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Homeland Security: The Department of Defense's Role

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Steve Bowman
Specialist in National Defense
Foreign Affairs, Defense, and Trade Division

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Homeland Security: The Department of Defense's Role

Summary

For over a century the U.S. military has focused on expeditionary warfare overseas. Its participation in domestic operations has been sporadic and generally in response to natural disasters. With the heightened concern about large-scale terrorism, have come efforts to involve DOD more closely with federal, state and local agencies in their homeland security activities. DOD resources are unique in the government, both in their size and capabilities, and can be applied to both deter and respond to terrorist acts. While the DOD leadership is ready and willing to play a supporting role in these efforts, it wishes to maintain overseas military operations as the Department's primary focus, and avoid an drain of fiscal, materiel, and personnel resources to the homeland security mission.

In response to the increased focus on homeland security, on October 1, 2002, DOD activated a new combatant command, Northern Command or NORTHCOM.. Exactly how DOD and a new DHS will establish and maintain coordination and cooperation remains to be seen. Legislation creating the DHS (P.L. 107-296) is silent on this question, and details on the new NORTHCOM are scarce.

The intelligence collection and analysis capabilities within the Department of Defense are a substantial portion of the United States' national intelligence assets. They include the National Security Agency, the National Reconnaissance Office, the National Imagery and Mapping Agency, the Defense Intelligence Agency, and the intelligence and security branches of the individual armed services. Consequently, the means and extent of cooperation/coordination between DOD and the new DHS will be of great importance to the success of DHS's efforts to provide comprehensive intelligence analysis.

The Department of Defense, with its active duty and reserve forces, and the potential of federalizing National Guard units, has the largest and most diversified personnel assets in the Federal Government. As was demonstrated in the months after the September 2001 terrorist attacks, they can be used in a variety of security and emergency response roles. In particular, the Department of Defense remains the greatest federal repository of resources for responding to a chemical, biological, radiological, or nuclear (CBRN) incident. It is anticipated that civilian authorities will eventually develop better capabilities to deal with CBRN incidents, however for the foreseeable future there will be continued reliance upon DOD assets.

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Homeland Security: The Department of Defense's Role

Background

For over a century the U.S. military has focused on expeditionary warfare overseas. Its participation in domestic operations has been sporadic and generally in response to natural disasters. With the heightened concern about large-scale terrorism, have come efforts to involve DOD more closely with federal, state and local agencies in their homeland security activities. DOD resources are unique in the government, both in their size and capabilities, and can be applied to both deter and respond to terrorist acts. While the DOD leadership is ready and willing to play a supporting role in these efforts, it wishes to maintain overseas military operations as the Department's primary focus, and avoid an inadvertent drain of fiscal, materiel, and personnel resources to the homeland security mission. In addition, long-standing reservations about the use of military forces domestically, and the consequent statutory limitations on their use, remain strong considerations. Secretary Rumsfeld stated before the House Select Committee on Homeland Security, there are three types of situations when DOD resources are called upon to assist civilian authorities: 1) extraordinary circumstances that require traditional military missions, such as combat air patrols; 2) emergency circumstances of catastrophic nature resulting from terrorist attack or natural disaster; and 3) provision of security assistance at National Security Special Events, such as the Olympics.¹

The Department of Defense makes a distinction between "homeland security" and "homeland defense" in defining its mission responsibilities. Homeland security is defined as:

a concerted national effort to prevent terrorist attacks within the United States, reduce the vulnerability of the United States to terrorism, and minimize the damage and assist in the recovery from terrorist attacks.

Homeland defense is defined as:

the military protection of United States territory, domestic population, and critical defense infrastructure against external threats and aggression. It also includes routine, steady state activities designed to deter aggressors and to prepare U.S. military forces for action if deterrence fails.

¹ For a detailed discussion, see also CRS Report RL-30938, *Terrorism and the Military's Role in Domestic Crisis Management: Background and Issues for Congress*.

In the context of homeland security, DOD will operate only in support of a civilian lead federal agency when needed, while the larger area of homeland defense it views as its primary mission. Pursuant to the DOD FY2003 authorizing legislation (P.L. 107-314, Sec. 902), DOD has created the Assistant Secretary of Defense for Homeland Defense who is charged with leading the department's activities in homeland defense and security. This office will also serve as Secretary of Defense's liaison with the staffs of a new Department of Homeland Security, the National Security Council, and the White House's Office

In general, DOD's contributions to homeland security can be divided into two general areas: deterrence, and response. Under these categories are a variety of activities and capabilities that can contribute directly or indirectly to improved homeland security.

