<sup>52</sup> Many of these efforts were already under way when the *9/11 Commission Report* was released in 2004. Eleven days after 9/11, President George W. Bush appointed Pennsylvania Governor Tom Ridge as the White House's first Director of the Office of Homeland Security in order to oversee and coordinate a comprehensive national strategy to safeguard the country against terrorism and respond to any future attacks.<sup>53</sup> As a result, the Department of Homeland Security came into being with the passage of Homeland Security Act November 2002 and charged with five core missions: prevent terrorism and enhancing security, secure and manage national borders, enforce and administer immigration laws, safeguard and secure cyberspace, and ensure resilience to disasters.<sup>54</sup> The last mission is more specifically defined as providing a coordinated, comprehensive Federal response in the event of a terrorist attack, natural disaster or other large-scale emergency while working with Federal, state, local, and private sector partners to ensure a swift and effective recovery effort.<sup>55</sup>

The reorganization efforts significantly affected how DOD organized itself to conduct civil support missions. On April 17, 2002, DOD created US Northern Command (USNORTHCOM) with the publication of the 2002 Unified Command Plan and the new combatant command went into operation on October 1, 2002, specifically with the mission to provide command and control of DOD homeland defense efforts and to coordinate defense

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<sup>52</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington D.C., July 22, 2004), 399.

<sup>53</sup> "Creation of the Department of Homeland Security", Homeland Security, <http://www.dhs.gov/creation-department-homeland-security> (accessed 17 March 2013).

<sup>54</sup> "Our Mission," Homeland Security, <http://www.dhs.gov/our-mission> (accessed 17 March 2013.)

<sup>55</sup> "Building a Resilient Nation," Homeland Security, <http://www.dhs.gov/building-resilient-nation> (accessed 17 March 2013.)

support of civil authorities.<sup>56</sup> As part of the stand-up of USNORTHCOM, USJFCOM transferred command of JTF-CS. In 2004, DOD named 5<sup>th</sup> Army as U.S. Army North (USARNORTH), the dedicated Army Service Component Command to USNORTHCOM. The command, charged with executing DOD's homeland defense and civil support operations in the land domain, achieved initial operating capability in September 2005.<sup>57</sup> USNORTHCOM designated USARNORTH as its Joint Force Land Component Command (JFLCC) and placed JTF-CS under its control. Additionally, USARNORTH created a deployable operational command post from within its own organization, thus providing the JFLCC commander with an additional command and control option. This operational command post, named Task Force 51, typically deploys in response to a non-CBRN incident and serves as the second command and control option to JTF-CS during a CBRN incident.

Because of the political and military importance of the National Capital Region (NCR), in September 2004, DOD activated the Joint Force Headquarters National Capital Region (JFHQ-NCR). Assigned to USNORTHCOM and based at Fort McNair, Washington, D.C., it is responsible for land-based homeland defense, DSCA, and incident management in the NCR, a region that includes the District of Columbia and the surrounding six counties, as well as four cities, in Virginia and Maryland.<sup>58</sup> JFHQ-NCR serves as a single point headquarters for planning, coordination and execution of the mission in the NCR. JFHQ-NCR can quickly put together a

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<sup>56</sup> "U.S. Northern Command History," United States Northern Command, [http://www.northcom.mil/About/history\\_education/history.html](http://www.northcom.mil/About/history_education/history.html) (accessed 17 March 2013.)

<sup>57</sup> "Our Mission," Army North: Strength of the Nation, <http://www.arnorth.army.mil> (accessed 17 March 2013.)

<sup>58</sup> Harold Kennedy, "Joint Force: Capital Unit Seen as Prototype for Homeland Defense," *National Defense Magazine*, June 2005, [http://www.nationaldefensemagazine.org/archive/2005/June/Pages/joint\\_force5721.aspx](http://www.nationaldefensemagazine.org/archive/2005/June/Pages/joint_force5721.aspx) (accessed 7 April 2013).

task force from area units, such as CBIRF, to handle specific incidents and has the ability to mobilize over 4,000 locally-assigned Title 10 troops within a very short time.<sup>59</sup> When executing this mission, JFHQ-NCR transitions to Joint Task Force National Capital Region (JTF-NCR). After the response, JTF-NCR stands down and redeploys response assets.<sup>60</sup>

President Bush issued a plethora of Homeland Security Presidential Directives (HSPDs) in the aftermath of 9/11. Two HSPDs that had a significant impact on DOD and its civil support mission were HSPD 5, Management of Domestic Incidents, and HSPD 8, National Preparedness. HSPD 5 assigned the Secretary of Homeland Security as the Principal Federal Official (PFO) for domestic incident management and responsible for the coordinating Federal operations within the US in response to, or recovery from terrorist attacks, major disasters, or other emergencies. It also directed the development of a National Incident Management System (NIMS) and a National Response Plan (NRP) to align Federal coordination structures, capabilities, and resources into a unified, all-discipline, and all-hazards approach to domestic incident management.<sup>61</sup>

The NRP, like the FRP before it, utilized the concept of Emergency Support Functions (ESFs) as the mechanism to group capabilities and resources most likely needed during actual or potential incidents where a coordinated Federal response is required.<sup>62</sup> The NRP expanded the number of ESFs from twelve to fifteen and assigned a lead Federal agency as coordinator for each

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<sup>59</sup> Ibid.

<sup>60</sup> “Joint Force Headquarters National Capital Region,” United States Northern Command, <http://www.northcom.mil/About/index.html#JFHQN> (accessed 7 April 2013).

<sup>61</sup> U.S. Department of Homeland Security, *Joint Field Office Activation and Operations Interagency Integrated Standard Operating Procedure* (Washington D.C., April 2006), iii.

<sup>62</sup> U.S. Department of Homeland Security, *Quick Reference Guide for the National Response Plan* (Washington, D.C., May 2006), 14.

ESF. DHS assigned DOD the ESF Coordinator role for ESF 3, Public Works and designated it as a Support Agency for all of the other ESFs. The NRP also implemented the concept of a Joint Field Office (JFO) a temporary Federal facility established locally to provide a central point for Federal, State, local, and tribal executives with responsibility for incident oversight, direction, and/or assistance to coordinate protection, prevention, preparedness, response, and recovery actions.<sup>63</sup> The JFO's Coordination Staff includes a Defense Coordination Officer (DCO) and a support Defense Coordinating Element (DCE) to serves as DOD's single point of contact at the JFO, responsible for coordinating all requests for DOD assistance. If, because of the magnitude of the DOD response, the combatant commander deems it necessary to create a Joint Task Force to command Title 10 military activities, the JTF command and control element will collocate with the PFO and the JFO to ensure coordination and unity of effort.<sup>64</sup> However, this collocation does not replace the requirement for a DCO/DCE as part of the JFO Coordination Staff and the JTF C2 element will not coordinate requests for assistance for DOD.<sup>65</sup>

HSPD-8 directed the Secretary of Homeland Security to develop a national domestic all-hazards preparedness goal. This goal consisted of four parts: the National Preparedness Vision, the National Planning Scenarios (NPS), the Universal Task List (UTL), and Target Capabilities List (TCL). Although planning scenarios, task lists, and capabilities lists are nothing new to DOD, these concepts were new to an interagency tasked with trying to coordinate a Federal response. The NPSs, which describe high-consequence threat scenarios that include terrorist attacks and natural disasters, are intended to focus contingency planning for homeland security preparedness work at all levels of government and with the private sector and are the basis for

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<sup>63</sup> Ibid., 8.

<sup>64</sup> Ibid., 19.

<sup>65</sup> Ibid., 19.

coordinated Federal planning, training, exercises, and grant investments needed to prepare for emergencies of all types.<sup>66</sup> The UTL, which is a menu of some 1,600 unique tasks that may be required in response to one of the major events presented in the NPSs, establishes a common vocabulary and identifies key tasks that should aid in the development of required response capabilities. The TCL defines thirty-seven specific capabilities that DOD and other government agencies (Federal, state, and local) should collectively possess in order to respond effectively to disasters.<sup>67</sup> The TCL is a national-level, generic model of operationally ready capabilities defining all-hazards preparedness.<sup>68</sup>

In 2003, LTG Russell Honoré, then the commander of Joint Force Headquarters – Homeland Security, asked the question “how many CBRNE events could USNORTHCOM effectively handle?”<sup>69</sup> This led to the “three plus three” framework, that is detailed planning to respond to three near simultaneous, geographically dispersed CBRNE attacks and contingency plans for responding up to three more attacks. This planning assumption about the threat provided the impetus for the creation of three CBRNE Consequence Management Response Forces (CCMRFs). Prior to the creation of the CCMRF, the only forces assigned to USNORTHCOM for its domestic civil support mission was JTF-CS.

Under the three plus three construct, each CCMRF would consist of 4200 personnel with the first under the command and control of JTF-CS. The CCMRF would be Joint and consist of three brigade-sized task forces that would conduct CBRN technical and general-purpose

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<sup>66</sup> “National Preparedness Guidelines,” Homeland Security, <http://www.dhs.gov/national-preparedness-guidelines> (accessed 17 March 2013).

<sup>67</sup> *Ibid.*

<sup>68</sup> U.S. Department of Homeland Security, *Target Capabilities List: A companion to the National Preparedness Guidelines* (Washington D.C., September 2007), v.

<sup>69</sup> McHale, *Critical Mismatch*, 9.

operations, medical operations, and aviation operations.<sup>70</sup> The second and third CCMRFs would be comprised exactly as the first, but would be maintained at a lower state of readiness because those forces would come from the Reserves and National Guard. Because the CCMRF is a Title 10 force, the President would federalize the National Guard forces upon activation. In 2008, DOD assigned the first CCMRF to USNORTHCOM and made plans to achieve operational readiness with the second two CCMRFs by 2010. However, DOD never fully sourced the other two CCMRFs, in large part due to aviation and medical commitments for operations in Iraq and Afghanistan. But there were other challenges faced by the CCMRF construct. Because the units assigned to the CCMRF were spread across the continental United States, it was doubtful the response force could respond fast enough to meet the expectations of providing life-saving capabilities.<sup>71</sup> Additionally, although a response force of 4200 sounds formidable, the majority of the CCMRF personnel provided various command and control functions, not the extensive emergency response and life-saving capabilities advertised.<sup>72</sup>

9/11 also changed the rhetoric coming out Washington concerning the likelihood and significance of the threat posed by terrorists with a WMD capability. A major component of the 2002 National Security Strategy was “Prevent our enemies from threatening us, our allies, and our friends with weapons of mass destruction.”<sup>73</sup> One of the three elements of this effort was

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<sup>70</sup> Ibid., 18.

