

RAPID RESPONSE IN THE HOMELAND

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Homeland Security Studies

by

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

## ABSTRACT

RAPID RESPONSE IN THE HOMELAND, by MAJ Shaun P. Martin, 75 pages.

The challenge of providing a trained and ready force to respond within the continental United States in the event of a national disaster or terrorist attack is complex, and is further complicated by issues spanning financial, political, and established doctrinal paradigms within the armed services. The CBRNE Consequence Management Response Force (CCMRF) may answer this need, but not without significant changes in its design and addressing those enduring issues.

The focus of this paper centers on the characteristics, requirements and implementation of the CCMRF, and considers which organization, active Federal military forces or State National Guard, is better suited for the responsibility of the CCMRF mission.

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## ACRONYMS

CBRN	Chemical, Biological, Radiological, Nuclear
CBRNE	Chemical, Biological, Radiological, Nuclear, high yield Explosives
CCMRF	CBRNE Consequence Management Response Force
DHS	Department of Homeland Security
DHS	Department of Homeland Security
DoD	Department of Defense
EMAC	Emergency Mutual Aid Agreement
EOC	Emergency Operations Center
FEMA	Federal Emergency Management Agency
FEMA	Federal Emergency Management Agency
HAZMAT	Hazardous Material
NGB	National Guard Bureau
NGO	Non-Government Organization
NRF	National Response Framework
SNG	State National Guard
USNG	United States National Guard
USNORTHCOM	US Northern Command
WMD	Weapons of Mass Destruction
WMD-CST	Weapons of Mass destruction – Civil Support Team



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## CHAPTER 1

### INTRODUCTION

#### Background

The United States Government and by extension, the Department of Defense and the National Guard, are facing a changing world and a complex array of competing missions, both at home and abroad. The threats to the United States are not limited to attacks by foreign military powers, or terrorists; they also exist in the form of a natural and equally threatening enemy. These natural threats, hurricanes, floods, earthquakes, and disease, must also be defended against and prepared for.

There are two types of missions related to the homeland, Homeland Defense, and Homeland Security. Homeland Defense entails the protection of United States sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President. Homeland Security is the prevention of terrorist attacks within the United States; reduce America's vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur. The planning, preparations and subsequent response to such threats must be much come from a unified organization in order to be effective and timely. This realization has resulted in several Homeland Security doctrinal documents, among them, the *National Strategy for Homeland Security*, in which the nation's goals are described, and the *National Response Framework*, by which those goals are implemented. Foundational to the Federal response strategy is the US Army Northern Command (USNORTHCOM) and its Chemical,

Biological, Radiological, Nuclear, and high yield Explosives (CBRNE) Consequence Management Response Force (CCMRF).

USNORTHCOM's area of responsibility covers the United States, which, for the Homeland Security mission, is defined as the continental United States, Alaska, Hawaii, Puerto Rico, American Samoa, Guam, and the Northern Mariana Island. This military organization primarily provides the Federal government's response for Chemical, Biological, Radiological, Nuclear, and high yield Explosives (CBRNE) events through the CCMRF. The security and safety of the nation's homeland depend on the capabilities and readiness of these organizations and their ability to work in unison with other Federal, state, local, and non-government organizations.

#### The National Framework

September 11, 2001, was a pivotal day for the United States. The homeland was attacked, inflicting significant damage and loss of life. The trauma to the nation extended beyond the loss of 2,976 innocent lives and an estimated cost of 100 billion dollars, it demonstrated a vulnerability that few Americans had previously realized. In the years that followed, the nation's leadership created new agencies and organizations to respond to the newly realized threat of terrorism in the homeland. Then a natural disaster struck the homeland. In 2005, Hurricane Katrina inflicted nearly 105 billion dollars damage and cost 2,541 American lives. Both events, the September 11th attack and Hurricane Katrina, were similar in cost to life and property and demonstrated a glaring absence of a coherent Federal response to disaster.

In October 2007, the latest iteration of the Federal government's strategy to protect the homeland was published as the *National Strategy for Homeland Security*. The

goal of this strategy is to incorporate lessons learned from previous disaster events at home and abroad, and from simulations and exercises to provide a common framework by which all response organizations, Federal, state, local, and non-government, will focus their efforts in a unified response to natural or manmade disasters. The framework is based on four goals:

1. Prevent and disrupt terrorist attacks.
2. Protect the American people, critical infrastructure, and key resources.
3. Respond to and recover from incidents that do occur.
4. Continue to strengthen the foundation to ensure our long-term success.

To ensure this national strategy remains viable over time and through multiple event types, the Federal government included an important vision for the overall strategy.

. . . while the first three goals help to organize our national efforts, the last goal entails creating and transforming our Homeland Security principles, systems, structures, and institutions. This includes applying a comprehensive approach to risk management, building a culture of preparedness, developing a comprehensive Homeland Security Management System, improving incident management, better utilizing science, and technology, and leveraging all instruments of national power and influence.<sup>1</sup>

Rooted in this strategy is the National Response Framework (NRF), with its core document most recently published January 2008. The NRF outlines the national response to a natural or manmade incident and implements the national strategy. Contained within the framework are the roles and responsibilities of emergency management activities required at the Federal, state, and local levels as well as the roles for non-government and the private sector organizations. The Federal response describes a wide array of

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<sup>1</sup>The Homeland Security Council, *National Strategy for Homeland Security* (Washington, DC: Government Printing Office, 2007), 1.

capabilities and resources that are available upon the request of the affected state governor.

### A New DoD Role in Homeland Security

The Department of Defense (DoD) can provide a significant capability to Homeland Security through its considerable manpower, equipment, and operational capabilities. Previously little of that capability was readily available because of real and perceived limitations imposed by several laws relating to the use of Federal troops within the United States. The two most well known, and perhaps the most misunderstood, are the Posse Comitatus Act, and the Insurrection Act. The intent of the Posse Comitatus Act is to prevent the use of Federal troops by Federal or state authorities in the enforcement of laws, the arrest, and detention of criminal suspects, search and seizure activities, and restriction of civilian movement with blockades or checkpoints. The original Act, passed by Congress in 1878, applied only to the Soldiers of the US Army, although later it was applied to the Air Force, Navy, and Marine Corps by DoD regulation. The act does not apply to the Coast Guard or National Guard except under certain exceptional situations. This limitation on Federal troops being used in law enforcement activities are further reinforced in the United States Code, Title 10. This law establishes that:

the Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.<sup>2</sup>

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<sup>2</sup>U.S. Code, Title 10, § 375.

By contrast, the Insurrection Act, passed by Congress in 1807, provides the President of the United States an ability to employ Federal troops within the United States specifically to put down lawlessness, insurrection, and rebellion. There are several limitations imposed on such a deployment within USC 10, however once ordered, the limitations of the Posse Comitatus Act no longer apply. In October 2006, in response to a public dissatisfaction over the Federal response to Hurricane Katrina, the Insurrection Act was amended to include the use of troops for Homeland Security. In the new provision,

The President may employ the armed forces . . . to . . . restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition . . . the President determines that . . . domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order . . . or [to] suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy if such . . . a condition . . . so hinders the execution of the laws . . . that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law . . . or opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.<sup>3</sup>

The provision was later repealed in its entirety amidst public outrage, and reverted to its original 1807 language. However, the United States government continued to look for a permissible method to provide for a Federal military response to a national disaster. The Disaster Relief Act of 1974 had been amended in 1988 as the Stafford Disaster Relief and Emergency Assistance Act. It provided statutory authority for Federal disaster response activities under the Federal Emergency Management Agency (FEMA). In 2000 and again in 2007, the act was amended to its current version where, fundamentally, the

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<sup>3</sup>U.S. Congress, Public Law 109-364, John Warner National Defense Authorization Act for Fiscal Year 2007, 109th Cong., 2nd sess, 2007, 322-323.

Stafford Act defines the Federal role in disaster response to support state and local authorities to alleviate suffering and damage within the effect region. The act places the Federal government and its resources in a supporting role rather than in one of responsibility or authority over state and local governments. It also establishes the responsibility of disaster preparedness, relief, and management with state authorities.

#### United States Army North

In 2002, the US Northern Command (USNORTHCOM) was organized and headquartered in Colorado. Its mission is to conduct Homeland Defense and civil support operations in order to protect American lives within the United States, Alaska and the US territorial waters. USNORTHCOM works within a partnership with the Department of Homeland Security, Federal agencies, and non-governmental organizations, and cooperates with Canadian and Mexican authorities. Under the direction of the Secretary of Defense, USNORTHCOM may be required to provide troops, equipment, or material in support of a national disaster, which has overwhelmed local and state capabilities.

