

AIR WAR COLLEGE

AIR UNIVERSITY

BALANCING THE DOD'S APPROACH
TO
IMMEDIATE DOMESTIC DISASTER RESPONSE

by

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Biography

Lieutenant Colonel Eric L. Leshinsky is a U.S. Air Force personnel officer assigned to the Air War College, Air University, Maxwell AFB, AL. Lt Col Leshinsky was commissioned in 1993 after graduating from California State University Sacramento, California. He graduated from Sacramento State in 1993 with a Bachelor of Science degree in Criminal Justice, Webster University in 2002 with a Master of Arts degree in Business Management, and the Naval Postgraduate School in 2006 with a Master of Arts degree in Homeland Security and Defense. He has served at the unit, group, major command, combatant command, and joint coalition command level in various positions.



Abstract

Historically, the military has been used as a primary resource to provide assistance and support in the aftermath of domestic disasters. Over the years, initiatives to improve the federal government's preparedness to respond to domestic incidents have resulted in varying initiatives of varying levels of success. However, many still believe the federal government and the U.S. military is still not adequately prepared to respond effectively and immediately to an out-of-the-ordinary catastrophic disaster. Today, the U.S. military's preparedness for catastrophic incidents has been hampered by several issues. First, civil support has traditionally been considered a secondary mission set of the Department of Defense (DoD). Secondly, the primary attention and stress caused by combat operations over the past decade have limited investment and attention to domestic missions. Lastly, the DoD has focused more on preparing the National Guard for domestic contingencies than its federal forces. As a result, the DoD has still not organized, trained, or equipped its federal forces sufficiently to mitigate the effects of catastrophic disasters in a rapid and integrated manner.

This paper examines enduring problems faced by the federal government and the DoD in dealing with large-scale disasters and highlights several flaws in DoD's current priorities and mechanisms for ensuring immediate disaster relief; specifically, the initial hours and days following a catastrophic disaster that immediately overwhelms local and state responders and resources. One of the principle mechanisms for providing rapid federal assistance, the DoD's Immediate Response Authority (IRA), requires improved guidance, oversight, and other initiatives discussed in this paper to better balance the DoD's total force approach to saving lives and mitigating the effects of domestic disasters. Lastly, the author provides several policy and structural recommendations to help address and eliminate the current shortfalls (including guidance, oversight, training, and total force integrations) limiting the effectiveness of today's IRA.

Introduction

Historically, the U.S. military has had tremendous success in providing disaster relief assistance. However, the destruction caused by Hurricane Katrina in 2005 raised significant concern regarding the military's preparedness to mitigate the effects of domestic catastrophic disasters. Since Katrina, efforts to improve military readiness have been initiated; however, some argue serious response gaps remain and future incidents still require a more unified and versatile total force approach to save lives and mitigate suffering.¹ In the aftermath of Hurricane Sandy in 2012, President Obama directed agencies within the federal government to provide immediate assistance and to ensure "no bureaucracy, no red tape, [and to] get resources where they're needed as fast as possible, as hard as possible, and for the duration."² President Obama went on to highlight the unique resources that only the military can bring to bear during catastrophic disasters. The President's direction to the federal agencies was strikingly similar to the pleas issued by the previous administration following Hurricane Katrina. Which begs the question: What changes are still needed to ensure a more rapid and scalable disaster response by the DoD, if any?

One area that still requires significant work and attention is in the ability to close the gap of immediate federal disaster response; specifically, the initial hours and days after a catastrophic disaster when local and state emergency responders and resources are overwhelmed. One of the principle mechanisms for providing rapid federal military assistance is through the DoD's Immediate Response Authority (IRA) provision.³ Unfortunately, today, the IRA does not have a strong enough footing to be as useful as it could be during crisis. Specifically, the IRA provision currently requires clearer guidance and oversight at the DoD and combatant command level and also increased training, planning, exercises, and initiatives to ensure a more balanced total force

approach toward civil support and IRA missions. This paper discusses systemic issues and problems that plague catastrophic disaster response and the DoD's preparedness for domestic civil support. The paper goes on to provide an overview of the IRA provision and current issues and barriers that limit its effectiveness and provides policy and structural recommendations to help improve DoD readiness for IRA activities.

Disaster Response in America: Systemic Issues/Problems

Traditionally, local and state governments have maintained the primary responsibility for funding, preparing, and responding to domestic disasters in the United States. However, some have argued that while smaller disasters are typically handled effectively at those levels, major or catastrophic disasters are different.⁴ Recent large-scale disasters, such as 9/11, Hurricane Katrina, and the Deepwater Horizon Oil Spill, have demonstrated why the nature of catastrophic disasters is different. First, due to mass and geography, state and local first responders are typically overwhelmed from the initial incident stage and the "fog of disaster" sets in creating a "temporary uncertainty" regarding the most important needs "during the first day or two."⁵ This temporary "fog" creates a dangerous response gap between when an event occurs and when most federal agencies charged with domestic relief typically arrive (2-3 days). Secondly, unity of effort to coordinate response activities will likely not be achievable for "24 to 48 hours (or longer)."⁶ As such, procedures for providing federal assistance may need to be "temporarily suspended" in the aftermath of a catastrophic disaster to save lives and mitigate damage.⁷ Some have argued that due to the "fog" and lack of a common operating picture, the "structure and process required for unity of effort in response will no longer be present" and as such, "it might be equally productive to ask what is required to reduce the time it takes" to respond to massive incidents.⁸ Third, and last, the chaotic nature of a major disaster amplifies flaws within the