<sup>71</sup> Ibid., 18.

<sup>72</sup> The author served as an observer/trainer during Vibrant Response, USNORTHCOM/USARNORTH’s certification exercise of the CCMRF in August 2009. One of the after action comments provided by the medical task force headquarters was that the medical task force as it was comprised barely possessed the capacity to provide medical support to deployed CCMRF personnel, let alone the capacity to handle the large number of mission taskings assigned to their task force.

<sup>73</sup> National Security Council, *National Security Strategy* (Washington D.C.: White House, September 2002), 1.

“Effective consequence management to respond to the effects of WMD use, whether by terrorists or hostile states. Minimizing the effects of WMD use against our people will help deter those who possess such weapons and dissuade those who seek to acquire them by persuading enemies that they cannot attain their desired ends.”<sup>74</sup> Shortly after the release of the 2002 National Security Strategy, the White House published the first ever National Strategy to Combat Weapons of Mass Destruction. Labeling “consequence management” as one of the three pillars of the strategy, the document declared “we will develop and maintain the capability to reduce to the extent possible the potentially horrific consequences of WMD attacks at home and abroad.”<sup>75</sup>

The National Guard capitalized on this rhetoric by developing additional capacity to apply toward their assigned mission of CBRN response. In 2004, the National Guard established twelve CBRN Enhanced Response Force Packages (CERFPs). The intent for the CERFPs is to provide capabilities that could relieve or augment first responders within the first few hours after an incident. CERFPs serve to bridge the capability gap between the time first responders arrive and the time a Federal response arrives during a large-scale CBRN incident.<sup>76</sup> The design of the CERFP was intended to mirror the capabilities provided by the CBIRF. CERFPs respond to CBRN incidents and assists local, state, and Federal agencies in conducting consequence management by providing capabilities to conduct patient /mass casualty decontamination, emergency medical services, and casualty search and extraction. A CERFP consists of approximately 186 soldiers and airmen. Each team has a command and control (C2) section, a

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<sup>74</sup> Ibid., 14.

<sup>75</sup> National Security Council, *National Strategy to Combat Weapons of Mass Destruction* (Washington D.C.: White House, December 2002), 5.

<sup>76</sup> U.S. Government Accountability Office (GAO), *Additional Steps Could Enhance the Effectiveness of the National Guard’s Life Saving Response Forces* (Washington D.C., December 2011), 7.

decontamination element, a medical element, a casualty search and extraction element, and a fatalities search and recovery element.<sup>77</sup> There are currently seventeen CERFPs with at least one CERFP located in every FEMA region. The location of the seventeen CERFPs was chosen so that a CERFP would be within 250 miles of almost 80% of the U.S. continental population.

Unlike the WMD-CSTs, only five personnel in each of the CERFPs are in full-time Title 32 Active Guard status, which means the rest of the unit cannot assemble and deploy until so ordered by the governor.<sup>78</sup> This is just one of the many challenges the CERFP concept has faced since brought into existence. A 2011 Government Accountability Report cited multiple difficulties that CERFPs face:

The fact that CERFPs are staffed by National Guard soldiers and airmen who do not train and prepare for the mission on a full-time basis adds to the challenge to be fully ready to rapidly respond anywhere within the United States and its territories within hours and be capable of integrating with other response partners—including other CERFPs and DOD’s other CBRNE response capabilities.<sup>79</sup>

In addition to the readiness challenges, organizational design hinders CERFP effectiveness. The CERFP is comprised of elements, but these elements are not complete Army or Air National Guard units. Instead, soldiers and airmen from existing National Guard units comprise the elements, thus making the CERFP little more than an ad hoc capability.

In 2010, DOD announced a change to its CBRN response enterprise. Up until that point, the enterprise consisted of the National Guard WMD-CSTs and CERFPs and the CCMRFs under the command and control of NORTHCOM’s JFLCC, ARNORTH. The 2010 QDR announced a significant change to the construct, one which would increase the National Guard’s role and

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<sup>77</sup> “National Guard CERFP Teams”, 2012 Army Posture Statement, [https://secureweb2.hqda.pentagon.mil/VDAS\\_ArmyPostureStatement/2012/InformationPapers/ViewPaper.aspx?id=94](https://secureweb2.hqda.pentagon.mil/VDAS_ArmyPostureStatement/2012/InformationPapers/ViewPaper.aspx?id=94) (accessed 18 March 2013).

<sup>78</sup> JP 3-41, C-3.

<sup>79</sup> GAO, *Additional Steps Could Enhance the Effectiveness*, 49.

reduce the number of Title 10 response forces. DOD replaced the three CCMRFs with the Defense CBRN Response Force (DCRF) and two additional command and control elements. The DCRF is comprised of approximately 5,200 personnel sourced primarily from the active component across all of the Services. If a capability is not available in the active component, it can be designated from the Title 10 RC or the National Guard, in which case it would be Federalized upon deployment. The DCRF's capabilities include CBRN incident assessment, search and rescue, decontamination of DOD personnel and equipment, evacuee and casualty decontamination, emergency medical, Role 2 medical care (patient triage, along with trauma and emergency medical care), patient holding, ground and rotary-wing air patient movement, Role 3 medical care (surgical and intensive care), force health protection measures, military personnel and equipment operational security, site accessibility horizontal engineering, logistics, general support to enhance lifesaving and reduce human suffering, C2 aviation lift, mortuary affairs, and transportation.<sup>80</sup> In order to provide critical life saving capabilities in a fast and synchronized effort, the DCRF is arrayed into two multi-function force packages. Force Package 1 with its 2,100 personnel is prepared to deploy within twenty-four hours after notification while Force Package 2 with its 3,100 personnel is prepared to deploy within forty-eight hours after notification.<sup>81</sup>

The additional command and control elements, Command and Control CBRN Response Element A and B (C2CRE A and B) contain approximately 780 personnel each and can be sourced from both the active and reserve components. Both elements have similar capabilities as the DCRF, just on a smaller scale. These capabilities include CBRN assessment, search and rescue, decontamination, emergency medical, Role 2 medical, engineering, C2, logistics, and

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<sup>80</sup> JP 3-41, C-4.

<sup>81</sup> *Ibid.*, C-2.

transportation.<sup>82</sup> C2CREs require immediate augmentation in order to conduct sustained operations. This augmentation may include Federalized National Guard assets (including WMD-CSTs, CERFPs, and HRFs) or other forces from the active or reserve components. The C2CREs are prepared to deploy within ninety-six hours after notification.<sup>83</sup>

The National Guard Homeland Response Forces (HRFs) make up some of the capability lost from eliminating the second and third CCMRF. HRFs provide a scalable capability to bridge a gap between the initial National Guard response and Title 10 capabilities, which was also the original role of the CERFP. The core of each HRF is comprised of the same capabilities found in the seventeen CERFPs, except the HRF contains substantially more command and control capability and also has general purpose troops in order to provide security. Each HRF has approximately 570 personnel and one is located in each of the ten FEMA regions. HRFs have a six to twelve hour response posture, similar to that of the CERFPs and are equipped to deploy via ground transportation to a CBRN incident site, although they can be moved by air if required. Each HRF has a medical treatment area, but no holding capacity. HRFs provide C2 and planning for all organic and attached units (WMD-CSTs and CERFPs) and provide security for CBRN site locations. They also coordinate and synchronize CBRN operations for designated areas and decontamination sites. According to the National Guard, the HRFs are the center of gravity for the DOD CBRN Response Enterprise integration in their respective FEMA region's states' planning.<sup>84</sup> Like the CERFPs, the HRFs are to be comprised of elements from existing National Guard forces. Eight of the HRFs will be hosted by single states, while the other two will

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<sup>82</sup> Ibid., C-4

<sup>83</sup> Ibid., C-2.

<sup>84</sup> "National Guard HRFs", 2012 Army Posture Statement, [https://secureweb2.hqda.pentagon.mil/VDAS\\_ArmyPostureStatement/2012/InformationPapers/ViewPaper.aspx?id=110](https://secureweb2.hqda.pentagon.mil/VDAS_ArmyPostureStatement/2012/InformationPapers/ViewPaper.aspx?id=110) (accessed 17 March 2013).

be sourced from multiple states within those regions. All but one of the HRFs will be converted from an existing CERFP. In order to maintain seventeen CERFPs, the National Guard will establish new CERFPs in nine states to replace the CERFPs converted to HRFs.<sup>85</sup> The redesigned response enterprise is summarized in Figure 1.