Previously, also under the direction of the Secretary of Defense, local garrisons would be alerted and the necessary resources, if available, would be diverted to the incident. This method did not allow for proper planning or training, and consequently, did not provide an adequate response capability. In 2008 that changed when the first

CBRNE Consequence Management Response Force (CCMRF) was activated. The CCMRF specializes in responding to Chemical Biological Radiological Nuclear and High Yield Explosive (CBRNE) threats; however, the same forces could be deployed in response to a variety of national catastrophic disaster events. The CCMRF, which is established by the Department of Defense, is a brigade-size force, approximately 4,700

Soldiers, and is trained and ready to respond to requests from civil authorities. The CCMRF fielding plan calls for three separate CCMRFs, providing the capability to respond to multiple, nearly simultaneous CBRNE events. In 2007, the first CCMRF was stood up, the second in October 2010, with the remaining planned for 2011. The primary role of the CCMRF in responding to a CBRNE event is to augment the efforts of the first responders by providing unique and complementary capabilities when the effects of a CBRNE event exceed state civilian and National Guard capabilities.

### CCMRF

A CCMRF is a joint force organization under a two-star headquarters. In his prepared testimony the House Armed Services Committee, July 2009, General Victor Renuart, Commander of NORTHCOM, explained that:

CCMRF is a task force (approximately 4,700 people) that operates under the authority of USC, Title 10. CCMRFs are self-sustaining and may be tailored to any CBRNE event. A CCMRF is composed of Army, Marine, Navy and Air Force units with unique CBRNE training and equipment, and general-purpose units trained to operate in proximity to a hazardous or contaminated environment. CCMRF capabilities include event assessment, robust command, and control, comprehensive decontamination of personnel and equipment, HAZMAT handling, air and land transportation, aerial evacuation, mortuary affairs, and general logistical support to sustain extended operations.<sup>4</sup>

The CCMRF personnel and equipment are drawn primarily from the uniformed services, but may include personal from civilian agencies as required based on availability and required skill sets. It is composed of three subordinate colonel-level task force units, TF Operations TF Medical and TF Aviation.

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<sup>4</sup>House Armed Services Committee, Commander U.S. Northern Command: Hearing before the House Armed Services Committee, 111th Cong., 1st sess., 28 July 2009.



Task Force Operations is formed around the nucleus of a brigade combat team or maneuver enhancement brigade, augmented by logistics and specialized CBRNE units. Task Force Operations is capable of CBRNE detection and decontamination and can provide, among other things, transportation, logistics, communications and public affairs support to local, state and Federal entities. Task Force Medical provides public health support, augments civilian medical facilities, conducts casualty collection operations, assists with patient movement, and provides medical logistics support. Task Force Medical also has the capability establish and staff field medical hospitals if required. Task Force Aviation provides heavy- and medium-lift helicopters, including medevac aircraft. It may also provide or coordinate fixed wing transportation as required.

Currently, two CCMRFs are operational. The second CCMRF became operational in October 2009 and the third is scheduled for October 2010. Army National Guard brigade combat teams, to be mobilized in a Title 10 status, will serve as Task Force Operations of the second and third CCMRFs.

The deployment of CCMRF marks the first time an active military unit has been given a dedicated mission and assignment to Northern Command to assist Federal Homeland Security efforts and coordinate support of civil authorities. It has also raised important questions about longstanding separation between the local civilian government and the military within the borders of the country and the effectiveness of dedicating combat forces to missions within the United States.

#### The National Guards Homeland Security Role

The National Guard exists simultaneously as two forces, the National Guard of the United States (USNG) and the state National Guard (SNG). The USNG is a reserve

military force composed of SNG militia members and is a joint reserve component of the United States Army and the United States Air Force. The significant difference between the two is the status under which they are employed. While in a Title 32 status, the force remains a state National Guard, an organized militia, under the command of their respective governor and the Posse Comitatus Act does not apply. Under Title 10, they are Federally activated, under the command of the President of the United States and are subject to the provisions of the Posse Comitatus Act.

The National Guard Bureau (NGB) administers the National Guard of the United States, which is a joint activity under the Department of Defense. The NGB provides policies and requirements for training and provides DoD funds for the training of the units and individuals of the National Guard. The policy of the Department of Defense is that the National Guard, in its capacity as a state National Guard, always has been, and remains, the primary military response to any natural or man-made incident within the United States. Indeed, before Federal military forces will be used in response to a disaster, a state must employ its own forces to the extent of its capabilities and when those resources are exhausted, must employ the state National Guard forces of its sister states through an Emergency Management Assistance Compact (EMAC).

The Commission on the National Guard and Reserves is chartered by Congress to assess the National Guard and the Reserves and to recommend changes that ensure they are trained, equipped, and supported to meet the needs of the United States national security. In its final report, published January 31, 2008, the commission recommended

that the National Guard form the backbone of the DOD Homeland Security mission.<sup>5</sup> The National Guard is the logical element of the U.S. armed forces to act as the lead military agency for Homeland Security. By law and tradition, the Guard connects local communities to the Federal government. Units are located in nearly every American community, and they have the capabilities, legal authority, and structure to respond to attacks on the homeland. The Army National Guard maintains over 3,000 armories around the nation, and the Air National Guard has 140 units throughout the United States and its territories. This close relationship between the National Guard and their locales are leveraged to ensure that local Guard units are prepared to respond to attacks and that they help to train other first responders in their communities. National Guard State Joint Force Headquarters (JFHQs) are well situated to oversee the training of state and local first responders in disaster response. Additionally, the National Guard maintains thirty Weapons of Mass Destruction - Civil Support Teams (WMD-CST), which are trained and equipped to respond to a chemical, biological, radiological, or nuclear (CBRN) event.

#### Primary Research Question

The focus of this research will center on the characteristics, requirements and implementation of the CCMRF, and which organization, Active Federal forces or State National Guard, is better suited for the responsibility of the CCMRF mission. The conclusion will seek to answer three questions:

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<sup>5</sup>Commission on the National Guard and Reserves, *Transforming the National Guard and Reserves Into a 21st- Century Operational Force, Final Report* (Washington, DC: Government Printing Office, 2008).

1. Are active Federal forces, those falling under Title 10, the most capable component to assume a long-term Homeland Defense role within the United States? Alternatively, should the responsibility fall to the National Guard units across the nation rather than from active Federal forces?

2. If the National Guard is the preferred option over the Federal component, should it remain under Title 32 or placed under Title 10 status? What are the advantages or disadvantages to having a force under each status, what are the risks or perceived risks of employing a Title 10 force within the US?

3. Is the CCMRF adequately trained, equipped, and funded to support the required mission?

#### Assumptions

1. The National Guard will continue to be relied upon for Homeland Security and the Department of Defense will continue to reorganize the reserve components into an operational reserve.

2. The concept of a CCMRF is an effective response formation to a national catastrophic incident.

3. The comparison will be of the CCMRF as an Army and Air Force formation, recognizing that in reality the CCMRF may, and in practice does, include Navy and Marine Corps units.

4. The CCMRF will be used in its primary role as the Federal response to a CBRNE event and in its secondary role as the Federal response to a natural disaster.

## Definitions

Active Federal Forces: Military forces under Title 10

Civil Authorities: 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.

DCO: Defense Coordinating Officer (Department of Defense single point of contact for domestic emergencies.)

DSCA: Defense Support to Civilian Authorities (Civil support provided under the auspices of the National Response Plan.)

EOC: Emergency Operations Center (The physical location at which the coordination of information and resources to support on site incident management activities normally takes place.)

FCO: Federal Coordinating Officer (The Federal officer who is appointed to manage Federal resource support activities related to Stafford Act disasters and emergencies.)

Federal Reserve: Includes U.S. Army Reserve, U.S. Navy Reserve, and the U.S. Marine Corps Reserve. These forces are always Title 10.

First Responder: All emergency service personnel who are expected to respond to medical emergencies or large-scale disasters.

Homeland Defense: The protection of United States sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President.

Homeland Security: A concerted national effort to prevent terrorist attacks within the United States; reduce America's vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur.

IC: Incident Commander (An individual, usually civilian, who manages all incident activities, including the development of plans, the ordering, and the release of resources.)

ICS: Incident Command System (A standardized on-scene emergency management construct designed to aid in the management of resources during incidents.)

Major Disaster: Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Assistance and Relief Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby

National Guard: both the Army and the Air National Guard under Title 32.

National Planning Scenarios: Planning tools that represent a minimum number of credible scenarios depicting the range of potential terrorist attacks and natural disasters and related impacts facing the Nation.

NIMS: National Incident Management System (A national crisis response system that provides a consistent, nationwide approach for Federal, state, local, and tribal

governments; the private sector; and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.)

NRF: National Response Framework (Documents the key response principles, roles, and structures that organize national response.)