traditional layered response approach. For instance, the requirement to request federal assistance is often problematic because civil authorities don't always know what all the needs are and how to prioritize them.⁹ Also, the lack of community-based training and planning are even more obvious when major disasters saturate local and state response capabilities and fracture traditional response systems. During Hurricane Katrina, the absence of detailed inter-operational plans at various levels created massive response gaps leaving thousands of people without medical care, adequate shelter, and food or water for days.¹⁰ The lack of comprehensive whole-of-community disaster preparedness training has also impacted response effectiveness. During Hurricane Katrina, it became obvious that many federal, state, and local officials were not adequately trained on their key and interconnected roles during major disasters.¹¹ In the aftermath of the Deepwater Horizon Oil Spill in 2010, the lack of training of federal officials was once again highlighted.¹²

Improvement initiatives over the years have been encouraged by the federal government. The National Security Strategy encourages “domestic regional planning” and “seamless coordination” among federal, state, and local governments to respond more effectively.¹³ The National Preparedness Goal issued in 2011 also recommends a whole-of-community approach to planning.¹⁴ Unfortunately, encouragement does not always equal meaningful action and drastic improvements. After crisis, typically only minor changes occur to the overall preparedness system, as political and public pressure fades, and agencies move on to more routine operations and priorities.¹⁵ Consequently, many critical reforms called for in the past have simply lost momentum and as a result, the nation is still not in possession of a disaster relief system capable of responding quickly and effectively to catastrophic incidents.¹⁶

James Miskel, in his book titled “Disaster Response and Homeland Security: What Work’s, What Doesn’t,” called on federal agencies to increase preparedness to respond to massive disasters that overwhelm the standard response system so federal assistance does not always need to be encouraged or “pushed” from Washington.¹⁷ Others have highlighted the potential risk of local and state authorities trimming investment in disaster preparedness if the federal government improves proactive response mechanisms.¹⁸ However, despite the debates and potential risk, the U.S. military will undoubtedly need to improve readiness to mitigate catastrophic incidents. Improving the military’s preparedness and response mechanisms would be extremely beneficial because when it comes to resources, the military is “the central federal player” in responding to catastrophic events.¹⁹

The heavy reliance on the military, and its resources, is not without challenge or obstacle. Today, the DoD has a critical imbalance in its homeland response strategy and lacks the necessary federal forces postured and trained to effectively respond to catastrophic disasters.²⁰ To initiate corrective action, the DoD needs to implement drastic changes to how it views, plans, and prepares for immediate domestic civil support across the total force. These enduring challenges and opportunities are address in more detail in the next section.

DoD’s Unbalanced Approach to Civil Support: Challenges/Opportunities

The U.S. military has always played a significant role in providing assistance in the aftermath of major disasters. However, Hurricane Katrina in 2005 brought to light many apparent shortfalls within the DoD’s preparedness for and responsiveness to domestic contingencies. The formal lessons learned report from Katrina highlighted many issues including the failure to integrate the National Guard and active duty forces in the response.²¹

A report the following year evaluating the future of the National Guard and Reserves determined the military had not organized, trained, or equipped its active forces to reflect civil support as a primary mission.²² The report called on the DoD to “recognize civil support, particularly in response to a catastrophic event, as a central mission for which it must plan, program, and budget.”²³ Despite these recommendations, civil support has “dropped to seventh on the department’s list of priority missions” in 2012; down from its first listed core mission in 2009.²⁴ This tends to reflect what many have deemed as the DoD’s long historical view of civil support as a “lesser included” mission.²⁵

The resistance by the DoD to take on a more active role has been attributed to several factors. First, there has been a long-standing, yet invalid (due to the IRA), notion that the military is a resource of last resort. This notion is still reflected in the National Response Framework which states the “primary mission of the DoD and its components is national defense.”²⁶ Second, in addition to a “continuing prejudice” toward civil support, the stress of current combat operations and requirements over the past decade have restricted improvements to policies and readiness.²⁷ In the aftermath of Hurricane Katrina, U.S. Northern Command (USNORTHCOM) made “moderate success” toward improving civil support capacity; however, “leaders at the Pentagon had little appetite to provide more personnel, training, or equipment for civil support operations.”²⁸ Third, and last, the DoD has traditionally relied heavily on the National Guard to plan, prepare, and respond to domestic disasters. Since governors and local civil authorities typically desire to influence decision making during a disaster, this reliance has typically been very politically acceptable.²⁹

The influential factors discussed above have unfortunately caused an unbalanced approach to civil support causing serious issues and limitations in today’s total force readiness to

respond with versatility to domestic disasters. On the federal side, the DoD has not placed the necessary attention to ensure rapid federal response forces are identified and available to assist in the aftermath of widespread disaster.³⁰ “10 years after it was established, USNORTHCOM still lacks many of the critical capabilities needed” to carry out its civil support mission.³¹ The command still lacks sufficiently trained and identified federal forces to respond to massive disasters, such as CBRNE attacks, and also the “additional forces” that would be required to augment and respond.³² Without more federal troops, the DoD’s ability to quickly execute civil support “could mean the difference between a contained situation and massive casualties.”³³