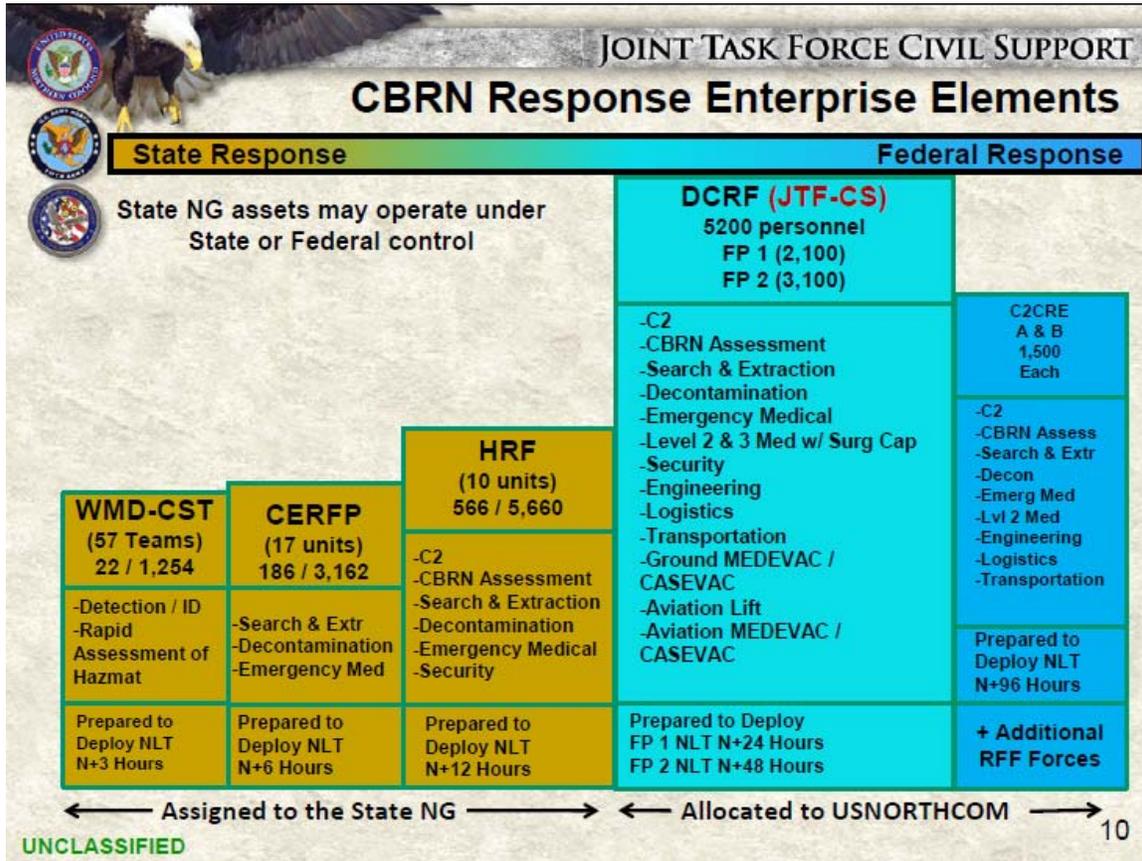


Figure 1: Defense CBRN Response Enterprise<sup>86</sup>

The HRF and DCRF, however, still suffer from the same flaws as the CERFP and CCMRF. The HRF is constructed in the same manner as the CERFP, just with the addition of a security element

<sup>85</sup> GAO, *Additional Steps Could Enhance the Effectiveness*, 11.

<sup>86</sup> “JTFCS 101 Brief,” slide 10, Joint Task Force Civil Support, 29 November 2012, [http://www.jtfcs.northcom.mil/Documents/JTFCS101Briefv1.0\(29Nov2012\).pdf](http://www.jtfcs.northcom.mil/Documents/JTFCS101Briefv1.0(29Nov2012).pdf) (accessed 17 March 2013).

and a larger command and control node. The HRF has a small number of personnel on active Title 32 status and the guardsmen assigned to the HRF are also assigned to an existing National Guard company. Since the HRF is not comprised of currently established National Guard units, it will face the same challenges as the CERFPs when trying to train, deploy, and respond as an ad hoc unit. Even though the DCRF contains more personnel and thus more capability, the units assigned to the DCRF remain geographically dispersed, and thus DOD will still have tremendous difficulty in delivering lifesaving capabilities within twenty-four to forty-eight hours after notification. Table 1 demonstrates the logistical challenges faced by DOD in order to meet the promised deployment timelines. Elements of the DCRF Initial Response Package deploy from seventeen different military installations. Command and control still makes up a significant amount of the force structure in the DCRF. The organizational structure of the over 5000 personnel DCRF contains a two-star JTF headquarters, three colonel (brigade level) headquarters, and four lieutenant colonel (battalion level) headquarters.

Table 1: Location of DCRF Elements for Fiscal Year 13<sup>87</sup>

Initial Response Package ≈1000 personnel (24 hours)	Force Package One ≈1000 personnel (24 Hours)	Force Package Two ≈3200 to 3400 personnel
Fort Dix, NJ Aberdeen Proving Grounds, MD Indian Head, MD Fort Detrick, MD Fort Belvoir, VA Joint Base Langley-Eustis, VA Norfolk Naval Base, VA Fort Bragg, NC Robbins AFB, GA Wright-Patterson AFB, OH Fort Leonard Wood, MO Fort Polk, LA Fort Sill, OK Fort Hood, TX Fort Bliss, TX Fort Huachuca, AZ Joint Base Lewis-McChord, WA	Johnstown, PA Joint Base Langley-Eustis, VA Fort Bragg, NC Fort Benning, GA Tyndall AFB, FL Clearwater, FL Wright-Patterson, AFB, OH Fort Knox, KY Fort Polk, LA Fort Sam Houston, TX Kingsville, TX Holloman AFB, NM Fort Carson, CO Joint Base Lewis-McChord, WA	Andrews AFB, MD Fort Belvoir, VA Fort Lee, VA Fort Bragg, NC Charleston AFB, SC Kessler AFB, MS Fort Polk, LA McConnell AFB, KS Fort Riley, KS Fort Hood, TX Fort Sam Houston, TX Kelly Lackland AFB, TX Fort Carson, CO Nellis AFB, NV Los Angeles AFB, CA Joint Base Lewis-McChord, WA
	AFB = Air Force Base	

DOD’s civil support mission changed significantly as a result of the attacks on 9/11. DOD’s roles and responsibilities as part of a larger Federal response to a domestic catastrophic incident became more formally codified. Detailed guidance concerning the civil support was issued by the President which helped to elevate the importance of the civil support mission. Most noticeably, DOD underwent significant changes in organization, including the addition of a new geographic combatant command, a new service component command, and increases in force structure dedicated to the civil support mission. Many of the changes in force structure were only geared toward a response to a domestic CBRN incident without similar effort geared toward non-CBRN events. Unfortunately, the CERFPs and HRFs are little more than ad hoc organizations and the geographic dispersion of the Title 10 force significantly challenges its ability to provide a timely response. The DCRF, like the CCMRF before it, suffers from a large command and control footprint for the amount of capability provided.

<sup>87</sup> Ibid., slide 14.

## THE IMPACT OF HURRICANE KATRINA

This government will learn the lessons of Hurricane Katrina. We are going to review every action and make necessary changes so that we are better prepared for any challenge of nature, or act of evil men, that could threaten our people.

—President George W. Bush, September 15, 2005<sup>88</sup>

Hurricane Katrina was a disaster on a scale rarely seen in the United States. The damage caused by the storm and the subsequent broken levees and flooding in New Orleans created a catastrophe of a magnitude that quickly overwhelmed the capacity of the city of New Orleans and the State of Louisiana. Hurricane Katrina was the first major disaster in which the Federal government followed the guidelines provided in the National Response Plan and the first real test of many of the new structures and policies implemented by DOD after 9/11. New Orleans's Mayor Ray Nagin captured the frustrations expressed in the Federal response effort in a September 2005 interview on *Meet the Press*:

My biggest mistake is having a fundamental assumption that in the state of Louisiana, with an \$18 billion budget, in the country of the United States that can move whole fleets of aircraft carriers across the globe in 24 hours, that my fundamental assumption was get as many people to safety as possible, and that the cavalry would be coming within two to three days, and they didn't come.<sup>89</sup>

Questions as to why the Federal response took so long to arrive prompted multiple congressional investigations and hearings as well as an official lessons learned report by the White House.<sup>90</sup> Much of the criticism was levied against the newly created Department of

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<sup>88</sup> “President Discusses Hurricane Relief in Address to the Nation,” The White House, September 15, 2005, <http://www.whitehouse.gov/news/releases/2005/09/20050915-8.html> (accessed 29 January 2013).

<sup>89</sup> “Nagin: Cavalry didn't come,” *United Press International*, [http://www.upi.com/Top\\_News/2005/09/11/Nagin-Cavalry-didnt-come/UPI-78211126474022/](http://www.upi.com/Top_News/2005/09/11/Nagin-Cavalry-didnt-come/UPI-78211126474022/) (accessed 16 March 2013).

<sup>90</sup> The White House published its report, *The Federal Response to Hurricane Katrina: Lessons Learned* in late February 2006 just after the release of the House of Representatives report, *A Failure of Initiative*. In May 2006 the Senate published *Hurricane Katrina: A Nation*

Homeland Security and bureaucratic systems created from the NRP. This resulted in a thorough review and subsequent publication of the National Response Framework (NRF) to replace the NRP.

What the Federal response to Katrina demonstrated was that DOD is one of the few Federal departments that has real operational capabilities, which allows FEMA to provide prompt, effective action on the ground.<sup>91</sup> DOD has large numbers of trained operational personnel that are equipped to perform their trained missions in austere environments. DOD brings robust communications, logistics, and planning capabilities; however, the solution to improving the Federal response cannot simply be “let the Department of Defense do it.”<sup>92</sup> DOD’s response to Katrina was the largest civil support mission in U.S. military history and the largest deployment within the United States since the Civil War, deploying 72,000 active-duty military, Reserve, and National Guard to the affected area.<sup>93</sup> However, the response to Katrina demonstrated many areas that required improvement in order for DOD to better execute its civil support mission. Three main themes concerning DOD’s role in disaster response came from the multitude of reported findings: how to reduce the ‘response gap’, that is, the time between when the requirement is generated until assistance arrives, how to better command and control (C2) military forces responding to a disaster, and how to better integrate DOD capabilities into the overall response.

The ‘response gap’ is best illustrated in the Catastrophic Incident Response graph shown in Figure 2. Local communities possess a certain level of response capability prior to the

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*Still Unprepared.*

<sup>91</sup> The White House, *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington D.C., February 2006), 54.

<sup>92</sup> *Ibid.*, 54.