SCO: State coordinating Officer (An officer, appointed by a governor, responsible for coordinating state disaster assistance efforts with those of the Federal government, usually following a Stafford Act declaration.)

Title 10: Title 10 service means full-time duty in the active military service of the United States under the command of the President of the United States.

Title 32: Title 32 service is primarily state active duty under the command of the state governor. This includes active duty for training periods.

UTL: Universal Task List (A menu of unique tasks that link strategies to prevention, protection, response, and recovery tasks for the major events represented by the National Planning Scenarios.)

### Limitations

1. This study will only analyze the United States Homeland Security mission and requirements and not address the Homeland Defense mission.
2. This study will focus primarily on the US Armed Forces ability to act as part of a first responder to state and national disasters and emergencies.
3. This study will focus on the Federal response for both CBRNE and natural disaster.

### Delimitations

1. This study will not review which state or states would be best suited to provide forces for a possible CCMRF mission.

2. This study does not investigate the general role the Department of Defense plays in Homeland Security.

3. This study will not consider the role of the CCMRF in Homeland Defense, or if it could or should be utilized for that mission.



## CHAPTER 2

### LITERATURE REVIEW

#### Short History of Homeland Security

Today's rendition of Homeland Security stems from as early as 1914. From the beginning, the role of the military in Homeland Security has been debated and its role has changed based on the perceived threats to the homeland and political pressure.

Understanding the attempts at a comprehensive government response within the homeland is an important backdrop for the challenges that continue to exist today.

It is important to begin by distinguishing between Homeland Security and Homeland Defense. Homeland Defense is defined in Joint Publication 3-27 as:

the protection of US sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President. . . . the Department of Defense (DoD), coordinates closely with other Federal agencies or departments who may be undertaking simultaneous operations to counter the same or other threats.<sup>6</sup>

During a Homeland Defense mission, the DoD is the lead agency and as described in JP 3-27, coordinates with other Federal agencies as required. By contrast, Homeland Security is described in Joint Publication 3-28 as:

a concerted national effort to prevent terrorist acts within the United States, reduce America's vulnerabilities to terrorism, and minimize the damage and recover from attacks that do occur. However, the NSHS addresses HS beyond this definition and includes law enforcement, chemical, biological, radiological, nuclear, and high-yield explosives

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<sup>6</sup>Joint Chiefs of Staff, Joint Publication (JP) 3-27, *Homeland Defense* (Washington, DC: Government Printing Office, 2007), I 1-2.

consequence management (CBRNE CM), and disaster preparedness and relief missions.<sup>7</sup>

During a Homeland Support mission, the lead agency is most likely the Department of Homeland Security (DHS), but in the event of a terrorist attack, the Department of Justice could become the lead agency. Regardless of the lead agency in Homeland Security, the DoD is employed purely in a support role. This study will consider the DoD role exclusively in its Homeland Security mission.

Early in the First World War, the Allied powers observed the physiological impact that the German bombing inflicted upon the British public. The governments implemented civil defense programs aimed at protecting infrastructure and the general population. Although, the Federal government did not consider the United States vulnerable to attack, in August 1916 the Council of National Defense was established. The council served as a Presidential advisory board that included the secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Secretary of labor, and the Secretary of the Interior. The board was responsible to coordinate the countries resources and industries for the national defense and to stimulate civilian moral.<sup>8</sup> Shortly after its creation, the Federal government asked the state governors to create local councils to support its national efforts. These local councils, like their Federal counterparts, focused largely on mobilizing for war rather than protecting the nation's infrastructure or

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<sup>7</sup>Joint Chiefs of Staff, Joint Publication (JP 3-28), *Civil Support* (Washington, DC: Government Printing Office, 2007), I 2.

<sup>8</sup>The National Archives, "Records of the Council of National Defense," <http://.archives.gov/research/guide-fed-records/groups/062.html> (accessed June 13, 2009).

civilians. As the war ended, so did the council, and in 1921 the Council of National Defense was disbanded.

At the opening of World War II, the Federal government again considered its civil defense efforts. This time, an attack on the Homeland was considered a possibility and in 1933, President Franklin Roosevelt created the National Emergency Council. This new council consisted of the president himself, his cabinet members, and the heads of most Federal agencies. The responsibilities of the council were focused mostly on war preparations, however, also included the administration of civil defense and preparedness programs. Almost immediately, serious problems arose between local, state, and Federal government agencies regarding authority and resources for civil defense. In 1941, after a letter from the Mayor of New York was sent to President Roosevelt requesting a strong Federal department focused exclusively on civil defense, the Office of Civilian Defense was established. Its vague definition of civil defense and ambiguous goals resulted in the agencies focus on social welfare programs rather than protection of civilian infrastructure. These programs drew extensive criticism and in 1947, President Harry Truman replaced them with the National Security Resources Board. Civil defense remained a low priority within the new board and shortly after its creation, President Truman established the Office of Civil Defense Planning (OCDP). This office was charged with planning for the creation of a permanent Federal civil defense agency. Within six months, the OCDP published its report, known as the Hopely Report. The report made several recommendations, but the most significant was that the Federal government should provide civil defense guidance and assistance, but the operational responsibilities should rest with the state and local governments. Over the next several

years, other studies were debated with no firm Federal action. In 1950, congress acted and created the Federal Civil Defense Administration (FCDA). The new agency struggled with public fears of an establishment of a garrison state, definitions of civil defense responsibilities and allocation of national resources. Regardless, the new agency emerged with a “self help” doctrine making it an individual’s responsibility for preparedness and relied on a decentralized, locally controlled, and volunteer based program. The FCDA led several very successful civil defense programs, however almost exclusively focused on protection from a nuclear attack by Russian ICBMs.

In 1970, the FCDA was replaced with the Defense Civil Preparedness Agency (DCPA). The DCPA was placed under the Department of Defense and for the first time in the history of civil defense, Federal funds provided for preparation for a military attack on the United States could be authorized to State and local governments for natural disaster preparedness.

In March 1979, the Three-Mile-Island accident occurred and the Federal response was striking in its slow response, poor local Federal coordination, and miscommunications. The dramatic failure of the Federal response demonstrated a need for more effective disaster coordination and planning. As a result, in July 1979, President Jimmy Carter created the Federal Emergency Management Agency (FEMA). FEMA absorbed all the independent Federal agencies related to disaster response. The new agency represented the single largest consolidation of civil defense in the history of the United States.

FEMA was plagued over the next two decades with unsuccessful Federal responses to disasters, bringing outcries from the public and Congress. Hurricane Hugo

and Hurricane Andrew were marked by slow Federal response, poor coordination's with other Federal and state agencies and lack of properly trained personnel.

To this point, DoD participated very little in planning or assistance to Homeland Security, but in September 1997 Congress passed the Nun-Lugar- Doenici Act. This act required DoD to provide civilian agencies training and advisors on responses to Weapons of Mass Destruction.

In 2002, a new agency was created by President George Bush, the Department of Homeland Security (DHS). The DHS was created to provide a Federal response to "all hazards" within the United States. It takes a lead role coordinating Federal, state, local, and private sector efforts into a unified response to all disaster upon the homeland.

In 2005, hurricane Katrina struck the Mississippi and Louisiana coast and caused unprecedented devastation. The Federal, state, and local response was largely inadequate at the cost public confidence in the Federal government's ability to respond to a catastrophic within the United States.

### Hurricane Katrina Lessons Learned

Hurricane Katrina made landfall on the gulf coast August 29, 2005, as a category three hurricane. As it hit New Orleans, the city's levees were breached at multiple points, leaving most of the city submerged. In the aftermath were over 2,541 deaths and over 105 billion dollars in damage. The Federal, state, and local response is widely criticized for being slow and inefficient. In February 2006, the Department of Homeland Security published the results of its investigation of the Federal response in *The Federal Response to Hurricane Katrina, Lessons Learned*. In it, the DHS identified eight primary lessons learned.

1. The Departments of Homeland Security and Defense should jointly plan for the Department of Defense's support of Federal response activities as well as those extraordinary circumstances when it is appropriate for the Department of Defense to lead the Federal response. In addition, the Department of Defense should ensure the transformation of the National Guard is focused on increased integration with active duty forces for Homeland Security plans and activities.

2. The Department of Homeland Security, in coordination with State and local governments and the private sector, should develop a modern, flexible, and transparent logistics system. This system should be based on established contracts for stockpiling commodities at the local level for emergencies, and the provision of goods and services during emergencies. The Federal government must develop the capacity to conduct large-scale logistical operations that supplement and, if necessary, replace State and local logistical systems by leveraging resources within both the public sector and the private sector.