Without enough federal assets, some have highlighted dangerous flaws in the DoD’s overreliance on the National Guard. The DoD’s dependence has been deemed problematic given “the operational challenges posed” by catastrophic disasters.³⁴ This is due to several factors. First, the National Guard would have difficulty fully deploying its largest response units to a “no-notice event in less than 3-4 days.”³⁵ Nation-wide emergency preparedness and response exercises have continued to indicate that reserve component mobilization to massive disasters may not be as timely as needed.³⁶ State-to-State assistance compacts would also become difficult, if not impossible, to quickly utilize as experienced during Hurricane Katrina.³⁷ Secondly, the dual status nature of the National Guard is both its best and worst attribute. Although the National Guard has a long history of serving both at home and abroad, it simply cannot be two places at once; which has led to preparedness concerns. Over the past decade, frustration and debate regarding the availability of National Guard personnel and equipment for disaster response has resulted.³⁸ National Guard units have transferred large equipment supplies to other overseas deploying units, leaving less available for homeland missions.³⁹ In order to address these concerns, the Chief of the National Guard Bureau led an effort to restrict

deployment standards to ensure at least fifty percent of personnel would remain available in each state.⁴⁰ A commission report also called on the active duty to shift more capabilities (equipment) to the National Guard to help address readiness concerns.⁴¹ Also, since so few units are “exclusively focused on civil support, it is almost impossible” to develop strong relationships with local and state authorities which is so critical for planning and response preparedness.⁴²

Due to many of the issues addressed above, the DoD has not focused the necessary attention to improve its primary mechanism for immediate federal assistance in the wake of disaster—the Immediate Response Authority. By doing so, the DoD has ignored some of the significant warning signs and lessons learned from past catastrophic events. Effective pre-planning, training, and “versatility”, as called for by the DoD, is still missing.⁴³ Today, the U.S. is not fully prepared to mitigate the effects of another out-of-the-ordinary disaster.⁴⁴ This is partly due to the U.S. military lacking the “strong, steady-state force readiness” called for by the DoD.⁴⁵ Institutionalizing the IRA and eliminating current barriers to its effectiveness, as discussed later in this paper, will help rebalance the DoD’s approach to civil support and improve Total Force versatility.

The DoD’s Immediate Response Authority

In the immediate aftermath of a disaster, the IRA provision provides a unique response mechanism to obtain federal military assistance. Since the provision is an exception to the Stafford Act, it does not require a state’s capabilities to be overwhelmed, higher headquarters approval, or Presidential declaration.⁴⁶ As such, the provision lays waste to the myth that federal military assets are always a resource of last resort and has the potential to cut through bureaucracy and provide proactive assistance. Therefore, if IRA assistance requests are provided

to the federal installations closest to an incident, there is significant opportunity to provide rapid disaster relief if the provision is fully understood, utilized correctly, planned for accordingly, and initiated promptly.

Under the IRA provision, “federal military commanders, heads of DoD components, and/or responsible DoD civilians” are granted IRA to respond to requests for assistance from a civil authority.⁴⁷ The provision allows DoD officials to temporarily employ resources to save lives, prevent human suffering, or mitigate great property damage. According to the DoD directive, IRA responses should be reassessed not later than 72-hours after the request was received and should “end when the necessity giving rise to the response is no longer present or when the initiating DoD official or a higher authority directs an end to the response.”⁴⁸

The IRA has “firm historical roots” and has been utilized to respond to domestic disasters on sporadic occasions with varying degrees of success.⁴⁹ The provision was utilized in 1906 following the San Francisco earthquake and in 1955 and 1994 following floods in California and Georgia, respectively.⁵⁰ In 1995, medical evacuation helicopters, ambulances, explosive ordinance experts, bomb detection canine teams, and a sixty-six person rescue team were provided under the IRA in response to the Oklahoma City bombing.⁵¹

In the aftermath of Hurricane Katrina in 2005, USNORTHCOM issued an order to encourage military commanders located “anywhere within the Joint Operating Area” to provide immediate assistance and coordinate responses with the standing joint task force.⁵² The Deputy Secretary of Defense also encouraged local commanders to utilize their “inherent immediate response authority” to provide assistance in the aftermath of Katrina.⁵³ In having to issue formal and verbal orders to encourage commanders to utilize inherent authorities indicates a systemic

problem of understanding and/or preparedness for IRA missions. In 2009, the lack of understanding regarding intent and authorities under the IRA was illustrated once again when a commander located at Fort Rucker responded to a request for assistance from a county sheriff following a mass shooting that left 11 dead over a 20 mile radius.⁵⁴ Since local police were overwhelmed and had requested support to secure the area, the commander deployed military personnel to help direct and divert traffic from the crime scenes.⁵⁵ An investigation later found the response to be in violation with the Posse Comitatus Act (which currently prohibits federal forces from engaging in law enforcement activities) since the military police had independently manned traffic control points and regulated the “freedom of movement” of civilians.⁵⁶ Although the commander at Fort Rucker accepted full responsibility for his decision, he believed his actions were authorized based on his “previous experiences” with military responses during Hurricane Katrina.⁵⁷

Hurricane Katrina and the Fort Rucker incident demonstrate some of the current faults inherent in the DoD’s IRA provision. In the aftermath of disaster, commanders’ should not require encouragement to use preauthorized authorities or respond with uncertainty regarding the validity of their decisions. The ability to respond effectively and immediately requires commanders to understand intent to the level of effect.⁵⁸ The DoD’s IRA provision certainly provides a unique resource and mechanism for obtaining immediate federal assistance when qualifying circumstances arise. However, without significant investment to improve the IRA provision, including guidance, training, and total force preparedness, federal leaders and installations across the U.S. will not be able to respond rapidly or decisively to future catastrophic events. Simply put, authority to respond, and proximity to a disaster does not

always equate to real capability and capacity to mobilize rapid assistance. The following sections highlight significant barriers to the current IRA provision's effectiveness.