<sup>93</sup> U.S. House of Representatives, *A Failure of Initiative*, 201, and McHale, *Critical Mismatch*, 11.

catastrophic incident, typically comprised of police, firemen, etc., and most cities possess little to CBRN response capability. When an incident occurs, the amount of capability required (on the graph, the axis labeled “effort”) increases exponentially at the same time the local community may experience a decrease in capability as responders may become victims themselves or the capability is exhausted. The next wave of response usually comes from the state and surrounding states (via assistance compacts, such as the Emergency Management Assistance Compact (EMAC)).<sup>94</sup> However, it takes time to generate the second wave of responders as well as determining what requirements will need to be requested from the Federal government.

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<sup>94</sup> “What is EMAC?” Emergency Management Assistance Compact, [http://www.emacweb.org/index.php?option=com\\_content&view=article&id=80&Itemid=256](http://www.emacweb.org/index.php?option=com_content&view=article&id=80&Itemid=256) (accessed 17 March 2013). The Emergency Management Assistance Compact (EMAC), established in 1996, offers assistance during governor-declared states of emergency through a responsive, straightforward system that allows states to send personnel, equipment, and commodities to help disaster relief efforts in other states. Fifty states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have enacted legislation to become EMAC members.

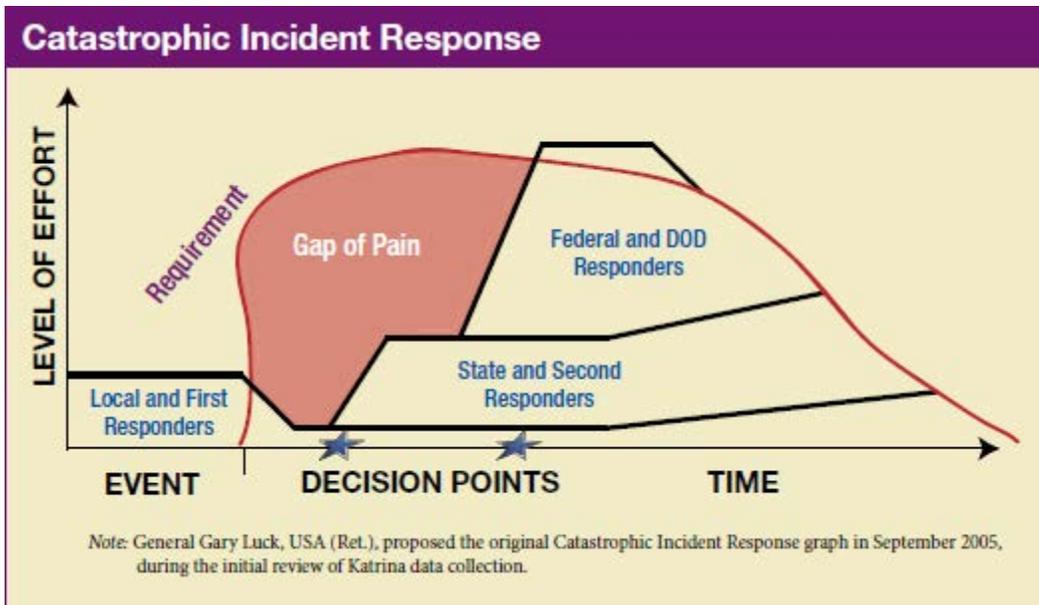


Figure 2: Catastrophic Incident Response Graph<sup>95</sup>

The time it takes to assess the magnitude of the catastrophe, request resources, deploy the resources and integrate them into the response results in the ‘response gap’ or in Figure 3, the area labeled ‘gap of pain.’

As noted in the Senate findings “During the initial 24 hours after landfall, the Department of Defense lacked timely and accurate information about the immediate impact of Hurricane Katrina” and “DOD’s normal, ‘21 step’ process for accepting assignments from FEMA to assist in responding to a disaster is cumbersome and unlike the processes followed by all other Federal agencies...and slowed (some) of DOD’s initial efforts in the response.”<sup>96</sup> Situational awareness for DOD is difficult without having some type of assessment capability on the ground. Exact

<sup>95</sup> Gregory A.S. Gecowets and Jefferson P. Marquis, “Applying the Lessons of Hurricane Katrina,” *Joint Force Quarterly*, JFQ 48, 1st Quarter, January 2008, 72.

<sup>96</sup> United States Senate, *Hurricane Katrina: a Nation Still Unprepared: Special Report of the Committee On Homeland Security and Governmental Affairs* (Washington D.C., 2007), Findings 17-18.

situational awareness will always be difficult to achieve in the initial hours following a catastrophic incident, but NORTHCOM and FEMA both recognized that in a catastrophic event, the initial requests from DOD are generally the same. NORTHCOM worked with FEMA and DOD to identify the most likely tasks DOD would be requested to perform. Together, they developed twenty-five pre-scripted mission assignments (PSMAs) which are designed to leverage DOD expertise and capabilities where civil agencies are typically lacking.<sup>97</sup> These twenty-five PSMAs are now incorporated into USNORTHCOM's standing Defense Support for Civil Authorities (DSCA) Execute Order (EXORD).<sup>98</sup> The original twenty-five PSMAs are listed in Table 2.

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<sup>97</sup> U.S. Government Accountability Office, *U.S. Northern Command Has Made Progress but Needs to Address Force Allocation, Readiness, Tracking Gaps, and Other Issues* (Washington D.C., April 2008), 23. PSMAs are descriptions of a set of capabilities civil authorities might need from DOD in an emergency and are written in such a way as to provide a common understanding of a capability.

Craig Fugate, "Improving the Nation's Response to Catastrophic Disasters: How to Minimize Costs and Streamline our Emergency Management Programs," Testimony before the United States House Transportation and Infrastructure Committee, Subcommittee on Economic Development, Public Buildings, and Emergency Management, March 30, 2011, <http://www.dhs.gov/news/2011/03/30/administrator-craig-fugate-Federal-emergency-management-agency-transportation-and> (accessed on 7 April 2013.) By early 2011 FEMA has developed 263 pre-scripted mission assignments with 29 Federal agencies.

<sup>98</sup> GAO, *U.S. Northern Command Has Made Progress*, 38.

Table 2: USNORTHCOM PSMAs<sup>99</sup>

DCO/DCE	Fuel distribution points (ground)
Rotary wing lift (heavy)	Rotary wing medical evacuation
Rotary wing lift (medium)	Temporary medical facilities
Tactical transportation	Air component coordination element
Strategic transportation	Air fuel distribution points
Communications - first responders	Strategic patient movement
Communications - 25 user package	Airborne command and control in support of emergency management authorities
Communications - 75 user package	Mortuary affairs
Emergency route clearance	Full Motion video capability
Aerial damage assessment	Public affairs support
Prepare temporary housing sites	Regional/state emergency preparedness liaison officer
Mobilization centers	Air space control (ground)
Operational staging areas	

The purpose of the standing DSCA EXORD is to give the USNORTHCOM Commander the authority to alert and deploy assigned and allocated forces listed in the EXORD in order to “provide a rapid and flexible DOD response to Federal primary agencies for potential or actual emergencies and/or disasters within the United States, Territories, Possessions, and Protectorates.”<sup>100</sup> These forces listed in the EXORD are grouped into four categories. Category One forces are already in an assigned or allocated status to USNORTHCOM, such as the DCO or JTF-CS, and the USNORTHCOM is authorized to issue them a Prepare To Deploy Order (PTDO). Category Two forces includes those necessary to fulfill the requirements of the PMSAs. The third and fourth categories are those forces needed to sustain DOD’s footprint in the disaster

<sup>99</sup> Ibid., 52-53.

<sup>100</sup> 2010 CJSC DSCA EXORD.

area for an extended period and enable DOD to conduct restoration operations.<sup>101</sup> The USNORTHCOM Commander may issue a notification to Category Two and Three units that they must prepare to deploy in twenty-four hours and remain deployed for up to one week. The authority to issue a PTDO to Category Four units is retained by the SecDef. Category Two, Three, and Four units are identified to USNORTHCOM by their Services, but not assigned until they receive a PTDO. Although the DSCA EXORD is a major step toward providing a rapid response to a catastrophic disaster, this approach suffers from many of the same flaws as the CBRN Response Enterprise, that is, an ad hoc grouping of joint capabilities expected to work cohesively with an unfamiliar command and control element.

Whenever DOD has a large footprint, C2 invariably becomes an issue and, in Katrina, it was blamed for many of the failures in the response effort, including duplication of effort between Title 10 and Title 32 National Guard forces.<sup>102</sup> One of the tenets of the NRP was “unified command,” that is the requirement for senior officials from multiple levels of government to come together at a single location to establish a common set of objectives and a single incident plan.<sup>103</sup> This typically occurs at the Joint Field Office and results in the issuance of mission assignments to DOD.<sup>104</sup> This process is designed to achieve one of the five principles of

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<sup>101</sup> For a detailed breakdown of the forces assigned to each category, see paragraph four of the 2010 CJSC DSCA EXORD and Sebastian Sprenger, “Pentagon Identifies Forces for Hurricane Response Operations,” *Inside the Pentagon*, August 31, 2006.

<sup>102</sup> U.S. Department of Defense, *Department of Defense Dictionary of Military and Associated Terms 8 November 2010 (As Amended Through 15 February 2013)*, Joint Publication (JP) 1-02 (Washington, D.C., 2013), 49. Command and control is defined as the exercise of authority and direction by a properly designated commander over assigned and attached forces in the accomplishment of the mission.

<sup>103</sup> The White House, *The Federal Response to Hurricane Katrina*, 13.