3. The Department of Homeland Security should review our current laws, policies, plans, and strategies relevant to communications. Upon the conclusion of this review, the Homeland Security Council, with support from the Office of Science and Technology Policy, should develop a National Emergency Communications Strategy that supports communications operability and interoperability.

4. The Department of Homeland Security, working collaboratively with the private sector, should revise the National Response Plan and finalize the Interim National Infrastructure Protection Plan to be able to rapidly assess the impact of a disaster on critical infrastructure. We must use this knowledge to inform Federal response and

prioritization decisions and to support infrastructure restoration in order to save lives and mitigate the impact of the disaster on the Nation.

5. The Department of State, in coordination with the Department of Homeland Security, should review and revise policies, plans, and procedures for the management of foreign disaster assistance. In addition, this review should clarify responsibilities and procedures for handling inquiries.

6. In coordination with the Department of Homeland Security and other Homeland Security partners, the Department of Health and Human Services should strengthen the Federal government's capability to provide public health and medical support during a crisis. This will require the improvement of command and control of public health resources, the development of deliberate plans, an additional investment in deployable operational resources, and an acceleration of the initiative to foster the widespread use of interoperable electronic health records systems.

7. The Department of Homeland Security should develop an integrated public communications plan to better inform, guide, and reassure the American public before, during, and after a catastrophe. The Department of Homeland Security should enable this plan with operational capabilities to deploy coordinated public affairs teams during a crisis.

8. The Federal response should better integrate the contributions of volunteers and nongovernmental organizations into the broader national effort. This integration would be best achieved at the State and local levels, prior to future incidents. In particular, State and local governments must engage NGOs in the planning process, credential their

personnel, and provide them the necessary resource support for their involvement in a joint response.<sup>9</sup>

These lessons learned have served as the basis for many changes in the Federal response doctrine. Among the changes is the establishment of the focus of this study, the CCMRF and the revision of the National Response Framework.

The bases of national disaster planning are the national preparedness guidelines. These guidelines were created to give a structure to the national planning and preparations at all levels of government. There are four parts of the National Preparedness guidelines:

1. The National Preparedness Vision provides a concise statement of the core preparedness goal for the Nation. This vision is reviewed and republished by each President.

2. The National Planning Scenarios are a list of threats that are high threat, have a realistic probability of happening, and are either man made or natural catastrophes. The fifteen scenarios are intended to provide a national focus in the planning for homeland security at all levels of government and nongovernmental groups.

3. The Universal Task List (UTL) is a menu of tasks that will facilitate a coordinated response to the National Planning Scenarios. This list entails a menu of capabilities that may be provided, and includes those expected to be provided by nongovernmental organizations and private business.

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<sup>9</sup>Assistant to the President for Homeland Security and Counterterrorism, *The Federal Response to Hurricane Katrina, Lessons Learned* (Washington, DC: Government Printing Office, 2006), 51.



4. The Target Capabilities List (TCL) lists all the capabilities that all levels of government, businesses, and individual should be capable of performing.

### The National Response Framework

One of the criticisms of the Federal response to Hurricane Katrina was a lack of integration of the Federal, state, local, and non-government agencies under a unified command and coordination system. In response the National Response Framework was developed. It is intended to provide a common structure for all responders to an emergency regardless of scale or type of event. The framework provides four key organizational functions intended to be adopted at all levels of disaster response organizations.

1. Roles and Responsibilities. Provides guidance on who is involved with emergency management activities at the local, tribal, state, and Federal levels and with the private sector and NGOs.

2. Response Actions. Describes what we as a nation collectively do to respond to incidents.

3. Response Organization. This explains how we as a nation are organized to implement response actions.

4. Planning. Emphasizes the importance of planning and summarizes the elements of national planning structures.<sup>10</sup>

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<sup>10</sup>Department of Homeland Security, *National Response Framework* (Washington, DC: Government Printing Office, 2008).

## Roles and Responsibilities

The Department of Defense has a supporting role to assist local and state civil authorities in the event of a mass casualty's event. The Defense Support to Civil Authorities (DSCA) mission is executed under the direction of the Secretary of Defense and is in accordance with United States laws and Constitutional limitations. The US Northern Command USNORTHCOM is charged with the DSCA mission.

Commander USNORTHCOM in accordance with the Unified Command Plan must:

1. Through the Chairman of the Joint Chiefs of Staff, plan and execute DSCA operations in their areas of responsibility in accordance with the authorities assigned by the Unified Command Plan and the Forces for Unified Commands Memorandum.

2. Incorporate DSCA into joint training and exercise programs in consultation with the Department of Homeland Security, other appropriate Federal Departments and Agencies, and the National Guard Bureau.

3. Advocate for validated DSCA requests for domestic operations through the Joint Requirements Oversight Council.

4. Provide the Secretary of Defense an implementation plan for ensuring DSCA support is emphasized in command assessments.

The Chief, National Guard Bureau, under the authority, direction, and control of the Secretary of Defense through the Secretaries of the Army and the Air, would:

1. Serve as the channel of communication on all matters pertaining to National Guard DSCA activities between the Secretary of Defense and the Heads of the DoD Components (including the Secretary of the Army and the Secretary of the Air Force) and

the States. Direct liaison between both entities should occur only in an emergency when time does not permit compliance with this Directive. In each such instance, the Chief, NGB, should be informed of the communication.

2. Annually assess the readiness of the National Guard of the States to conduct DSCA activities and report on this assessment to the Secretary of Defense, the Secretaries of the Army and the Air Force, the USD(P and R), the ASD(HD and ASA), the ASD(RA), the Chairman of the Joint Chiefs of Staff, and appropriate Combatant Commanders.

3. Participate in the Joint Staff capability-based planning and assessments, the Joint Capabilities Integration and Development System, and the DoD PPBE assessment for all actions pertaining to National Guard capabilities required for DSCA.

4. Facilitate and de-conflict the planning and use of National Guard forces among the States to ensure that adequate and balanced forces are available and responsive for DSCA missions, consistent with national security objectives and priorities.

#### Legal Consideration

The use of Federal troops within the United States is strictly regulated through the constitution and United States law. The three most important laws are the *Posse Comitatus Act*, the *Insurrection Act*, and the Stafford Act.

The *Posse Comitatus Act*, 18 U.S. Code, Section 1385 is a law that prevents the use of Federal troops under U.S. Code Title 10 from being employed to enforce law and order. The law was enacted primarily to end the use of troops in the south after the American Civil War where Federal troops were used to maintain civil order. The law:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.<sup>11</sup>

The *Posse Comitatus Act* does not apply to National Guard or Coast Guard personal unless they have been Federalized under Title 10.

The Insurrection Act of 1807 is the set of laws that gives the President of the United States the ability to deploy troops within the United States under certain conditions. The act allows the President to use Federal armed forces within the United States to put down lawlessness, insurrection and rebellion. The laws applicable to Homeland Security are chiefly contained in 10 U.S.C. § 331-10 U.S.C. § 333.

Sec. 331. Federal aid for State governments:

Whenever there is an insurrections in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

Sec. 332. Use of militia and armed forces to enforce Federal authority:

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

Sec. 333. Interference with State and Federal law:

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it--

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right,

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<sup>11</sup>U.S. Code, Title 18, *Posse Comitatus Act*, § 1385.

privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws. In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.<sup>12</sup>

The general aim is to limit Presidential power as much as possible, relying on state and local governments for initial response in the event of insurrection.

The Stafford Act is the most important piece of legislation regarding the Federal government's response to a disaster event. The Department of Defense's role in a Federal response will nearly always be because of the Stafford Act. The Act, known today as the Robert T. Stafford Disaster Relief and Emergency Assistance Act, can be traced to 1950. Before 1950, a comprehensive Federal response disaster program did not exist. The Federal government response to a disaster was generally limited to financial support and was without a clear process for how those funds were to be provided to the states. Consequently, Congress funded each response on a case by case basis and generally long after the event.

In 1950, Congress enacted the first of the Federal legislation focused on disaster relief as the Federal Disaster Relief Act of 1950 (Pub. L. No. 81-875, 64 Stat. 1109), with this law, there was now for the first time, an authorization for a coordinated Federal response to major disasters including the use of military forces for that response. The act, defined a disaster as:

any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the U.S. which in the determination of the President, is or threatens to be

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<sup>12</sup>U.S. Code, Title 10, *Insurrection Act*, § 331-333.

of sufficient severity and magnitude to warrant disaster assistance by the Federal government.<sup>13</sup>

The enduring significance of this definition is that it gave the president broad powers to respond to a crisis including those powers that are related to the president's role as commander in chief of the United States military forces. This definition, and those powers and responsibilities given to the President continued into future disaster legislation.