Lack of Clarity, Guidance, and Training:

Today, the IRA does not have a solid footing due to vague and contradictory guidance outlining the provision. As such, the provision currently lacks the necessary framework and clarity needed for leaders across the federal, state, and local level to understand the intent of the authority and inherent responsibilities to plan, prepare, and respond (when necessary) to local and regional disasters. Only a few general questions need be asked to highlight some of the foundational disconnects within current guidance.

1) Who has the authority to act under the IRA? Although the DoD directive indicates only "federal" military commanders are granted IRA, several primary source documents, including the Joint Staff publication for civil support and the DoD support annex of the National Response Framework (NRF) are less specific. The joint publication states "any local commander" has the authority to act under the provision.⁵⁹ Likewise, the NRF guidance states "local military commanders" have the authority; which could confuse requesting civil authorities when differentiating between federal and non-federalized military resources.⁶⁰ The NRF, which is a primary guide for disaster preparedness and guidelines, also fails to clarify that DoD component heads and some civilian leaders also possess the IRA. These disconnects help illustrate why local authorities, such as represented in the case at Fort Rucker, can fail to differentiate clearly the different authorities that currently exist between regional federal and National Guard units. The DoD's IRA directive also does not clarify the "civilian authorities" that may request assistance, but references Joint Publication 1-02 (JP 1-02).⁶¹ JP 1-02 defines

civil authorities as “those elected and appointed officers and employees who constitute the government of the United States, the governments of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, United States possessions and territories, and political subdivisions thereof.”⁶² This is obviously a large list of civilians that have the potential to utilize the IRA, but it is unclear how they are individually identified and trained and whether local federal authorities currently understand the broad number of civilians’ who may request IRA assistance.

2) What assistance and support is authorized under the IRA? The IRA provision does not currently specify the specific types of assistance that can be rendered. The directive simply states any and all “resources under their control” may be used.⁶³ As a result, no foundational baseline is provided to ensure resources that are most commonly required or requested in the aftermath of a disaster are understood and postured for readiness. The NRF by contrast provides better clarity to the resources that would most likely be required by military first responders.⁶⁴ The Joint Staff civil support publication also addresses medical responses under IRA which the DoD directive fails to address.⁶⁵

The DoD directive also does not permit actions that would subject civilians to the use of military power that is “regulatory, prescriptive, proscriptive, or compensatory.”⁶⁶ The legality of federal assistance is also highlighted in the NRF which highlights legality as a primary consideration factor for civil support.⁶⁷ Unfortunately, the DoD directive does not clarify whether the Posse Comitatus Act (PCA) in particular applies to actions under the IRA. Many, as the investigation at Fort Rucker found, would conclude that the PCA is a legal restriction to the IRA. However, this restriction is obviously not fully understood since the Congressional Research Service has concluded that the PCA does not apply to actions and responses under the

IRA.⁶⁸ This is a critical disconnect and a question requiring absolute clarity in the minds of IRA requesting and approving officials.

3) When can IRA assistance be provided? According to the DoD directive, IRA assistance can be provided whenever a request from a civil authority is received under “imminently serious conditions” and “if time does not permit approval from higher headquarters.”⁶⁹ Once assistance is provided, the authority authorizing the support is to “reassess” whether the military aid is still needed not later than 72 hours after the request was received.⁷⁰ However, IRA approving officials are also hindered by vague direction and priorities that may impede preparedness when requests are actually received. First, while the DoD directive allows for immediate response, the directive also places an unclear and undefined timeframe to seek prior approval before responding. The directive also fails to state who the higher authority would be for missions under the IRA. The directive also lacks clarity by subjecting IRA to any “supplemental direction” that may have been provided by a higher headquarters which could hamstring an official’s response due to limited understanding of restrictions his or her service component may or may not have issued.⁷¹ Secondly, the directive also fails to clarify the specific actions that would not be authorized under the IRA and rather uses vague parameters in which all civil support requests should be evaluated. These parameters include: Legality, Lethality, Risk, Cost, Appropriateness, and Readiness.⁷²

These parameters and their resulting potential effects on IRA preparedness and response are troublesome; especially if the risk of responding to a domestic disaster and readiness to respond to other “primary” missions must be taken into consideration prior to IRA response. The homeland has become part of the battlespace in which federal forces must be better

prepared, trained, and readied to respond. These mission parameters currently constrain the potential effectiveness of the IRA.