<sup>104</sup> JP 1-02, 189 and FM 3-28, 3-13. The Department of Homeland Security/Federal Emergency Management Agency uses mission assignments to request DOD support in Federal operations during a Stafford Act major disaster or emergency. Within the JFO, ESF coordinators

the national response doctrine established in NRF following Katrina, “unity of effort through unified command.”<sup>105</sup> For DOD, this concept is especially difficult to achieve since the National Guard is a state resource under the command of the governor. In the response to Katrina, separate command structures for Title 10 and the Title 32 National Guard forces hindered DOD’s ability to achieve unity of effort as part of the Federal unified command. USNORTHCOM commanded active duty forces and each State government commanded its own National Guard forces. Neither the Louisiana National Guard nor JTF-Katrina, the Title 10 joint task force created by USNORTHCOM and commanded by LTG Russell Honoré, had a good sense for where each other’s forces were located or what they were doing.<sup>106</sup> Thus, FEMA would request assistance from DOD, not realizing that State National Guard forces were already deployed to meet a specific requirement. This caused confusion over roles and responsibilities between National Guard and Federal forces and highlighted the need for a more unified command structure.<sup>107</sup>

A possible solution to this problem is placing the National Guard under complete Federal control or by utilizing a Dual-Status Commander (DSC). The President offered Louisiana Governor Kathleen Blanco the option of placing LTG Honoré in a dual-status, that is, making the JTF Katrina commander a member of the Louisiana National Guard. A DOD-drafted response for Governor Blanco to the President explains how the relationship would function:

In order to enhance Federal and State efforts, and if you grant permission, I would like to appoint the Regular Army officer commanding the Federal Joint Task

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analyze the requirements and capabilities needed in conjunction with the Federal coordinating officer and DCO. The DCO evaluates the requests using the criteria of cost, appropriateness, readiness, risk, legality, and lethality.

<sup>105</sup> U.S. Department of Homeland Security, *National Response Framework* (Washington, D.C., January 2008), 8.

<sup>106</sup>The White House, *The Federal Response to Hurricane Katrina*, 55.

<sup>107</sup> *Ibid.*, 55.

Force Katrina to be an officer in the Louisiana National Guard. I would assign him to command the National Guard forces under my command.<sup>108</sup>

The proposal would not Federalize the National Guard, but would allow LTG Honore to serve in two capacities; answering to NORTHCOM and the President as the commander of Federal forces and answering to Governor Blanco as the commander of the Louisiana National Guard. Governor Blanco declined the proposal in favor of keeping the contributions of over twenty-five States' National Guards under the command of the Louisiana State Adjutant General.<sup>109</sup> Although a DSC was not utilized in Katrina, the concept of the DSC has continued to gain momentum and is being implemented into future civil support joint doctrine as a means to achieve greater unity of effort within DOD:

DOD will regard dual-status commanders as the usual and customary command and control arrangement in cases where Federal military and State National Guard forces are employed simultaneously in support of civil authorities within the United States.<sup>110</sup>

One of the first issues addressed by the Council of Governors was dual status command.<sup>111</sup> The Council identified dual status command as the best solution to address concerns about unity of

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<sup>108</sup> U.S. House of Representatives, *A Failure of Initiative, Feb 2006*, 206.

<sup>109</sup> *Ibid.*, 207.

<sup>110</sup> U.S. Department of Defense, *Defense Support of Civil Authorities*, Joint Publication 3-28, Revision Final Coordinating Draft (Washington D.C., 3 December 2012), "Appendix F, Department of Defense Dual-Status Commander" and *Strategy for Homeland Defense and DSCA*, 21.

<sup>111</sup> "Council of Governors," National Governors Association, <http://www.nga.org/cms/CoG> (accessed 6 April 2013). The National Defense Authorization Act for FY 2008 created the Council of Governors and Executive Order 13528, issued on January 11, 2010, formally established it. The Council is intended to serve as a mechanism for governors and key Federal officials to address matters pertaining to the National Guard, homeland defense and DSCA. The Council consists of ten governors appointed by the President – five from each party – with two governors serving as co-chairs. The Executive Order specifically names a number of Federal participants in the Council, including the Secretaries of Defense and Homeland Security, the President's Homeland Security and Counterterrorism Advisor, the Commander of U.S. Northern Command and the Chief of the National Guard Bureau. To ensure that the Council appropriately represents all governors, the Council co-chairs, through the National Governors

effort between state and Federal military forces during disaster response. According to the Council's *Joint Action Plan for Developing Unity of Effort*, the DSC construct will better facilitate DOD's role as a supporting organization:

...the Adjutant General of the State...will be the principal military authority supported by a duly appointed DSC acting in his or her State capacity. All military commanders regardless of Service or Service component are *supporting* entities for purposes of operations within the area(s) governed by State civil and criminal jurisdiction...<sup>112</sup>

The DSC construct may not be the solution to the problem. Since Katrina demonstrated the need for a unified command structure, the DSC solution may not provide unification at the appropriate level. Draft Joint Doctrine defines the command relationships for the DSC as follows:

The DSC will receive orders from a Federal chain of command and state chain of command. As such, the DSC is an intermediate link in two distinct, separate chains of command flowing from different sovereigns. Those chains of command must recognize and respect the DSC's duty to exercise all authority in a completely mutually exclusive manner (i.e., either in a Federal or state capacity), relaying orders from the Federal chain of command to Federal military forces and from the state chain of command to state military forces, but never relaying Federal orders to state military forces or state orders to Federal military forces. State and Federal sovereigns may delegate their command authority to intermediate officials or officers who will, on their behalf, issue orders to the DSC.<sup>113</sup>

This relationship describes two unilateral operations (state and Federal) working in concert, with the DSC serving as the only connection between the two. The DSC would serve as commander of a combined Title 10 and Title 32 Joint Task. This inevitably would not result in the reduction of headquarters elements, but instead would lead to three: an overall JTF headquarters responsible

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Association, share documents for review and discussion with all governors' offices prior to their approval by the Council.

<sup>112</sup> Council of Governors, "Joint Action Plan for Developing Unity of Effort," National Governors Association, <http://www.nga.org/files/live/sites/NGA/files/pdf/CoGPlanforDevelopingUnity.pdf> (accessed 6 April 2013).

<sup>113</sup> JP 3-28 (Draft), *DSCA*, 113.

for de-conflicting the mission assignments issued by FEMA or the State Emergency Management Agency, a Title 10 headquarters and a Title 32 headquarters. In order to meet this additional headquarters requirement, the NORTHCOM staff will become the primary source of personnel to create a Joint-Support Force-Staff Element (JSF-SE). The JSF-SE is a scalable, tailorable Title 10 staff element that provides military incident awareness and assessment support, operations and planning, logistics and personnel, communications, financial, medical, public affairs, and legal support to the DSC.<sup>114</sup> This additional level of centralized control is contrary to the principle of mission command and exactly what the Joint Staff J7 warns about in their recently published focus paper on mission command and cross-domain synergy,

Our joint headquarters may also be tempted to centrally control the myriad of more scrutinized peacetime engagements. However, while centralization may work to some degree in peace, it may not work in conflict (or a disaster response) in which higher commanders rely on subordinates' initiative and speed of decision and action.<sup>115</sup>

The authors go on to identify insights that are particularly applicable to the problem of Title 10 and Title 32 unity of effort:

While unity of command is still important..., commanders at the theater-strategic and operational level often must orient toward unity of effort to leverage every possible capability. This does not negate the goal of unity of command; use it where feasible to keep the command relationships and interaction simple. That said, understand and leverage others' capabilities across domains, echelons, physical boundaries, and organizations to gain *unity of effort*. Gain synergy through recognition of interdependencies and development of appropriate command relationships, particularly the *support command relationship*. Supported and supporting command relationships coupled with shared situational awareness help mitigate seams and gain synergy.<sup>116</sup>

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<sup>114</sup> Ibid., 105.

<sup>115</sup> U.S. Department of Defense, Deployable Training Division, Joint Staff J7, *Insights and Best Practices Focus Paper on Mission Command and Cross-domain Synergy* (Washington D.C., March 2013), 4.

<sup>116</sup> Ibid., 12-13.

The problem the DSC is intended to alleviate is the lack of shared situational awareness between Title 10 and Title 32 forces. However, de-conflicting Title 10 and Title 32 efforts after FEMA issues mission assignments is already too late. Where this de-confliction needs to occur at is the Joint Field Office, the location where DOD already has a representative, the DCO.

Prior to Hurricane Katrina, the DCO was an additional duty for an army colonel.<sup>117</sup> Following Katrina, DOD permanently assigned DCOs to USARNORTH. Each DCO, along with a permanently assigned Defense Coordinating Element (DCE) reside in each of the ten FEMA regions at or near the FEMA region headquarters. By permanently assigning a DCO to each FEMA region, NORTHCOM has enhanced interagency coordination, particularly with states.<sup>118</sup> The DCE is a staff of eight personnel and includes a lieutenant colonel deputy, a major to oversee operations, and a Department of the Army civilian planner. In addition to building habitual relationships with FEMA and State and local emergency responders, the DCO/DCE's mission includes: providing oversight with all military installations regarding base support installation operations, deploying in a manner consistent with current response plans, representing DOD in a disaster area, validating mission assignments from the FCO and determining the best military resource for the mission, being prepared to conduct operations in other FEMA regions, and exercise command and control of deployed Title 10 forces.<sup>119</sup> To assist in the role of validating mission assignments and determining the best military resource, the DOD activates Emergency

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<sup>117</sup> R. Barry Cronin, "U.S. Northern Command & Defense Support of Civil Authorities," *Center for Army Lessons Learned Newsletter*, Issue 10-16, December 2009, 31.

<sup>118</sup> U.S. Government Accountability Office, *U.S. Northern Command Has Made Progress but Needs to Address Force Allocation, Readiness, Tracking Gaps, and Other Issues*, April 2008, 38.

<sup>119</sup> Advisory Panel on the Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents, *Before Disaster Strikes: Imperatives for Enhancing Defense Support of Civil Authorities*, (Washington, D.C.: RAND Corporation, 15 September 2010), 38.