Later in 1969, congresses passed the Disaster Relief Act of 1969. The important aspect of this law id the introduction of the idea of the Federal Coordinating Officer (FCO), and placed the management of the Federal disaster assistance under this position. The FCO was to be appointed by the President and acts as his representative.

In 1970, the President signed the Disaster relief act of 19700. This new law built upon the previous disaster response legislation and expanded the Federal government's role in disaster relief. The significant changes were features that provided the Federal government the authority to permanently repair or replace damaged public facilities, it allowed disaster assistance loans to be made to individuals impacted, and it provided the authority to assist local and state government to avert or lesson the effects of potentially major disasters.

The Disaster Relief Act of 1970 was amended to become the Disaster Relief Act of 1974, PL 93-288. This new amendment further extended the assistance available from the Federal Government for individuals, States, and local communities suffering from the effects of disasters. It also strengthens disaster planning and preparedness and requires as

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<sup>13</sup> P.L. 81-875, *Federal Disaster Relief Act of 1950*, 64 Stat. 1109

a condition to receiving Federal assistance that insurance coverage be provided to protect property against future disaster losses.

Finally, in 1988 the Disaster Relief Act of 1974 was again amended to become the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended.) this act provided a framework for continued disaster assistance to local, state and tribal governments effected by a disaster. The Stafford Act created an emergency declaration process for major emergencies that triggered a Federal response. It also provided a framework for the implementation of disaster assistance programs.

Since 1988, the Stafford Act has continued to be amended to improve the Federal government's response. Among these amendments is a requirement, established in 2004, in which only communities, tribes, and states with a FEMA-approved mitigation plan will become eligible to receive recovery funds following a presidentially declared disaster.

#### CBRNE Consequence Management Response Force

The CCMRF mission is to assist with a catastrophic mass casualty incident in the United States and its territories--at the direction of the President--the Chairman of the Joint Chiefs of Staff or the appropriate Combatant Commander may deploy the CBRNE Consequence Management Response Force (CCMRF). The CCMRF is trained and equipped to provide a rapid response capability following a catastrophic event.<sup>14</sup>

CCMRF is a Brigade size joint unit consisting of three taskforces, Task force Operations, Task force Medical, and Task force Aviation whose main functions are indicated in figure 1.

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<sup>14</sup>Department of Homeland Security, *Consequence Management, Operational Principles* (Washington, DC: Government Printing Office, 2008), 1



Figure 1. CCMRF Organizational Structure

Source: United States Army Northern Command, Consequence Management version 1.0, August 2008, 78.

A CCMRF is most likely to be deployed under the Stafford act where the “Federal role in disaster response is to support the state and local governments in carrying out their responsibilities to alleviate the suffering and damage.”<sup>15</sup> The CCMRF also contains several specialized assets designed to expand its capabilities:

<sup>15</sup>U.S. Code, Title 42, *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, § 68.



1. Chemical Biological Incident Response Force (CBIRF IRF).
2. Chemical Company Decontamination (Chem Decon).
3. Chemical Platoon Reconnaissance (Chem Recon).
4. Chemical Platoon Biological Integrated Detection System (Chem BIDS).
5. NBC Biological Detection Team (BIO Det TM).
6. CBRNE Coordination Element (CBRNE CE).
7. Hammer Adaptive Communications Element (Hammer ACE).
8. Air Force Radiological Assessment Team (AFRAT).
9. Defense Threat Reduction Agency Consequence Management Advisory Team (DTRA CMAT)

On October 1, 2009, two CCMRF units were activated. In preparation for its mission, which lasts for twelve months, the unit's leadership and staff participated in Vibrant Response 10.1 and 10.2. The exercise simulated the national planning scenario one, which involves the detonation of a nuclear device in a US city.

#### The Potential Threats to the Homeland

There are any number of potential threats ranging from natural disasters such as hurricanes, earthquakes, and tsunamis. Another reality of the world today is the possibility of another terrorist attack within the United States. The Department of Homeland Security developed a series of fifteen planning scenarios, which are currently used by all agencies, to plan for likely catastrophic mass casualty events. The National Planning Scenarios:

1. Nuclear Detonation–10-Kiloton Improvised Nuclear Device

2. Biological Attack–Aerosol Anthrax
3. Biological Disease Outbreak–Pandemic Influenza
4. Biological Attack–Plague
5. Chemical Attack–Blister Agent
6. Chemical Attack–Toxic Industrial Chemicals
7. Chemical Attack–Nerve Agent
8. Chemical Attack–Chlorine Tank Explosion
9. Natural Disaster–Major Earthquake
10. Natural Disaster–Major Hurricane
11. Radiological Attack–Radiological Dispersal Devices
12. Explosives Attack–Bombing Using Improvised Explosive Device
13. Biological Attack–Food Contamination
14. Biological Attack–Foreign Animal Disease (Foot and Mouth Disease)
15. Cyber Attack<sup>16</sup>

While all the scenarios represent real threats to the homeland, two deserve particular focus because of their potential for and consequence of their use.

### Nuclear Detonation

On April 19, 2007, the Preventive Defense Project convened a workshop of leading Federal government civilian and military officials, scientists, policy experts, and journalists to address the actions that can and should be taken in the 24 hours following a nuclear blast in a U.S. city. Through efforts like the Nunn-Lugar program, the U.S.

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<sup>16</sup> Department of Homeland Security, *National Planning Scenario version 20.1* (Washington, DC: Government Printing Office, 2005).

government and many of the Day After Workshop participants, have long sought to prevent nuclear weapons and fissile materials from falling into new and threatening hands, especially terrorists. But these efforts have not reduced the probability to zero. It is also a common refrain among policy thinkers concerned with the growing nuclear threat to frame the issue of prevention in terms of a provocative question, “On the day after a nuclear weapon goes off in a U.S. city, what will we wish we had done to prevent it?” However, the Preventive Defense “Day After Workshop” asked a different question: What will the United States actually do on the day after prevention fails?” How can we prepare now to be able to do it? The distinguished participants in the Workshop were asked to catapult themselves vividly and concretely into the aftermath of a nuclear detonation on a U.S. city. The needed actions by government and the public on the Day After will fall into two categories: actions to recover from the first detonation, and actions to prevent a second detonation. The Workshop addressed both types of action in as much detail, including technical detail, as possible. Topics included emergency response, evacuation and sheltering, immediate radiation effects, follow-on threats to the first nuclear weapon, attribution and retaliation, and the long process of cleanup-- especially the uniquely difficult problem of fallout and residual radioactivity. The Day After is a grim prospect to contemplate. Nevertheless, policymakers have no choice, since the probability of nuclear terrorism cannot be calculated but is surely not zero. The actions of public officials on the Day After will affect the lives of many thousands, the welfare of many millions, and the well-being and even cohesiveness of the nation and the world. For that reason, we decided to conduct this Workshop. During the Cold War, “thinking the unthinkable” was also a fearsome task but resulted in sturdy policies like

deterrence and arms control that prevented disaster and--over time--were understood and accepted by the population.<sup>17</sup>

### Biological Attack

The threat of Biological weapons (BW) has increased in the last two decades, with a number of countries working on the offensive use of these agents. The extensive program of the former Soviet Union is now primarily under the control of Russia. Former Russian president Boris Yeltsin stated that he would put an end to further offensive biological research; however, the degree to which the program was scaled back is not known. Revelations from Ken Alibek, a senior BW program manager who defected from Russia in 1992, outlined a remarkably robust BW program, which included active research into genetic engineering, binary biological and chimeras, and capacity to produce industrial quantities of agents. There is also growing concern that the smallpox virus, stored in only two laboratories at the Centers for Disease Control and Prevention (CDC) in Atlanta and the Institute for Viral Precautions in Moscow, may be in other countries around the globe.

There is intense concern in the west about the possibility of proliferation or enhancement of offensive programs in countries hostile to the western democracies, due to the potential hiring of expatriate Russian scientists. Iraq, Iran, and Syria have been identified as countries “aggressively seeking” nuclear, biological, and chemical weapons.

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<sup>17</sup>Ashton B. Carter, Michael M. May, and William J. Perry. “The Day After, Action in the 24 Hours Following a Nuclear Blast in an American City” (Report following the Day after workshop, April 19, 2007).

Libya was also included; however, Libya has recently renounced further pursuit of offensive programs.

The 1990s saw a well-placed increasing concern over the possibility of the terrorist use of biological agents to threaten either military or civilian populations. Extremist groups have tried to obtain microorganisms that could be used as biological weapons. The 1995 sarin nerve agent attack in the Tokyo subway system raised awareness that terrorist organizations could potentially acquire or develop weapons of mass destruction (WMD) for use against civilian populations. Subsequent investigations revealed that, on several occasions, the organization had released botulinum toxin (1993 and 1995) and anthrax (1995) from trucks and rooftops. Fortunately, these efforts were unsuccessful. The Department of Defense initially led a Federal effort to train the first responders in 120 American cities to be prepared to act in case of a domestic terrorist incident involving WMD. This program was subsequently handed over to the Department of Justice in 2000. First responders, public health and medical personnel, and law enforcement agencies have dealt with the exponential increase in biological weapons hoaxes around the country over the past several years.