4) To where can assistance be provided? One of the significant limitations within the current IRA provision is that authorities' are not provided guidance, direction, and/or expectations regarding their area of primary responsibility (AOR). The DoD directive does not clarify the AOR in which federal authorities should be prepared to respond under their IRA. While not providing dedicated AORs may provide some flexibility to reach beyond disaster stricken areas, it has a significant limiting impact on community-based pre-planning and preparedness. The DoD annex in the NRF highlights the importance of proximity when it comes to responding and providing support. According to the annex, how quickly DoD support can be applied will depend on limiting factors including the "travel distance to the disaster site."⁷³ Several documents, including the joint publication for civil support and the NRF, utilize the term "local" when it comes to the authorities that can request or provide IRA assistance. However, the specific installations and locations which authorities are to consider for primary response planning and coordination have not been addressed or clarified. Consequently, there are potentially thousands of communities within the U.S. not fully integrated due to an undefined IRA AOR. For example, a survey conducted in 2006 of city mayors (from 38 different states) found 28% of the 183 cities polled did not have an established support plan with a nearby military installation.⁷⁴ This problem is likely due to two related issues. First, federal authorities are limiting planning to those communities within their immediate vicinity. Second, civil authorities are not seeking pre-planning initiatives due to their proximity and/or lack of understanding of the IRA.

5) Under what conditions can a federal authority provide assistance/resources? The DoD directive allows IRA responses when imminently serious conditions exist “to save lives, prevent human suffering, or mitigate great property damage within the United States.”⁷⁵ Unfortunately, these basic and important baseline parameters are not consistent across the various documents and guidance pertaining to the IRA. According to the NRF, IRA support can also be requested to protect the “environment” as well as property.⁷⁶ The NRF’s Catastrophic Incident Annex also expands the proactive federal response criteria to include “critical infrastructure;” it is unclear how this would or would not relate to the IRA.⁷⁷ The DoD also expands and muddies the water by removing the requirement that the property damage be of a “great” (or significant) level in its annex to the NRF.⁷⁸ These unclear terms and parameters are ripe for misunderstanding by either or both the requestor and provider of IRA assistance.

Lack of Central Oversight and Management:

The ability to surge resources through the use of the IRA is limited due to the lack of an overall process owner for immediate response guidance, planning, training, and evaluation. Primary oversight of IRA preparedness and planning current falls on individual services and their commanders. As such, DoD-wide oversight and standardization across the total force simply does not exist for the IRA. Although USNORTHCOM was established to plan, organize, and execute all military homeland and civil support missions within the continental U.S., the command has not taken on oversight of the DoD’s IRA.⁷⁹ As a result, IRA guidance and preparedness vary service by service and military installation to installation.

Lack of Unity of Effort:

The goal during disaster relief is similar to that of resupplying soldiers on the front line of the battlefield; delivery of critical supplies to the right people, at the right location, at the right time. Due to homeland defense missions being its central and paramount priority, the DoD remains reluctant to posture or train large numbers of the active component for civil support. Despite recent domestic pressure to improve DoD responsiveness to domestic disasters, the defense department still believes the National Guard is the best postured and “particularly well suited” force for homeland civil-support operations.⁸⁰ As a result, the National Guard has established well-trained, well-equipped, military forces available for rapid response, but does not have the necessary backup support for larger disasters.⁸¹ The total force also does not routinely train or plan for joint operations at the local and state level.⁸² This ongoing divide between the National Guard and active duty counterparts runs contrary to the calls for national response planning to be a “product of a systematic process of engagement” with the “whole community” to develop executable community-based response approaches.⁸³ Mega-disasters, such as hurricanes’ Katrina and Sandy, have proven the need for a more responsive federal military to bridge the “gap between the immediate aftermath of disaster, when local first responders are the only capability on the scene, and the arrival of most federal capabilities” are still days away.⁸⁴ Placing the IRA on a firm operational footing through initiative and political influence could help close the readiness gap and improve federal unity of effort during future disasters; an effort called upon in the NRF.⁸⁵

Recommendations and Conclusion

Over the past decade, the Reserve and active components have formed integrated combat units and operational concepts to improve total force integration on battlefields abroad.

However, the integration of these forces in the homeland has been less than adequate to address the inevitable disasters our nation will face in the future. The role of federal forces should be more active in preparing for and responding to significant natural and man-made disasters. I believe this can be accomplished in several ways. First, it is paramount that the DoD clarify guidance and the parameters of the IRA. This should include a full federal commission to review and clarify procedural issues and legal questions, such as the applicability of the Posse Comitatus Act, that currently plague the IRA. The initiative should also clarify circumstances in which IRA responses could/should be authorized without civil requests due to the natural and expected “fog of disaster” discussed earlier in this paper. Additionally, a stand-alone IRA directive should be developed to clarify, shape and integrate immediate disaster preparedness goals, expectations, and responsibilities across the total force.

Secondly, I believe USNORTHCOM is facing many of the same oversight problems that U.S. Transportation Command faced before being designated the Distribution Process Owner in 2006 to oversee initiatives to improve military transportation and logistics DoD-wide.⁸⁶ Over the years, efficiencies and coordination have improved domestic military response capabilities, but span of control and oversight is still multilevel and multifaceted. There needs to be a DoD champion to make real progress. USNORTHCOM must be assigned as the sole process owner for domestic homeland defense and civil support missions, to include the IRA. USNORTHCOM should be provided the task and resources to take the lead in clarifying roles and responsibilities of all federal military assistance missions from large scale disaster relief operations to limited

requests under the IRA. The DoD should consider funding a standing joint task force, “Joint Task Force-Catastrophic Support,” under USNORTHCOM to provide the necessary force structure and “framework” for DoD-wide domestic preparedness efforts.⁸⁷ Thirdly, I believe USNORTHCOM should develop plans for civil support and exercises that account for state-level interoperability with National Guard and local active duty forces under the IRA provision.⁸⁸ Since both National Guard and active units face the real possibility of responding to domestic contingencies, it makes perfect sense to organize, train, and equip for domestic contingencies in the same way we’ll continue to fight wars abroad. USNORTHCOM should leverage the high experience levels in the Reserve components to improve and field IRA training to authorities and units of the active components.⁸⁹ Lastly, I believe the DoD and USNORTHCOM should provide clear commander’s intent and exercise the mission command concept in providing clear authority and responsibility to authorized DoD officials to apply their own initiative to plan, prepare, and respond to future domestic disasters through the use of their inherent IRA.