Preparedness Liaison Officers (EPLOs). EPLOs, typically Armed Forces Reserve colonels or navy captains, serve as subject matter experts for their respective Service. However, even with the additional EPLOs, the DCO/DCE is unlikely to perform the above missions effectively when responding to a catastrophe or CBRN event. In the 2010 report, *Before Disaster Strikes:*

*Imperatives for Enhancing Defense Support of Civil Authorities*, the Advisory Panel on DOD Capabilities for Support of Civil Authorities After Certain Incidents for the both the Senate and House Armed Services Committees found that:

The DCO/DCE is not adequately sized and structured for its assigned missions, and it is not sufficiently expandable to effectively coordinate responses to or command Federal military forces in a major CBRNE incident.<sup>120</sup>

The DCO/DCE has a tactical self-deployment capability, but the EPLOs, who are all reservists, do not. Additionally, the DCO only has a coordinating relationship with non-Army EPLOs prior to activation.<sup>121</sup> This hinders the DCO/DCE's effectiveness and ability to arrive at the JFO with a full complement of capability. A properly-sized and structured, scalable DCE, capable of rapidly deploying in support of the JFO, would significantly improve DOD's ability to provide unity of effort among Title 10 and Title 32 forces.

During Hurricane Katrina, the National Guard Bureau (NGB) found itself in the role of force provider for the response effort. Unlike previous-large scale DOD responses, e.g., the 1992 response to Hurricane Andrew, the preponderance of the military assets deployed in Katrina were from the National Guard (over 50,000 Guardsmen compared to over 21,000 Active Duty at the height of the response), supporting the idea of the National Guard as the military's first

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<sup>120</sup> Ibid., 39.

<sup>121</sup> U.S. Government Accountability Office, *DOD Can Enhance Efforts to Identify Capabilities to Support Civil Authorities During Disasters* (Washington D.C., March 2010), 30.

responders in a domestic crisis.<sup>122</sup> The National Defense Authorization Act of 2008 placed the NGB under the DOD as a joint activity and the position of the Chief of NGB was elevated to a four star general and member of the Joint Chiefs of Staff. This, and other transformations since Katrina, have allowed the National Guard to posture itself as a “total joint force capability for homeland security missions.”<sup>123</sup> As part of its Innovative Response Capabilities, the National Guard has developed Domestic All-Hazard Response Teams (DARTs), force packages designed to respond to any natural or manmade disaster. These force packages can provide abilities with the National Guards “essential 10” capabilities.<sup>124</sup> Under the DART construct, the National Guard has 30,000 personnel available west of the Mississippi River and 50,000 east of the river. The only units that are part of both the DART and the CBRN Response Enterprise, however, are the WMD-CSTs. The WMD-CSTs provide a rapid-deployable force in support of three of the National Guard’s “essential 10” capabilities: force protection, communication, and command and control. This highlights the need for response forces to possess an integrated all-hazard capability. The WMD-CSTs, designed as a CBRN incident response force, provide capabilities needed in any type of domestic response. One of the advantages to the National Guard taking a larger burden of the DOD response effort is the physical location of their capabilities. The National Guard is able to take a regional approach toward posturing capabilities as opposed to the geographic dispersal faced by Title 10 forces.

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<sup>122</sup> U.S. House of Representatives, *A Failure of Initiative*, 202.

<sup>123</sup> The White House, *The Federal Response to Hurricane Katrina*, 55.

<sup>124</sup> “2012 National Guard Bureau Posture Statement,” The National Guard Bureau, [http://www.nationalguard.mil/features/ngps/2012\\_ngps.pdf](http://www.nationalguard.mil/features/ngps/2012_ngps.pdf) (accessed 23 March 2013.) The National Guard’s “Essential 10” capabilities are command and control, communications, aviation, force protection, engineering, logistics, maintenance, medical, security, and transportation.

The response to Hurricane Katrina demonstrated the difficulties DOD has in trying to quickly and effectively deploy a large response effort to an affected region. Many of the changes brought about as a result of Katrina have tried to address the issue decreasing the amount of time required to deliver response capability, as well as attempts to improve the effectiveness of response forces. Some of DOD's efforts are steps in the right direction, such as creating the PMSAs with FEMA. But when a catastrophe the size of Katrina occurs and Federal assistance arrives on an unprecedented scale, the JFO becomes the primary Federal incident management field structure. The JFO is the central location for the coordination of Federal, state, and local governments as well as private-sector and nongovernmental organizations responding to the disaster. The DCO/DCE is DOD's best available asset to shape DOD's response effort within the JFO. DOD has yet to adjust the structure of the DCO/DCE in order to maximize its potential as a true coordination element.

#### THE DSCA "THREAT" ENVIRONMENT

The Commission believes...and with great urgency, it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013...The Commission further believes that terrorists are more likely to be able to obtain and use a biological weapon than a nuclear weapon.<sup>125</sup>

*World at Risk*, 2008

If an organization like al Qaeda got a weapon of mass destruction on its hands—a nuclear or a chemical or a biological weapon—and they used it in a city, whether it's in Shanghai or New York, just a few individuals could potentially kill tens of thousands of people, maybe hundreds of thousands.<sup>126</sup>

*President Barack Obama*, 2009

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<sup>125</sup> Commission on the Prevention of WMD Proliferation and Terrorism, *World at Risk: The Report of the Commission on the Prevention of WMD Proliferation and Terrorism* (New York: Random House Publishing, December 2008), xv.

<sup>126</sup> Rolf Mowatt-Larssen, *Al Qaeda Weapons of Mass Destruction Threat: Hype or Reality?*, Belfer Center for Science and International Affairs (Boston: Harvard Kennedy School, January 2010), 3.

The above quotes are just small samples of the many statements that have been made concerning the potential employment of a WMD by a terrorist. Unfortunately, the above two statements only address the probability of the event and the horrific nature it could cause, but they are short on the details planners need in order to determine what capabilities will be required in the response. Two documents have been key in establishing the scope of the possible disasters faced by the United States: the NRF's National Planning Scenarios and, most recently, the Strategic National Risk Assessment (SNRA).

The National Planning Scenarios consist of fifteen catastrophic disasters across a broad scope of hazards. The interagency Scenario Working Group convened by the Homeland Security Council (HSC) and DHS developed the scenarios in 2003. Their objective was to “develop the minimum number of representative scenarios required to develop and test the range of required prevention, protection, response, and recovery resources.”<sup>127</sup> The Scenario Working Group divided the scenarios into eight Key Scenario Sets, six of which are CBRNE incidents. Table 3 displays the Key Scenario Sets.

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<sup>127</sup> “National Planning Scenarios,” FEMA Fact Sheet, [http://www.fema.gov/txt/media/factsheets/2009/npd\\_natl\\_plan\\_scenario.txt](http://www.fema.gov/txt/media/factsheets/2009/npd_natl_plan_scenario.txt) (accessed 17 March 2013).

Table 3: Key Scenario Sets of the National Planning Scenarios <sup>128</sup>

1	Explosive Attack – Bombing Using Improvised Explosive Device
2	Nuclear Attack
3	Radiological Dispersion Device
4	Biological Attack – With annexes for different pathogens
5	Chemical Attack – With annexes for different agents
6	Natural Disaster – With annexes for different disasters
7	Cyber Attack
8	Pandemic Influenza

Twelve of the scenarios are some form of a terrorist attack; the other three are natural disasters or a naturally occurring epidemic. Table 4 lists the fifteen planning scenarios and notional estimates for casualties and displaced civilians in each case. It also includes the figures from Hurricane Katrina and the Tokyo Subway Attacks. The casualty figures demonstrate the wide variance in the scope or scale of these types of attacks. The anticipated request for DOD assistance spans a wide variety as well, from the low end in the case of a high yield explosive to a ten kiloton atomic detonation which could require orders of magnitude more support from DOD. Most of the scenarios would require manpower-intensive types of support such as evacuation of the general public and special needs patients, search and rescue, casualty extraction, mass medical care, mass decontamination, food and water distribution, local security, wide area damage assessment, and mortuary recovery.<sup>129</sup> Moreover, many of the missions could be required to be conducted in a CBRN environment.

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<sup>128</sup> Ibid.

<sup>129</sup> McHale, *Critical Mismatch*, 14.

Table 4: National Planning Scenario Estimates<sup>130</sup>

	<b>Scenario</b>	<b>Casualties</b>	<b>Displaced</b>
1	Nuclear Detonation-10 kiloton Improvised Nuclear Device	Hundreds of thousands	350,000
2	Biological Attack – Aerosol Anthrax	13,000	35,000
3	Biological Disease Outbreak-Pandemic Influenza	1-10 million	n/a
4	Biological Attack-Plague	40,000	n/a
5	Chemical Attack – Blister Agent	70,000	100,000
6	Chemical Attack-Toxic Industrial Chemicals	1,350	10,000
7	Chemical Attack-Nerve Agent	6,000	n/a
8	Chemical Attack –Chlorine Tank Explosion	127,000	50,000
9	Natural Disaster-Major Earthquake	19,400	250,000
10	Natural Disaster-Major Hurricane	6,000	1,000,000
11	Radiological Attack-Radiological Dispersion Device	20,000	10,000
12	Explosives Attack-Bombing using IEDs	550	5000
13	Biological Attack-Food Contamination	1,150	n/a
14	Biological Attack-Foreign Animal Disease	n/a	n/a
15	Cyber Attack	n/a	n/a
	Hurricane Katrina <sup>131</sup>	1,349	2,000,000
	Tokyo Subway Attack	5500	n/a

The SNRA, conducted in 2011 in support of PPD-8, identifies the types of incidents that pose the greatest threat to the security of the United States. DHS subsequently grouped the threats into three categories; natural hazards, technological/accidental hazards, and adversarial, human-caused threats or hazards and determined the thresholds of consequence necessary for the threat

<sup>130</sup> Ibid., 13.

<sup>131</sup> Lynn E. Davis et. al., *Hurricane Katrina: Lessons for Army Planning and Operations* (Arlington, VA: RAND Arroyo Center, 2007), 6. The casualty numbers represent only the number of fatalities due to Hurricane Katrina.

to create a national-level event. The SNRA expanded the number of threats or hazards previously considered in the National Planning Scenarios.<sup>132</sup> The full results of the SNRA are classified; however, the SNRA affirmed the need for an all-threats/hazards approach to preparedness planning. Additionally the SNRA found that

Within an all-hazards preparedness context, particular events that present risk to the Nation – such as nuclear attacks or chemical releases – require additional specialized response activities.<sup>133</sup>

The SNRA points out that even though there exists a wide variety in the complexity, scope, and scale of the possible hazards that threaten the security of the United States, each requires similar response capabilities in order to mitigate the consequences of the disaster. The SNRA acknowledges that a CBRN event may require specialized capabilities, but it does not require a different response.