The events of September 11, 2001, and subsequent anthrax mail attacks brought immediacy to planning for the terrorist use of WMD in the U.S. Anthrax-laden letters placed in the mail caused 23 cases of anthrax-related illness and five deaths, mostly among postal workers and those handling mail. On October 17, 2001, U.S. lawmakers were directly affected by anthrax contamination leading to closure of the Hart Senate Office Building in Washington, D.C. Terrorist plots to use ricin were uncovered in England in January 2003. Ricin was also found in a South Carolina postal facility in

October 2003 and the Dirksen Senate Office Building in Washington, D.C. in February 2004

The National Strategy for Homeland Security and the Homeland Security Act of 2002 were developed in response to the terrorist attacks. The Department of Homeland Security (DHS), with over 180,000 personnel, was established to provide the unifying foundation for a national network of organizations and institutions involved in efforts to secure the nation. Over \$8 billion from the DHS has been awarded since March 2003 to help first responders and state and local governments to prevent, respond to and recover from potential acts of terrorism and other disasters. The Office for Domestic Preparedness (ODP) is the principal component of the DHS responsible for preparing the U.S. for acts of terrorism by providing training, funds for the purchase of equipment, support for the planning and execution of exercises, technical assistance, and other support to assist states and local jurisdictions to prevent, plan for, and respond to acts of terrorism.

The Public Health Security and Bioterrorism Response Act of 2002 requires drinking water facilities to conduct vulnerability assessments; all universities and laboratories that work with biological material that could pose a public-health threat have to be registered with the U.S. Department of Health and Human Services or the U.S. Department of Agriculture; and new steps were imposed to limit access to various biological threat agents. Smallpox preparedness was implemented, including a civilian vaccination program, vaccine injury compensation program, and aid to the States. Prior to the March 2003 invasion of Iraq, state and local health departments and hospitals

nationwide conducted smallpox immunizations of healthcare workers and have since prepared statewide bioterrorism response plans.

The threat of the use of biological weapons against U.S. military forces and civilians is more acute than at any time in U.S. history, due to the widespread availability of agents, widespread knowledge of production methodologies, and potential dissemination devices. Therefore, awareness of and preparedness for this threat will require the education of our government officials, health-care providers, public health officials, and law enforcement personnel and is vital to our national security.<sup>18</sup>

### The State of the CCMRF

USNORTHCOM has stood up an active duty Brigade to act as the Federal response to civil unrest, crowd control or to deal with a chemical, biological, radiological, nuclear, or high-yield explosive, or CBRNE, attack. This force is known as the CBRNE Consequence Management Response Force, or CCMRF. The active units assigned to the CCMRF mission are in their dwell time between deployments. This period is burdened with typical units being undermanned and under equipped, while they await the train up for their next deployment.

After spending a total of thirty-five months in Iraq, the 1st BCT was assigned the first CCMRF mission, which began October 1, 2008, and lasted until October 1, 2009. While assigned, the unit was under the direct control of U.S. Army North, the Army

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<sup>18</sup>U.S. Army Medical Research Institute of Infectious Diseases, *USAMRIID's Medical Management of Biological Casualties Handbook*, 5th ed. (Frederick, Maryland, 2004).

service component of Northern Command, as an on-call Federal response force for natural or manmade emergencies and disasters, including terrorist attacks.

While this is not the first time an active-duty unit has been utilized in a Homeland Defense capacity, this was the first time an active unit has been given a dedicated mission within the Continental United States. The 1st BCT was assigned to NORTHCOM, a joint command established in 2002 to provide command and control for Federal Homeland Defense efforts and coordinate defense support of civil authorities. General Casey said:

being part of the new force requires a shift in thinking for Soldiers who are accustomed to taking charge. Federal military forces must remember that they work in support of a civilian agency while operating within the United States.<sup>19</sup>

He made these comments two weeks before the 1st BCT assumed their CCMRF mission and after the unit receiving a week of classroom instruction and a three day readiness exercise meant to prepare them for the mission. His comments were meant to remind the new force the role they would be assume, that is one of support, rather than a leadership role. This is a valid concern since taking charge is a defining characteristic of the United States military and a great fear of civilian governments working with them. Based on the expectation of the mission assigned, it seems unlikely a three-week training event could have resulted in a force capable of meeting the expectations of NORTHCOM. This was exasperated by the unit's likely focus on their upcoming deployment preparations.

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<sup>19</sup>Patti Bielling, "Top Army leader visits newly assigned consequence management force," U.S. Army North Public Affairs, September 19, 2008, <http://www.northcom.mil/News/2008/091508.html> (accessed October 3, 2009).



On July 28, 2009, the Government Accountability Office (GAO) released report of preliminary observations of the CCMRF and its preparedness to perform its assigned mission. The report found that the CCMRF was expected to respond to multiple, near simultaneous, catastrophic CBRNE incidents and the DOD has plans to provide the needed capabilities to meet that expectation. However, its planned response times may not meet incident requirements, and it may lack sufficient capacity in some key capabilities once it arrives at the incident, and finally, the Department of the Defense faces significant challenges with its strategy for sourcing all three CCMRFs with available units. Additionally the report found:

the CCMRF may be limited in its ability to successfully conduct consequence management operations because (1) it does not conduct realistic full force field training to confirm units' readiness to assume the mission or to deploy rapidly, and (2) conflicting priorities between the CCMRF mission and overseas deployments impact some units' mission preparation and unit cohesion.<sup>20</sup>

The report goes on to discuss the inadequate funding and widespread equipment shortages among the units assigned to the CCMRF equipment shortages.

In September 2009, another report was published by the GAO in which the USNORTHCOMs exercise program and its integration with partner organizations in planning, conducting, and assessing those exercises. Among the GAO findings were:

USNORTHCOM has developed a comprehensive exercise program consistent with DOD's Joint Training System. However, the after action reports did not consistently include certain information; for example, only 5 of the 11 exercise summary reports included an identified section on lessons learned. DHS currently has a template for exercise

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<sup>20</sup>Davi M. D'Agostino, Director Defense Capabilities and Management: Testimony before the House Armed Services Committee subcommittee on Terrorism and Unconventional Threats and Capabilities, 111th Cong., 1st sess., July 28, 2009.

documentation that includes guidance on content and format; however, NORTHCOM does not follow this template.<sup>21</sup>

Federal and state interagency partners have participated in NORTHCOM exercises, but NORTHCOM has a great amount of difficulty involving interagency partners and states in its planning, conducting, and assessing exercises. USNORTHCOM exercise planners prefer to exercise actions after the states resources are expended and assistance from USNORTHCOM is requested. The result is that the partner state and Federal agencies receive little if any training value, consequently they are reluctant to commit their limited resources to participate in the exercises.

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<sup>21</sup>Government Accountability Office, GAO-09-849, *Report to Congressional Requesters*, 111th Cong., 1st sess., September 2009.

## CHAPTER 3

### RESEARCH METHODOLOGY

Working from a large collection of studies and reports conducted by government and private sources, the focus of this research is the CCMRF and its effectiveness in its civil support role. This research began with a brief review of the history of Homeland Security and the contribution the military has provided. With a historical perspective in mind, the research continued into the recent catastrophic events that may have served to change the national focus from a relatively ad hoc Federal response, to the current attempt at a structured joint response under a unified command. Without incorporating every catastrophic event in the last two decades, those pivotal events such as Hurricane Katrina, Hurricane Rita, and the terrorist attacks of 9/11 were carefully analyzed, since they served to focus the nation on Homeland Security. A review of the national agencies, frameworks, policies, and doctrines that now serve as the foundation for a unified Federal response have shown what Federal response is and how it is to be implemented. It is equally important to understand what the Department of Defense sees as its role in Homeland Security. Finally, the legal limitations imposed on Federal troops employed within the United States are carefully analyzed and applied to the goals and mission of the Homeland Security. With an understanding of those limitations, the question may be answered; if the National Guard is employed instead of the regular component, should it remain under Title 32 or placed under a Title 10 status?

With the background, organizational structures, and other frameworks for Homeland Security in place, a careful study of the CBRNE Consequence Management Reaction Force (CCMRF) as it exists today can be made. This review has resulted in a

clear understanding of the requirements of the CCMRF mission, the training needs, and the unit's equipment and funding requirements. This analysis will focus on the requirements described by NORTHCOM and on historical events. This will lead to an analysis of the staffing and command and control of the CCMRF as envisioned by the DoD and will consider the risks and benefits, nationally, regionally and politically of the CCMRF, being comprised of a largely National Guard and Reserve formation compared to an active duty formation.