The ability of the DoD to improve preparedness and provide timely surge of manpower, supplies, and equipment from areas closest to the impacted region will be essential to mitigating the effects of significant natural or man-made disaster in the future. Over the years, the DoD has become very effective in the ways it provides support and distribution of large-scale humanitarian aid and disaster relief. Unfortunately, the military has not matured at the same rate in how it can and should provide immediate local disaster relief under the IRA provision. Future catastrophic events will inevitably demand significant resources from the DoD. Improving responsiveness to surge federal military resources during initial response and recovery hours is the key that only the IRA currently holds. Improving the IRA will help ensure delivery of

critical supplies to the right people, at the right location, at the right time to help save lives, prevent human suffering, or mitigate great property damage.



Notes

1. The Honorable Paul McHale, "Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions," The Heritage Foundation, Special Report #115 (13 August 2012), 1.

2. President Barack Obama, *Obama on Hurricane Sandy: Agencies Should Cut Red Tape to Provide Resources*, ABC News Video, 30 October 2012, <http://abcnews.go.com/Politics/video/obama-hurricane-sandy-agencies-cut-red-tape-provide-17600643>

3. Department of Defense Directive (DoDD) 3025.18, Defense Support of Civil Authorities (DSCA), 29 December 2010, authorizes the immediate response authority (IRA).

4. James F. Miskel, *Disaster Response and Homeland Security: What Works, What Doesn't*, (Stanford, CA: Stanford University Press, 2008), 3.

5. Ibid, 139.

6. Department of Homeland Security, *National Response Framework, Catastrophic Incident Annex* (Washington D.C., Department of Homeland Security, January 2008), 5.

7. Ibid, 6.

8. Bert B. Tussing, "Implementing a New Vision: Unity of Effort in Preparing for and Responding to Catastrophic Events," *Center for Strategic Leadership*, Issue Paper, March 2011, Volume 2-11, 5.

9. James F. Miskel, *Disaster Response and Homeland Security: What Works, What Doesn't*, 103.

10. Ibid, 104.

11. Ibid.

12. ADM R. J. Papp, Jr., Commandant, United States Coast Guard, Final Action Memorandum – Incident Specific Preparedness Review (ISPR) Deepwater Horizon Oil Spill, 18 March 2011, 97.

13. The White House, *The National Security Strategy*, (Washington, D.C., May 2010), 19 and 2.

14. Department of Homeland Security, *National Preparedness Goal*, (Washington D.C., Department of Homeland Security, First Edition, September 2011), 12.

15. James F. Miskel, *Disaster Response and Homeland Security: What Works, What Doesn't*, 106.

16. Ibid, 139.

17. Ibid, 37.

18. Ibid, 126.

19. Ibid, 54.

20. The Honorable Paul McHale, "Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions," 2 and 22.

21. House of Representatives, *A Failure of Initiative*, Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, (Washington D.C., U.S. House of Representatives, 15 February 2006), 65.

22. Christine E. Wormuth, Michele A. Flournoy, Patrick T. Henry, and Clark A. Murdock, *The Future of the National Guard and Reserves: The Beyond Goldwater-Nichols Phase III Report*, (CSIS, July 2006), 65.

23. Christine E. Wormuth, et al, *The Future of the National Guard and Reserves: The Beyond Goldwater-Nichols Phase III Report*, 69.
24. The Honorable Paul McHale, "Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions," 24.
25. Arnold L Punaro, *Commission on the National Guard and Reserves: Transforming the National Guard and Reserves into a 21st-Century Operational Force*, Final Report to Congress and the Secretary of Defense (Washington, D.C., 31 January 2008), 102.
26. Department of Homeland Security, *National Response Framework*, 26.
27. The Honorable Paul McHale, "Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions," 18.
28. Ibid, 18.
29. ADM R. J. Papp, Jr., Commandant, United States Coast Guard, Final Action Memorandum – Incident Specific Preparedness Review (ISPR) Deepwater Horizon Oil Spill, 77.
30. The Honorable Paul McHale, "Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions," 21.
31. Ibid, 1.
32. Ibid, 22.
33. Ibid, 27.
34. Christine E. Wormuth, Michele A. Flournoy, Patrick T. Henry, and Clark A. Murdock, *The Future of the National Guard and Reserves: The Beyond Goldwater-Nichols Phase III Report*, 72.
35. Ibid.
36. Arnold L Punaro, *Commission on the National Guard and Reserves: Transforming the National Guard and Reserves into a 21st-Century Operational Force*, 95.
37. House of Representatives, *A Failure of Initiative*, 227.
38. Michael D. Doubler, *The National Guard and Reserve: A Reference Book*, (Westport, CT: Praeger Security International, 2008), 144.
39. Ibid, 145.
40. Ibid, 144.
41. Arnold L Punaro, *Commission on the National Guard and Reserves: Transforming the National Guard and Reserves into a 21st-Century Operational Force*, 15.
42. Christine E. Wormuth, et al, *The Future of the National Guard and Reserves: The Beyond Goldwater-Nichols Phase III Report*, 73.
43. Department of Defense, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*, (Washington D.C., Department of Defense, January 2012), 6.
44. James F. Miskel, *Disaster Response and Homeland Security: What Works, What Doesn't*, x.
45. Department of Defense, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*, 5.
46. Jim Winthrop, "The Oklahoma City Bombing: Immediate Response Authority and other Military Assistance to Civil Authority (MSCA)," *The Army Lawyer*, July 1997, 4.
47. DoDD 3025.18, Defense Support of Civil Authorities (DSCA), 29 December 2010, 4.
48. Ibid, 5.
49. Jim Winthrop, "The Oklahoma City Bombing: Immediate Response Authority and other Military Assistance to Civil Authority (MSCA)," 5.
50. Ibid.