Deterrence

Intelligence

The intelligence collection and analysis capabilities within the Department of Defense are a substantial portion of the United States' national intelligence assets. They include the National Security Agency, the National Reconnaissance Office, the National Imagery and Mapping Agency, the Defense Intelligence Agency, and the intelligence and security branches of the individual armed services. These assets provide communication intercepts, satellite reconnaissance, and human intelligence worldwide. Consequently, the means and extent of cooperation/coordination between DOD and the new DHS will be of great importance to the success of DHS's efforts to provide comprehensive intelligence analysis.

The DHS legislation does not address DOD's intelligence assets specifically, but in establishing the DHS Under-Secretary for Information and Infrastructure Protection, grants the new department

...access to all reports, assessments, and analytical information relating to threats or terrorism in the United States, and to all information concerning infrastructure vulnerabilities....

The DHS legislation does not grant any administrative or tasking authority over DOD intelligence assets, and both specifically states that no provision of the legislation shall be construed as affecting the intelligence authorities of the Secretary of Defense under the National Security Act of 1947. It does, however, create a DHS Intelligence Center, and directs the Secretary of Defense to enter into cooperative agreements with the new DHS to detail to this center "an appropriate number of individuals" from the National Security Agency, National Imagery and Mapping Agency, and the Defense Intelligence Agency.

Reflecting an increasing interest in the organization of DOD's intelligence elements, the FY2003 Defense Authorization Act (P.L. 107-314) creates an Undersecretary for Intelligence. The responsibilities and authorities of this new

office are left to the discretion of the Secretary of Defense, this office will serve as the conduit for information/intelligence sharing with DHS and will oversee personnel detailing agreements.

One area of concern involving intelligence which a new Secretary of Homeland Security will have to resolve is how to fulfill its information-sharing responsibilities to state and local law enforcement and first responders without compromising classified national security information or sources. Providing meaningful and actionable warnings to state and local officials has proven a challenge. Lack of specificity and recommended actions have been the primary criticisms.

Personnel Augmentation²

The Department of Defense, with its active duty and reserve forces, and the option of federalizing National Guard units, has the largest and most diversified personnel assets in the Federal Government. As was demonstrated in the months after the September 2001 terrorist attacks, they can be used in a variety of security roles. The National Guard augmented the border patrol, customs agencies, and airport security personnel, flew air patrols, and provided site security in Washington, DC and New York City. A major concern when armed forces personnel are deployed in these roles under federal command is their remaining within the provisions of the Posse Comitatus Act, which generally prohibits their conducting law enforcement activities such as arrests or search and seizures.³ Other subjects of controversy have been whether these detailed military personnel should be armed and whether they have had sufficient training in civilian law enforcement procedures.

Currently, it appears that the National Guard will continue to play the major role in homeland security personnel augmentation when needed. Some National Guard officials have expressed concern about increased homeland security responsibilities detracting from its current primary mission of supporting active duty forces in overseas military operations (e.g. peacekeeping in Bosnia). Today's U.S. armed forces organization and war-fighting doctrine rely significantly upon the participation of National Guard and reserve personnel, and it has been questioned whether these requirements could still be met if the homeland security mission predominates.⁴ It also must be remembered that National Guard and reserve personnel are primarily part-time "citizen soldiers", and that significantly increased operational activations may well have a negative effect on personnel retention. Reflecting this concern, some National Guard officials have called for an increase in full-time active duty personnel. The National Guard stands at about 57% of its full-time personnel

² For more detailed information, see CRS Report RL315-64, *Homeland Security and the Reserves: Threat, Mission, and Force Structure Issues*.

³ There are some statutory exceptions to the prohibition, including anti-drug operations, incidents involving nuclear weapons, and suppressing civil insurrection or unlawful conspiracy. For a detailed discussion of the Posse Comitatus Act, see CRS Report 95-964, *The Posse Comitatus Act & Related Matters: The Use of the Military to Execute Civilian Law*.