The SNRA also examined the consequences of the identified threats and hazards as a function of frequency, that is, some events have the potential to occur more than once a year. There exists repositories of data to assist in the prediction of natural events, such as hurricanes and earthquakes; however, predicting the frequency of terrorist attacks can be problematic. Many factors can affect uncertainty in the frequency and the consequences from any of the events. Examples include incomplete knowledge of adversary capabilities, variability in possible event severity and location, and lack of historical precedence.<sup>134</sup> Organizations within DoD, like the

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<sup>132</sup> “The Strategic National Risk Assessment in Support of PPD8: A Comprehensive Risk-Based Approach toward a Secure and Resilient Nation,” Homeland Security, <http://www.dhs.gov/strategic-national-risk-assessment-snra> (accessed 10 February 2013), 2-3. In addition to the threats identified in the fifteen National Planning Scenarios, the SNRA also considered national-level events created by flooding, space weather, tsunami, volcanic eruption, wildfires, dam failure, radiological substance release from a nuclear reactor.

<sup>133</sup> *Ibid.*, 5.

<sup>134</sup> *Ibid.*, 6.

Defense Threat Reduction Agency (DTRA) and JTF-CS often apply a qualitative approach to assessing the frequency, or the probability of an event. Figure 3 is an example of that approach for the CBRN threats.

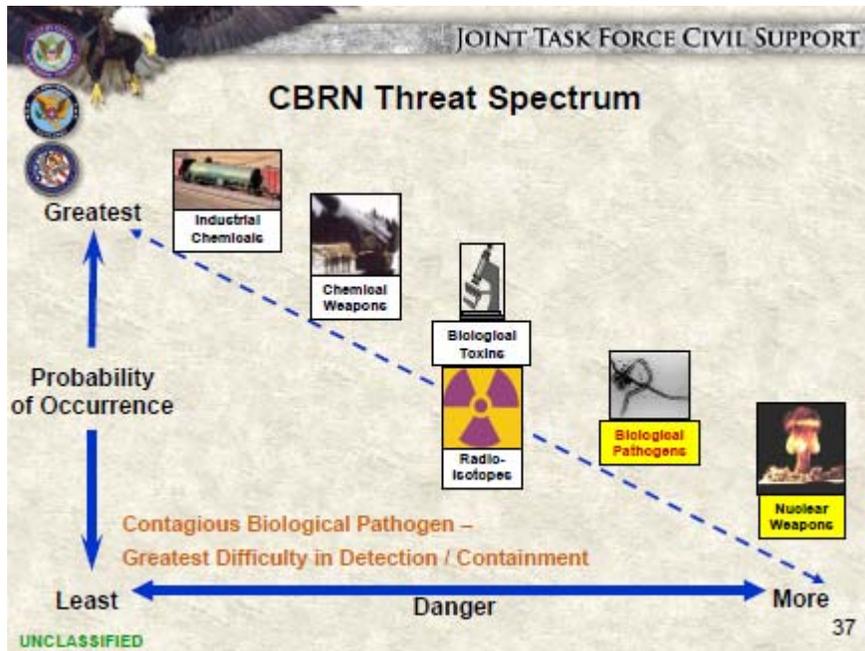


Figure 3: CBRN Threat Spectrum<sup>135</sup>

Based on this slide, a nuclear device, although the most catastrophic event, has the least chance of occurring and some type of chemical accident is the most likely event. Undoubtedly, only a catastrophe caused by a nuclear detonation will require an immediate national-level response. Whether or not the other CBRN threats require a national level response depends on the uncertainty factors previously listed. Regardless of the threat, if a national-level response is required, DOD will be tasked to provide the same type of capabilities, i.e., patient evacuation, search and rescue, mass medical care, mass decontamination, food and water distribution, etc. DOD may have to perform these tasks in a contaminated environment, but that would depend

<sup>135</sup> "JTFCS 101 Brief," slide 37.

upon the persistence of the contamination. More than likely, DOD would conduct most of its operations outside the contaminated area in order to maximize effectiveness.

Another facet of the uncertainty in the threat is the number of near simultaneous events that could occur. The 2005 *Strategy for Homeland Defense and Civil Support* only cited the potential for multiple attacks:

At the high end of the threat spectrum, however, the 21st century environment has fundamentally altered the terms under which Department of Defense assets and capabilities might be called upon for support. *The potential for multiple, simultaneous, CBRNE attacks on US territory is real.* It is therefore imperative that the Department of Defense be prepared to support civilian responders in responding to such mass casualty events.<sup>136</sup>

The question remains, how many constitute multiple – two, three, four? When LTG Honore asked the question of USNORTHCOM in 2003, the agreed upon answer became three. However, this answer assumed that an adversary just had the capability to employ multiple attacks using the same tactic, such as three persistent chemical attacks, or three fuel-filled passenger jets. Hurricane Katrina, however, represents a different type of disaster event, a combination of the described scenarios, consisting of a disastrous hurricane that led to large-scale flooding from the levee breaks. This cascading effect, one disaster causing another of greater magnitude, now identified as a complex catastrophe, and the publication of the 2013 *DOD Strategy for Homeland Defense and Defense Support of Civil Authorities* signals a shift by DOD in what constitutes the greatest type of disaster threatening the United States:

...the 21<sup>st</sup> century security environment, the concentration of population in major urban areas, and the interconnected nature of critical infrastructures have all combined to fundamentally alter the scope and scale of “worst case” incidents for which DOD might be called upon to provide civil support. This environment creates the potential for

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<sup>136</sup> U.S. Department of Defense, *Strategy for Homeland Defense and Civil Support* (Washington D.C., June 2005). 19.

complex catastrophes, with effects that would qualitatively and quantitatively exceed those experienced to date.<sup>137</sup>

Two recent events recently brought the idea of the complex catastrophe to the forefront of discussions concerning scope of disasters. On March 11, 2011, the Great Eastern Japan Earthquake, a 9.0 magnitude earthquake, which caused a devastating tsunami and meltdown crisis of the Fukushima Daiichi nuclear power plant, resulted in the greatest natural disaster in Japan's recorded history. The World Bank estimated that it could take Japan five years, and cost between \$115 billion and \$215 billion – equivalent to 4% of Japan's GDP – to overcome the catastrophe.<sup>138</sup> Police reported death toll estimates above 18,000 with another 450,000 people evacuated to shelters.<sup>139</sup> The other event, National Level Exercise 2011(NLE 11), occurred in May 2011, just a few months after the Japanese catastrophe.<sup>140</sup> For NLE 11, DHS developed a scenario that simulated a sequence of catastrophic earthquakes in the Central United States. The earthquake and aftershocks resulted in thousands of casualties and major damage and destruction throughout the Central United States, including direct impacts to eight States.<sup>141</sup>

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<sup>137</sup> U.S. Department of Defense, *Strategy for Homeland Defense and DSCA*, 16.

<sup>138</sup> Justin McCurry, “Japan Quake Death Toll Passes 18,000”, *The Guardian*, <http://www.guardian.co.uk/world/2011/mar/21/japan-earthquake-death-toll-18000>, 21 March 2011, (accessed March 28, 2013).

<sup>139</sup> *Ibid.*

<sup>140</sup> Steve Tracton, “Bicentennial of the New Madrid earthquake sequence: Can it happen again?” *The Washington Post*, February 7, 2012, [http://www.washingtonpost.com/blogs/capital-weather-gang/post/bicentennial-of-the-new-madrid-earthquake-sequence-can-it-happen-again/2012/02/07/gIQAbF0WwQ\\_blog.html](http://www.washingtonpost.com/blogs/capital-weather-gang/post/bicentennial-of-the-new-madrid-earthquake-sequence-can-it-happen-again/2012/02/07/gIQAbF0WwQ_blog.html) (accessed 28 March 2013). In May of 2011, the Federal Emergency Management Agency (FEMA) ran a White House mandated exercise, referred to as the National Level Exercise 2011 (NLE 11), simulating the response to the equivalent of the 1811/1812 New Madrid earthquakes. The purpose was to evaluate the nation’s catastrophic event preparedness by assessing the capabilities for multijurisdictional, integrated response to a national catastrophic event. The exercise included participants from various Federal, state, and local agencies, as well as private sector and nonprofit organizations.

<sup>141</sup> “National Level Exercise 2011 (NLE 11) Quick Look Report (QLR),” Federal

DOD now defines a complex catastrophe as:

Any natural or manmade incident, including cyberspace attack, power grid failure, and terrorism, which results in cascading failures of multiple, interdependent, critical, life-sustaining infrastructure sectors and causes extraordinary levels of mass casualties, damage, or disruption severely affecting the population, environment, economy, public health, national moral, response efforts, and/or governmental functions.<sup>142</sup>

DOD recognizes that this type of catastrophe greatly complicates its ability to respond effectively because of potential magnitude and geographic size of an incident. Part of DOD's strategy to address this concern is to explore expanding immediate response authorities, geographically proximate force-sourcing of Title 10 responders, and using non-National Guard Reserve forces in a domestic response.<sup>143</sup> These initiatives are an attempt by DOD to combat the greatest challenge faced in domestic response, which is the time it takes to respond.

No matter if the disaster is described in the NPSs, the SNRA, or fits the definition of a complex catastrophe, there are some common characteristics of an incident that will shape the requirements for the response effort. The Honorable Paul McHale, former Assistant Secretary of Defense for Homeland Defense and Security Affairs, best described the common nature of a catastrophic event:

Catastrophic disasters, regardless of origin, produce a physically degraded operating environment. Roads are buried or destroyed, bridges are dropped, homes and commercial buildings are severely damaged. Deaths and casualties are numerous, the injured are often buried in rubble, local hospitals are unable to function, and special-needs patients (the elderly, the very young, and the disabled) are trapped. First responders are often among the first casualties. Highway systems are clogged, and transportation nodes (airports, train stations, and port facilities) may be inoperable. Under such circumstances, the demand for unique military capabilities is almost limitless, including helicopters, high-wheeled vehicles, transport planes, aerial observation platforms, communications equipment,

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Emergency Management Agency, June 14, 2011, [http://www.fema.gov/txt/media/factsheets/2011/nle11\\_quick\\_look\\_report.txt](http://www.fema.gov/txt/media/factsheets/2011/nle11_quick_look_report.txt) (accessed March 29, 2013).