51. Jim Winthrop, "The Oklahoma City Bombing: Immediate Response Authority and other Military Assistance to Civil Authority (MSCA)," 3.
52. U.S. Senate, *Hurricane Katrina: A National Still Unprepared*, Committee Report, (Washington D.C., Committee on Homeland Security and Governmental Affairs, U.S. Senate, May 2006), 55.
53. 56. Ibid.
54. Pete Winn, "Alabama Sheriff Asked for Fort Fucker MPs," *CNS News*, 19 March 2009, <http://www.infowars.com/alabama-sheriff-asked-for-fort-rucker-mps> (accessed 18 October 2012).
55. Ibid.
56. Lance Griffin, "Army report: Fort Fucker MPs in Samson after shooting a violation," *Dothan Eagle*, 19 October 2009, 2, <http://www2.dothaneagle.com/member-center/share-this/print/?content=ar188910> (assessed 18 October 2012).
57. Ibid.
58. Joint Chiefs of Staff, *Mission Command White Paper*, 3 April 2012, 5.
59. Joint Publication (JP) 3-28, Civil Support, 14 September 2007, ix.
60. Department of Homeland Security, *National Response Framework*, DoD Support to Domestic Incidents Annex, 4.
61. DoDD 3025.18, Defense Support of Civil Authorities (DSCA), 29 December 2010, 9.
62. Joint Publication (JP) 1-02, Department of Defense Dictionary of Military and Associated Terms, 8 November 2010, 44.
63. DoDD 3025.18, Defense Support of Civil Authorities (DSCA), 29 December 2010, 4.
64. Department of Homeland Security, *National Response Framework*, DoD Support to Domestic Incidents Annex, 2.
65. Joint Publication (JP) 3-28, Civil Support, 14 September 2007, iv-9.
66. DoDD 3025.18, Defense Support of Civil Authorities (DSCA), 29 December 2010, 4.
67. Department of Homeland Security, *National Response Framework*, 26.
68. Jennifer K. Elsea, *The Use of Federal Troops for Disaster Assistance: Legal Issues*, (Washington D.C., Congressional Research Service, Library of Congress, 16 September 2005), 6.
69. DoDD 3025.18, Defense Support of Civil Authorities (DSCA), 29 December 2010, 4.
70. Ibid, 5.
71. Ibid, 4.
72. Ibid.
73. Department of Homeland Security, *National Response Framework*, DoD Support to Domestic Incidents Annex, 3.
74. Homeland Security Monitoring Center, *Five Years Post 9/11, One Year Past Katrina: The State of America's Readiness*, 2006 Survey on Homeland Security and Emergency Preparedness, (United States Conference of Mayors, Homeland Security Monitoring Center, 26 July 2006).
75. DoDD 3025.18, Defense Support of Civil Authorities (DSCA), 29 December 2010, 4.
76. Department of Homeland Security, *National Response Framework*, 26.
77. Department of Homeland Security, *National Response Framework*, Catastrophic Incident Annex, 6.
78. Department of Homeland Security, *National Response Framework*, DoD Support to Domestic Incidents Annex, 4.

79. The White House, *9/11 Five Years Later, Successes and Challenges*, (Washington D.C., The White House, September 2006), 18.

80. Department of Defense, *Comprehensive Review of the Future Role of the Reserve Component: Volume I, Executive Summary & Main Report*, (Washington, DC: Department of Defense, 5 April 2011), 33.

81. The Honorable Paul McHale, "Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions," 22.

82. Christine E. Wormuth, et al, *The Future of the National Guard and Reserves: The Beyond Goldwater-Nichols Phase III Report*, 69.

83. Department of Homeland Security, *National Preparedness Goal*, (Washington D.C., Department of Homeland Security, September 2011), 12.

84. The Honorable Paul McHale, "Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions," 20.

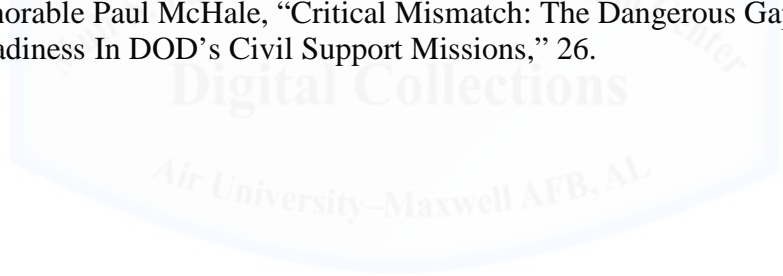
85. Department of Homeland Security, *National Response Framework*, 10.