⁴ "Officials: Homeland Defense Mission Will Mean Changes for the Guard", *Inside Defense*, November 19, 2001.

requirement, and the Army has developed a plan to bring that level up to 71% before 2011.⁵

Northern Command⁶

DOD has also created a new combatant command, Northern Command or NORTHCOM. NORTHCOM's mission is to:

Conduct operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories, and interests within the assigned area of responsibility; and, as directed by the President or Secretary of Defense, provide military assistance to civil authorities including incidence management operations.⁷

NORTHCOM's area of responsibility comprises the air, land, and sea approaches (to 500 nautical miles) to the United States, the continental United States itself, Alaska, Canada, Mexico, Puerto Rico, and the Virgin Islands. Hawaii and the U.S. territories and possessions in the Pacific remain the responsibility of the Pacific Command.

With regard to deterrence, the primary contribution of NORTHCOM will be its North American Aerospace Defense Command (NORAD). Since the September 2001 airliner attacks on the World Trade Center and the Pentagon, NORAD, whose Cold War mission focused on protection from Soviet missile and bomber attacks, has shifted significant attention to domestic airway security. It has recently improved its coordination/communication capability with the Federal Aviation Administration's domestic air traffic control system in order to be able to respond to a potential repetition of the September 11, 2001 attacks. NORTHCOM may also contribute to homeland security deterrence efforts in its command of any National Guard units that are federalized for that mission. NORTHCOM will not have authority over the U.S. Coast Guard, which has been transferred to the new Department of Homeland Security.

Response to Terrorist Incidents

Northern Command

Little information regarding the new command has been released. Though activated on October 1, 2002, it is not expected to be fully operational until October

⁵ "Senate Budget Resolution Calls for More Full-time Guard Troops," *Inside Defense*, April 1, 2002.

⁶ For more detailed information, see CRS Report RS21322, *Homeland Security: The Establishment and Implementation of Northern Command*.

⁷ Testimony of Assistant Secretary of Defense for Homeland Defense before the House Armed Services Subcommittee on Readiness. March 13, 2003

2003.⁸ Its headquarters is at Peterson Air Force Base in Colorado Springs, CO, and its commander is Air Force General Edward Eberhart. As noted, NORTHCOM will subsume the existing North American Aerospace Defense Command (NORAD), which the United States operates jointly with Canada. It is not yet clear what, if any, role the Canadian military will play within NORTHCOM, aside from its continuing participation in NORAD.

The new Northern Command does not have a large number of active duty personnel or units permanently assigned to it, but rather has units “earmarked” for potential assignment as events warrant. National Guard units, if federalized for homeland security operations, will come under NORTHCOM command.

Formerly, the Joint Forces Command’s Joint Force Headquarters-Homeland Security coordinated the land and maritime defense of the continental United States, and all military assistance to civilian authorities. Subordinate to this headquarters is the Joint Task Force-Civil Support (JTF-CS) which provides command and control for DOD units deployed in response to any incident involving chemical, biological, nuclear, radiological, or high-yield conventional explosives. Generally, these units are deployed only upon the request of state or local officials to the President. The JTF-CS, and the units deployed under its command, remain under the direction of the lead federal civilian agency at the incident site.⁹ These Joint Forces Command headquarters units are transferring to the new NORTHCOM. It is also expected that NORTHCOM will expand upon the efforts of the JTF-CS to establish and maintain close coordination with state and local authorities.

Chemical, Biological, Radiological, and Nuclear Incident Response

The Department of Defense remains the greatest federal repository of resources for responding to a chemical, biological, radiological, or Nuclear (CBRN) incident. It is anticipated that civilian authorities will eventually develop better capabilities to deal with CBRN incidents, however for the foreseeable future there will be continued reliance upon DOD assets.

U.S. Army Soldier and Biological-Chemical Command. In 1996, Congress directed the Department of Defense to organize a joint service Chemical and Biological Rapid Response Team (CB-RRT) to support civilian authorities (P.L. 104-201, Sec. 1414). This team was established in 1997 under the U.S. Army Soldier and Biological-Chemical Command. CB-RRT’s mission is to deploy and coordinate DOD’s technical assistance in support of the federal lead agency (FBI or FEMA) in both crisis and consequence management of an incident involving chemical or biological agents. The CB-RRT may also deploy for designated National Security Special Events (e.g. the Olympics, presidential inaugurations, etc.).

⁸ “Command Merger Likely to Leave Behind Staff for U.S. NORTHCOM”, *Inside Defense*, August 29, 2002.