In order to further my understanding of the CCMRF, I participated in the Vibrant Response 10.1 and 10.2 exercises conducted at Fort Leavenworth, Kansas in 2009. It was very helpful to see the CCMRF 1 and 2 conduct their validation exercise prior to assuming their mission October 2009 and for the first time, the CCMRF 2 standing up. Continuing the review of the CCMRF, focusing on the equipment and transportation needs of the unit and its capability to deploy to the catastrophic event and the time lines such a deployment might require. This analysis will look closely those skills, and any special training, that a CCMRF might require and whether the current training plan meets those requirements. These skills will be reviewed in terms of critical, useful, and complementary skills based on the requirements of the Emergency Support Functions (ESF), outlined in the *Nation Response Framework*.

The largest portion of this research will be a review of the studies by the GAO, other research bodies, and Federal and states services to find the strengths and weakness of the CCMRF, and look for recommendations and conclusions regarding the use of active duty units compared to the National Guard. Those reports also will be reviewed for

information on the effectiveness of the CCMRF and the role it will play as a part of the nation response to a catastrophic mass casualty event.

The conclusion of this study focuses on answering three questions:

1. Are active Federal military forces, those falling under Title 10, the most capable component to assume a long-term Homeland Security role within the United States? Alternatively, should the responsibility fall to the National Guard units across the nation rather than to active Federal military forces?

2. If the National Guard is the preferred option over the Federal component, should the Guard remain under Title 32 or a Title 10 status? What are the advantages or disadvantages to having a force under each status, what are the risks or perceived risks of employing a Title 10 force within the US?

3. Regarding the CCMRF, is the unit adequately trained, equipped, and funded to support the required mission?

The American public has an expectation of its government to provide a rapid and effective response to a catastrophic event. The CCMRF is a component to that response, so it is vital that its capabilities are adequate to meet the challenge. The American public has been intolerant of the failings of Federal, state, and local organizations attempt to provide support.

## CHAPTER 4

### ANALYSIS

It might be said that the United States Army has provided Homeland Security since the birth of the country. This would be a difficult argument in terms of the modern distinction between Homeland Defense and Homeland Security. Remarkably, since World War one, the American concept of civilian defense has struggled for clarity. After watching helpless British citizens endure mass casualties from enemy bombardments, the Allies moved to implement programs to protect their citizens. Feeling invulnerable to attack, the United States government considered civil defense to be little more than a program to gain and maintain public support for the war. Years latter the concept would be dusted off, this time it quickly morphed into a social education program. Through the years, the concept of civil defense slowly transformed from a program to protect the public during a wartime attack to today's concept of all threats preparedness.

From its inception, the concept of Homeland Security has been fraught by a laundry list of problems. The Federal government at first only implemented civil defense in response to wartime attacks, which thankfully never came. The public consistently felt uneasy having its soldiers "protecting" them, fearing the country would become an oppressive military state. Congress consistently resisted providing significant funding and the Army resisted involving itself in civil defense matters at all. Today we see the same arguments, the same roadblocks as were seen in the past.

Much progress has been made toward a unified response involving the local, state, and Federal government. Civilian agencies and humanitarian groups collaborate with government agencies. Common planning and organizational frameworks, which all

responders work within and with clear goals and leadership principles, have begun to emerge.

The Department of Defense is no more eager to take the Homeland Security mission today, than it had been in decades past. Despite the agencies reluctance, it does continue to advance its role, most significantly with the creation of doctrinal guidance for its Homeland Security and Civil Support roles. The creation of the three CCMRF units marked the first time Federal troops were assigned to support civilian authorities and have the potential of proving an unprecedented capability to the nation's disaster response. The unit's concept would provide a rapid deployment force to assists in all hazards. However, the CCMRF continues to be plagued with shortages in funding, equipment, and personal, which may ultimately doom its future. The DoD is already struggling with a war that is now in its eighth year which puts added pressure on the units assigned as they try to simultaneously meet the requirements necessary for deployment to war and to provide assistance to civilian authorities. The challenges are real and complex. If all three CCMRFs were fully manned and ready, that would result in a force of nearly 14,000 soldiers unavailable for duty overseas.

Currently, a unit is to be assigned to the CCMRF for one year during which time, it would focus on the METL tasks appropriate to the DSCA mission. In reality, that is largely unachievable. The units assigned in October, the beginning of the mission year, rarely are the same ones that are assigned the following September. The GAO notes the significant cost to readiness such instability causes and recommends the practice changes.

An increased dependence on National Guard and reserve forces may serve to relieve the burden, but not without an impact to the war. The current rotations plan relies

heavily on National Guard units to provide force structure. The National Guard is capable and willing to provide forces for the CCMRF mission and for overseas rotation, but it will likely be unsustainable if the ARFORGEN did not account for the mission as equal to an overseas deployment.

Even if the personal issue were resolved, equipping the force remains a significant shortfall. If National Guard and Federal Reserve units were assigned, they would still lack important equipment. The ongoing policy of National Guard units leaving their equipment in theater has left the states with an average of sixty percent of their equipment available. This leaves little to equip those assigned to the CCMRF. An obvious solution would be to create a force package that assigned units fall onto during their rotation. This would be a significant investment and currently a dedicated funding stream has not been established for the CCMRF units.

The CCMRF is made of many units from those throughout the Department of Defense and most Federal agencies with Homeland Security responsibilities. Consequently, they are scattered across the United States. This creates a couple of issues. With units geographically dispersed, a dedicated capability must exist to rapidly deliver the units and their equipment to the disaster area. This capability currently does not exist. The second necessity would be that some sort of an emergency deployment readiness exercise should be conducted to ensure the unit is capable of deploying. Such a deployment exercise would be a difficult undertaking considering the units do not currently have their required equipment packages.



## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

The United States has stood ready for decades to render assistance to countries stricken by catastrophic disasters. That response has often been executed by the American Armed Forces and with good results. In protecting our own homeland, however, the United States until recently had made few preparations to provide a national response to catastrophic events caused by nature or man. However, in recent years that has begun to change. National planners have always recognized the contribution that the Armed services can provide to affected areas, but have been reluctant to plan for their use or employ them. In fact, the current policy describes the DoD contribution as the response of last resort. It has only been in recent years that have seen an attempt to provide a unified Federal response, with forces organized, trained, equipped, and resourced specifically to respond within the nation. Rising from this framework is ARNORTH, USNORTHCOM, and finally the CCMRF.

The mission of the CCMRF is to provide a Federal military response to assist with a catastrophic mass casualty incident within the United States and its territories. Additionally, the CCMRF is to be trained and equipped to provide that response rapidly following a catastrophic event. The organization best suited for the responsibility of this mission is the National Guard, supplemented with forces from the Reserves, a conclusion supported by multiple studies and analysis. A military force capable of responding immediately and overwhelmingly in the event of a disaster or CBRNE event would provide a needed federal capability. Such an organization will certainly meet the public expectations and will be integral to a comprehensive national plan. Conceptually the

CCMRF meets this requirement, but presently, there are four primary shortfalls in the implementation of the force. There is a confusing and inefficient chain of command, the entire organization lacks appropriate training and response exercises to test and improve the entire units readiness and capability, it lacks appropriate planning, integration, and coordination with other Federal and state agencies, and finally, the CCMRF lacks a rapid deployment capability. These shortfalls limit the capabilities and risk a repeat of the lessons of the many previous attempts of creating a comprehensive Federal response.

In past catastrophic events in recent United States history, adequate resources existed to provide rapid relief to save lives and protect property, but delays were brought about by the inefficiency of a barely recognizable control structure. A robust response has always been, and continues to be, limited by the planners ability to know what is needed in a timely manner, where it is at, and how to get it to the area it is needed, and who is in charge. The current national framework potentially outlines a planning environment capable of meeting this need, but here again; the issue of who is in charge becomes cumbersome, and the essential requirement of interagency cooperation is largely unrealized. One of several fundamental questions will always be who manages the resources once they have been committed. This question of command and control remains unanswered and for the CCMRF, this is a glaring shortfall. There are three necessary changes to the command and control of the CCMRF in order for it to provide a truly unified response to a catastrophic event. These changes; assigning the CCMRF as TACON to the effected state governor, ensuring the forces assigned to the CCMRF are made up primarily of Nation Guard troops and augmented with reserve forces, and finally, ensuring the National Guard troops assigned remain in a Title 32 status.