86. United States Transportation Command Handbook 24-2, *Understanding the Defense Transportation System*, 30 January 2009, 2.

87. James F. Miskel, *Disaster Response and Homeland Security: What Works, What Doesn't*, 37.

88. Government Accountability Office (GAO), *Steps Have Been Taken to Improve U.S. Northern Command's Coordination with States and the National Guard Bureau, but Gaps Remain*, (Washington D.C., U.S. Government Accountability Office, April 2008), 10.

89. The Honorable Paul McHale, "Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions," 26.



Bibliography

- Comprehensive Review of the Future Role of the Reserve Component: Volume I, Executive Summary & Main Report.* Washington, DC: Department of Defense, 5 April 2011.
- Department of Defense Directive (DoDD) 3025.18. *Defense Support of Civil Authorities (DSCA)*, 29 December 2010.
- Doubler, Michael. *The National Guard and Reserve: A Reference Book.* Westport, CT: Praeger Security International, 2008.
- Elsea, Jennifer. *The Use of Federal Troops for Disaster Assistance: Legal Issues.* Washington D.C.: Congressional Research Service, Library of Congress, 16 September 2005.
- Five Years Post 9/11, One Year Past Katrina: The State of America's Readiness*, 2006 Survey on Homeland Security and Emergency Preparedness, United States Conference of Mayors, Homeland Security Monitoring Center, 26 July 2006.
- Government Accountability Office (GAO). *Steps Have Been Taken to Improve U.S. Northern Command's Coordination with States and the National Guard Bureau, but Gaps Remain.* Washington D.C.: U.S. Government Accountability Office, April 2008.
- Griffin, Lance. "Army report: Fortucker MPs in Samson after shooting a violation," *Dothan Eagle*, 19 October 2009, <http://www2.dothanegale.com/member-center/share-this/print/?content=ar188910>. (Assessed 18 October 2012).
- Joint Chiefs of Staff. *Mission Command White Paper*, 3 April 2012.
- Joint Publication (JP) 1-02. *Department of Defense Dictionary of Military and Associated Terms*, 8 November 2010.
- Joint Publication (JP) 3-28. *Civil Support*, 14 September 2007.
- McHale, Paul. "Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions." *The Heritage Foundation*, Special Report #115, 13 August 2012.
- Miskel, James F. *Disaster Response and Homeland Security: What Works, What Doesn't.* Stanford, CA: Stanford University Press, 2008.
- National Preparedness Goal*, Washington D.C.: Department of Homeland Security, First Edition, September 2011.
- National Response Framework*, Catastrophic Incident Annex, Washington D.C.: Department of Homeland Security, January 2008.
- Obama, Barack, President of the United States. "Obama on Hurricane Sandy: Agencies Should Cut Red Tape to Provide Resources." ABC News Video, 30 October 2012, <http://abcnews.go.com/Politics/video/obama-hurricane-sandy-agencies-cut-red-tape-provide-17600643>. (Accessed 12 November 2012).
- Papp, ADM R. J., Jr., Commandant, United States Coast Guard. Final Action Memorandum – Incident Specific Preparedness Review (ISPR) Deepwater Horizon Oil Spill, 18 March 2011.
- Punaro, Arnold. *Commission on the National Guard and Reserves: Transforming the National Guard and Reserves into a 21st-Century Operational Force*, Final Report to Congress and the Secretary of Defense. Washington, D.C., 31 January 2008.
- Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*, Washington D.C.: Department of Defense, January 2012.
- The National Security Strategy*, Washington, D.C.: The White House, May 2010.
- The White House. *9/11 Five Years Later, Successes and Challenges.* Washington D.C.: The White House, September 2006.

- Tussing, Bert. "Implementing a New Vision: Unity of Effort in Preparing for and Responding to Catastrophic Events." *Center for Strategic Leadership*, Issue Paper, March 2011, Volume 2-11.
- United States Transportation Command Handbook 24-2, *Understanding the Defense Transportation System*, 30 January 2009.
- U.S. House of Representatives. *A Failure of Initiative*. Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. Washington D.C.: U.S. House of Representatives, 15 February 2006.
- U.S. Senate. *Hurricane Katrina: A National Still Unprepared*. Report of the Committee on Homeland Security and Governmental Affairs. Washington: D.C.: U.S. Senate, May 2006.
- Winn, Pete. "Alabama Sheriff Asked for Fort Fucker MPs," *CNS News*, 19 March 2009, <http://www.infowars.com/alabama-sheriff-asked-for-fort-rucker-mps>. (Accessed 18 October 2012).
- Winthrop, Jim. "The Oklahoma City Bombing: Immediate Response Authority and other Military Assistance to Civil Authority (MSCA)." *The Army Lawyer*, July 1997.
- Wormuth, Christine, Michele A. Flournoy, Patrick T. Henry, and Clark A. Murdock. *The Future of the National Guard and Reserves: The Beyond Goldwater-Nichols Phase III Report*. Washington, D.C.: Center for Strategic and International Studies (CSIS), July 2006.