⁹ For crisis response, the lead federal agency is the Federal Bureau of Investigation, and for consequence management it is the Federal Emergency Management Agency..

Headquartered at Aberdeen Proving Ground, MD, the CB-RTT would coordinate the CB incident response activities of the following DOD assets:

- U.S. Army Technical Escort Unit
- U.S. Army Edgewood Chemical and Biological Center
- U.S. Army Medical Command Special Medical Augmentation Response Teams and Regional Medical Commands
- U.S. Army Medical Research Institute for Infectious Diseases
- U.S. Navy Environmental Health Center
- U.S. Marine Corps Chemical-Biological Incident Response Force
- National Guard Weapons of Mass Destruction-Civil Support Teams
- U.S. Army 52nd Ordnance Group (explosive ordnance disposal)

Brief descriptions of the units most likely to be deployed to a chemical or biological incident are provided below.

National Guard Weapons of Mass Destruction-Civil Support Teams.

The National Guard Weapons of Mass Destruction Civil Support Teams (WMD-CST) are full-time active duty personnel whose mission is to assess a suspected CBRN incident, advise civilian authorities, and expedite the arrival of additional military personnel. Each team consists of 22 personnel and is equipped with CBRN detection, analysis, and protective equipment. Congress has authorized 55 WMD-CSTs, ensure that each state and territory would have a team.

Of the 55 teams authorized, 27 have received certification of the requisite training and equipment. The remainder are still being staffed and equipped. The certified teams are located in : Colorado, Georgia, Illinois, California, Massachusetts, Missouri, New York, Pennsylvania, Texas, Washington, Alaska, Arizona, Arkansas, California, Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Maine, Minnesota, New Mexico, Ohio, Oklahoma, South Carolina, and Virginia.

U.S. Army Technical Escort Unit. Established in 1944, the Technical Escort Unit is the longest-standing chemical and biological weapons unit in DOD. Its mission is to conduct rapid deployment to provide chemical and biological advice, verification, detection, mitigation, decontamination, escort, and remediation of chemical and biological devices or hazards worldwide. In accomplishing this mission, it has provided support to, among others, the Federal Bureau of Investigation, the Federal Emergency Management Agency, the Environmental Protection Agency, and the United Nations. The Technical Escort unit has also deployed in the United States as part of security operations at national political conventions, NATO conferences, presidential inaugurations and State of the Union addresses, and the Olympics. Headquartered at Aberdeen Proving Ground, MD, it has subordinate units stationed at Dugway Proving Ground, UT, Fort Belvoir, VA, and Pine Bluff Arsenal, AR.¹⁰

U.S. Marine Corps Chemical-Biological Incident Response Force.

The Marines' Chemical-Biological Incident Response Force (CBIRF) was

¹⁰ For further information, see [<http://teu.sbcom.army.mil/factsheet>].

established in 1996, and is currently headquartered outside Washington, DC. CBIRF's primary mission is to provide chemical-biological force protection and defensive training for the Marine Corps, however since its inception it has placed significant emphasis upon preparation to assist state and local authorities in the event of a domestic chemical-biological incident, participating in over 120 "table-top" and field exercises with first-responders around the country. The capabilities which CBIRF can bring to bear include: CBW agent detection and identification, decontamination, emergency medical treatment and triage, search and rescue, and casualty evacuation assistance.

U.S. Special Operations Command

Both the U.S. Army and the U.S. Navy have dedicated counterterrorist units whose primary focus is overseas operations. They could be called upon to advise/assist civilian law enforcement officials, although the FBI'S Hostage Rescue Team would normally be the first federal counterterrorist responders in domestic situations. Official open source information on the organization and mission of these DOD units is not available. Generally, even official acknowledgment of their existence is not forthcoming. From unofficial sources, a few details can be provided.

The Army's 1st Special Forces Operational Detachment-Delta, also known as Delta Force, is based at Ft. Bragg, NC and the Naval Special Warfare Development Group (formerly SEAL Team 6) is based at Dam Neck, VA. Both units number several hundred personnel, and undergo very rigorous and constant training in marksmanship, close combat, urban combat, SCUBA diving, and high-altitude parachuting, among other skills. Cross-training with other national counterterrorist units such as the British Special Air Services and the German Grenzschutz Polizei (GSG-9) is frequent. Both units have reportedly participated in every significant U.S. military operation over the last two decades.