<sup>142</sup> U.S. Department of Defense, *Strategy for Homeland Defense and DSCA*, 17.

<sup>143</sup> *Ibid.*, 17-18.

mobile medical personnel and emergency treatment facilities, veterinary care, firefighting equipment, search and rescue capabilities, mortuary services, CBRNE assessment and decontamination, and local security.<sup>144</sup>

DOD's response elements have the highest probability of providing life-saving capability within 72-96 hours after an incident.<sup>145</sup> The challenge DOD faces is getting trained and ready response forces, regardless if the incident is CBRN or non-CBRN, to the affected area in the shortest amount of time possible.

## CONCLUSION

The amount of resources DOD currently dedicates to its mission to provide defense support of civil authorities has grown significantly since President Clinton levied the requirement to provide CBRN expertise to the United States' largest municipalities. Some critics argue that DOD still has not adequately resourced this mission

In too many other cases, DOD preparedness falls woefully short. Combatant commanders, especially U. S. Northern Command, have made many of these capability requirements known, but priorities within the Department have placed resources elsewhere.<sup>146</sup>

The perfect DOD response enterprise for a domestic catastrophic incident would consist of multiple geographically-dispersed response forces ready to deploy at a moment's notice. Each response force would be comprised of the units needed to provide the capabilities identified in the twenty-five PSMA's and the specific missions of the units in the CBRN response enterprise. The response forces would be scalable so that DOD could tailor the capability to best fit the

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<sup>144</sup> McHale, *Critical Mismatch*, 12.

<sup>145</sup> U.S. Department of Defense, *Strategy for Homeland Defense and DSCA*, 17.

<sup>146</sup> Defense Science Board, *Unconventional Operational Concepts and the Homeland*, U.S. Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, March 2009, v.

requirements of a smaller Federal response as well as enable seamless integration of Title 10 and Title 32 operations in order to employ critical life-saving capabilities, mitigate property damage, and prevent human suffering. However, fiscal realities prevent DOD from providing this gold-plated option, as evidenced in the most recent *Strategy for Homeland Defense and Defense*

*Support of Civil Authorities:*

DOD budget austerity requires rigorous mission needs analysis and risk-based decision making in order to ensure Defense operations and activities in the homeland are adequately considered among priorities for capability development or preservation.<sup>147</sup>

The NRF calls upon DOD to provide some type of response capability in support of every Emergency Support Function. Unlike the other Federal departments, DOD response capabilities are divided among its purely Federal Title 10 force structure and the state-controlled Title 32 forces. Not only are DOD's capabilities split among two different governing Federal statutes, the Department has created a dichotomy in its response enterprises, one designed specifically to respond to a catastrophic CBRN incident and one to respond to incidents without a CBRN element. DOD can no longer afford to maintain this dichotomy, in part because of the duplicity of the capabilities involved and also because the dichotomy is not in line with current DOD strategy and doctrine for an all-hazards approach to civil support. One of the objectives listed in the new *Strategy for Homeland Defense and Defense Support of Civil Authorities*, as part of DOD's mission to provide defense support of civil authorities, is to:

Maintain defense preparedness for domestic CBRN incidents. Detecting, preventing, mitigating and responding to CBRN incidents requires specially trained and equipped response forces which are postured for rapid deployment. DOD must preserve its CBRN response capabilities including specialized agent detection, identification, and dispersion modeling systems as well as casualty extraction and mass decontamination capabilities. DOD general purpose forces are also core components of the military CBRN incident response force and include medical, security, engineering, logistics and transportation capabilities. The Department will also maintain trained and equipped command-and-

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<sup>147</sup> U.S. Department of Defense, *Strategy for Homeland Defense and DSCA*, 7.

control capabilities to manage the specialized and general purpose forces that will likely be needed to support civilian agencies after a CBRN incident.<sup>148</sup>

The vast majority of the response forces to a catastrophic CBRN incident will be DOD general purpose forces that may have to operate in a CBRN-contaminated environment. This should not translate into a robust “specially trained and equipped response forces which are postured for rapid deployment” unless those response forces are dedicated to respond to any type of catastrophic hazard or threat facing the United States.

The public expects a decisive, fast, and effective Federal response to disasters and DOD is often expected to play a prominent supporting role in response efforts.<sup>149</sup> Terms like “critical life-saving capability” and ‘rapidly deploy’ have crept into the mission statements of commands, units, and teams within DOD that are earmarked to be part of a domestic response. At the same time, in an effort to “go big,” DOD has created larger headquarters to enable the build-up of massive capability in response to a catastrophic incident. However, as recognized in its new *Strategy for Homeland Defense and Defense Support of Civil Authorities*, DOD is challenged to respond in enough time with a Title 10 capability that can effectively produce a life-saving effect.

Although DOD has a new strategy and plans to release updated civil support doctrine, DOD must also adjust its approach toward the civil support mission. By embracing an all-hazard approach to domestic response, DOD has the opportunity to streamline the amount of resources dedicated to the mission, while at the same time achieve greater unity of effort and create a more efficient and ready response force. This can be accomplished by DOD enabling the National Guard to become the lead service for the all-hazard domestic response mission. Instead of USNORTHCOM being the *supported* combatant command, it must adopt a *supporting* combatant

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<sup>148</sup> Ibid., 15.

<sup>149</sup> Ibid., 6.

command role, providing additional trained and ready Title 10 forces for the civil support mission.<sup>150</sup> Although there is not a direct command relationship between USNORTHCOM and the National Guard, DOD needs to ensure that both the supported (State Governors or Adjutant Generals) and supporting commanders (USNORTHCOM) understand the degree of authority that the supported commander is granted. The National Guard is better trained and equipped for this mission and with their disperse geographic footprint across the United States, their forces are postured to respond more quickly than a large Title 10 force.

The current DOD CBRN response enterprise is a good starting model for DOD's all-hazard domestic respond capability. In order to improve this to an all-hazard capability, DOD needs to continue to leverage the National Guard force structures. The WMD-CSTs have become an all-hazard response capability and so too must the CERFPs and HRFs. Part of becoming an all-hazard capability is letting these forces respond to all types of domestic incidents, much the same way the WMD-CSTs are now employed. Even if the incident turns happens not to be a CBRN hazard, these response forces deploy with capabilities needed in every type of catastrophic incident, both medical and engineering. Additionally, the chemical decontamination capability can easily become a general purpose force if that capability is not needed. In order to have the response timelines similar to the WMD-CSTs, the CERFPs and HRFs must have more of their force in a full-time Title 32 status.

The Title 10 contribution of the response force must also embrace the all-hazard approach to domestic response. One of the ways to achieve this all-hazard approach is to let JTF-CS truly be an all-hazard civil support force headquarters, not just one dedicated to responding to

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<sup>150</sup> George E. Katsos "Command Relationships," *Joint Force Quarterly*, JFQ 63, 4th Quarter (October 2011), 154. A support command authority relationship is established by a superior commander between subordinate commanders when one organization should aid, protect, complement, or sustain another force.

a catastrophic CBRN event. The functions of a JTF headquarters in a catastrophic domestic incident are the same, regardless of the CBRN operating environment. DOD must also change the structure of the Title 10 response force, becoming more of a re-enforcing capability instead of a rapid reaction response force.

In addition to the challenge of time, achieving unity of effort through better integration of Title 10 and Title 32 forces remains one of DOD's greatest challenges to improving its response efforts. DOD believes that the way forward on achieving this effect is the implementation of the DSC. However, the DSC construct only adds additional centralized command and will not necessarily ensure the control or integration capability necessary to achieve unity of effort. The DCO along with the DCE is doctrinally positioned to achieve this integration effect if it were properly resourced and charged with this mission. USNORTHCOM's plan to augment the DSC's with the JFSEs is misplaced, it should permanently augment the DCO/DCEs and use this improved capability to provide the Title 10 and Title 32 integration at the JFO level. Their JFLCC could then serve as the integrating headquarters with the National Guard Bureau. This would provide the integrating functions necessary for DOD to achieve a unified effort and allow tactical commanders to execute mission command over their response forces.

DOD's role in supporting civil authorities is now codified in the National Defense Strategy as one of its primary missions. Over the last twenty years, this mission has gone from simply providing technical expertise concerning operations in a contaminated CBRN environment to providing support to prepare, prevent, protect, respond, and recover from domestic incidents, including terrorists' attacks, and major disasters both natural and man-made. DOD's civil support capabilities, once derived solely from warfighting capabilities that could be applied to domestic assistance, now include specifically-designed Title 10 and Title 32 units and task forces. DOD has developed separate response enterprises for CBRN and non CBRN catastrophic incidents. This dichotomy of effort and resources is no longer in congruence with

current DOD strategy and doctrine for an all-hazards approach to civil support, as well as no longer being fiscally feasible. DOD must develop a response capability that is trained and ready to support the requirements created from the type of disaster that presents the greatest threat to the United States, a complex catastrophe. In this type of disaster, the environment will pose CBRN and non-CBRN environments and will require response forces capable of readily operating in both.

Developing a trained and ready all-hazard response force capability is only one part of addressing DOD's shortfalls in confronting a complex catastrophe. The goal is for DOD to achieve a higher degree of unity of effort among all of its forces. DOD must make the necessary changes in its response organizations in order to reduce the 'response gap' and provide the needed capability to the disaster area. These changes include shifting more of the civil support mission to the National Guard, reducing the Title 10 headquarters footprint, and improving the Title 10 and Title 32 integration capabilities of the defense coordinating officer. These changes may not solve all of the problems faced by DOD, but they will improve DOD's ability to accomplish its required civil support mission.

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