The CCMRF should be under the command of the effected state governor after it is committed to the event; remarkably, this is strongly resisted by the Department of Defense. This issue of command relationship is not new to the military. Commanders are always resistant to giving up forces, or their equipment and material. However, current military doctrine provides for the temporary relationships where units are, in a sense, loaned to other commands. These temporary assignments are necessary to mass appropriate forces in a tactical environment under a unified command. Among these command relationships is tactical control (TACON) and this is the most appropriate command relationship for the temporary nature of disaster relief. TACON, as described in detail in FM 3.0, would give the state governor authority over the CCMRF; however, that authority would be limited to detailed tactical deployment within the area of operation related to the catastrophic incident in order to support the emergency response mission. It would not relinquish authority to change organizational structure or direct administrative or logistic support. This status would give the effected governor, full access to the considerable capabilities that the CCMRF can provide without a complex chain of command as exists now, and still allow the DoD to maintain ultimate authority over the CCMRF unit.

Nationally, the members of the governor's council agree they must be given command and control over all forces within their state, a position that the Department of Defense does not support. The governors argue that without such authority there will be continued confusion regarding command and control issues. Further, they insist without that command and control relationship, joint planning would be excessively complex and ineffective, resulting in a greatly diminished response effort. Command and Control of all

forces dedicate to a response efforts are among the lesson learned from Hurricane Katrina. Unfortunately, these issues have yet to be resolved.

Forces assigned to the CCMRF should be made up primarily of National Guard troops augmented with Federal Reserve forces. In Commission on the National Guard and Reserves final report, published January 31 2008, the commission noted that:

the National Guard and Reserves are particularly well suited to providing civil support for the homeland, because these soldiers and airmen live and work in communities throughout the country. Their nationwide presence gives them unique capability as well as the knowledge, experience and relationships needed to assist civil authorities effectively in restoring order, protecting the public, mitigating damage, and reliving suffering.<sup>22</sup>

Additionally the report recommends that the National Guard and Reserves have a lead role and form the backbone of DoD civil support operation in the homeland. These National Guard and Federal Reserve forces assigned could be mobilized for the mission, remain under Title 32 and remain under the command of USNORTHCOM.

An issue that has troubled the current rotations of the CCMRF units is that they are only identified as members of the CCMRF and not placed under the direct command of USNORTHCOM. The DoD realizes that placing the three BDEs that make up the CCMRF under the exclusive command of USNORTHCOM means making them unavailable for deployment; a considerable price to pay for a nation at war. Exasperating, both the unit commanders and the DoD is the preparatory training time prior to the mission and during the year assigned which would necessarily focus on training outside of the units war fighting skills. Alternatively, using National Guard and Federal Reserve troops relieves much of the pressure on the active forces and while mobilized the Guard

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<sup>22</sup>Commission on the National Guard and Reserves.

and Federal Reserve forces would remain at their home station, albeit under the command of USNORTHCOM and not available to their governor. The advantage remains in the additional training and experience the mobilized units would return to their state after demobilization.

It is unfortunate that during a time of a national catastrophic event, much concern must be given to law enforcement. It would be far more pleasant to imagine that citizens would help and protect each other, and in ninety-eight percent of the time that will be the case. Nevertheless, the remaining two percent will challenge the capabilities of the available law enforcement agencies. These necessary enforcement activities can range from simple traffic control to roadblocks keeping people from dangerous areas, and to patrolling areas, preventing personal and property crimes all of which are focused on maintaining or restoring order. It is a reasonable public expectation that the government would maintain order and safety, and in addition to the police units, National Guard forces can be used to assist in this function. However, the variable type and number of National Guard troops in each state available in the first twenty-four hours of a catastrophic event suggests that the CCMRF should be capable of some degree of law enforcement services. The President can authorize the use of Federal troops for such a purpose, but such a declaration requires time, and as seen during Katrina, may never come. If the National Guard Troops assigned to the CCMRF remains under Title 32, law enforcement capabilities becomes a core capability. Activating National Guard troops for an emergency and leaving them in a Title 32 status is permissible under the law, but citizens are not likely to distinguish Title 10 soldiers from Title 32.

Certainly public perception will always remain a concern as the nations citizens see soldiers patrolling and enforcing laws. MG Punaro, in a speech he delivered in September 2009, points out that, “When it comes to disaster response, the American people don’t care whether it’s an active duty or reserve helicopter who rescues them from the roof top.” What they do care about is that, “their government brings all its resources to bear to help them in their hour of need.”<sup>23</sup> Surprisingly little effort is put into educating the American public, before or during an event, on the legal limitations between the forces sent to help. Much has been learned in the current combat operations regarding the need for public engagement, those lessons should be employed to inform the United States public on what they can and cannot expect from their soldiers sent to help. Naturally, this issue is not relevant to any of the Title 10 forces assigned, nor the Reserve forces since they can only be mobilized in a Title 10 status, but certainly the mix of forces only enhance the capabilities of the CCMRF.

Appropriate training must be provided for the CCMRF and response exercises conducted for the assigned forces before and during its operational tour. In its preliminary report published in July 2009, the GAO found the CCMRF training program to be inadequate. While the report credited the DoD with improving the individual and collective training, it notes there are still significant training shortcomings. The CCMRF lacks specialized training unique to its Homeland Security mission and a complete lack of realistic exercises involving all assigned forces. Contributing to this training shortfall is

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<sup>23</sup>Arnold Punaro, “The Homeland Security Gaps” (Speech, the Virginia Military Institute Center for Leadership and Ethics, Lexington, VA, September 19, 2009).

the conflicting demands of upcoming deployments to combat theaters and constant rotation of the units assigned to the CCMRF mission.

Many of the skills required for the CCMRF mission are acquired through individual MOSQ training and consolidated unit training. However, some specialized skills are necessary and are not included in the CCMRF training plan. An example of this shortfall is urban rescue. There is only one unit within the whole DoD, which is in the Air Force, operating today, yet a significant capacity will be required during a catastrophic mass casualty event. Currently, a USMC Infantry platoon has been assigned the mission, however they have received no specialized training and have not been fielded any specialized equipment necessary to execute their mission. There is no question that this platoon could be trained to perform this mission, however none has been conducted yet.

Another significant shortfall is in assessing damage to affected areas. Currently the CMRF holds an agreement with US Army Corps of Engineers to provide this capability. These interagency agreements bring structural and civil engineers into the operation, and greatly enhance the CCMRF capabilities; however, these individuals are not identified for assignment until the event and they generally do not participate in any staff exercises. This ad hoc nature of staffing a critical resources severely diminishes the capability trained engineers bring to the force.

Further exasperating the deficiency of unit level training; there is not an equipment package dedicated to the CCMRF mission, nor are there funds available to support their equipment requirements. The current method is to draw equipment from available stocks upon alert rather than prepositioning a unit package. Those CCMRF units that do have some organic equipment are reluctant to use it, since nearly all are refitting

in preparation for their next deployment and receive no maintenance or operation funds in support of the CCMRF mission. Since the CCMRF mission is not considered equivalent to an overseas rotation under the Army's current ARFORGEN. This means training time and maintenance is largely dedicated to preparation for their next deployment.

For any military formation, field training and rehearsals are a way of life. Remarkably, the CCMRF only conducts one major exercise per year. Vibrant Response is the CCMRF validation exercise, which is conducted once a year just prior to assuming the mission. The GAO has been quite critical of the limited staff exercises conducted, and the complete lack of any field training involving all the units assigned to the CCMRF. Units assigned are scattered throughout the United States at their home stations. These units have limited or no funding for operations and maintenance, and remain focused on preparations necessary for deployment. Until the assignment to the CCMRF mission is treated and funded equivalent to an overseas mission, little will likely change. Further reducing the likelihood of field exercises, the CCMRF units are not assigned directly to USNORTHCOM, so their day to day activities, and training cannot be directed by USNORTHCOM. Without combined mission essential training involving all units, the CCMRF cannot be expected to deploy to a catastrophic event and render effective assistance in a timely manner.

Since CCMRF units are not assigned exclusively to USNORTHCOM, they are subject to deployment based on the needs of their parent service. Throughout the annual rotation, few if any of the units remain with the CCMRF. Many assume the mission with deployments scheduled during their CCMRF assignment.



The training, equipping and exercising of the CCMRF is necessary if it is to be a unit capable of executing its mission as envisioned. Policies currently affecting the CCMRF must be reevaluated. Specialized training must be provided at the individual and collective level. In addition to staff training exercises, combined field exercises, involving all units in the CCMRF must be conducted regularly. To support a robust training plan and consistent capabilities, the units assigned to the CCMRF must be stabilized and their mission should be incorporated into the ARFORGEN cycle allowing units to focus on training and preparation for their Homeland Security mission.

Maximum effectiveness of the CCMRF will be realized when planning, integration, and coordination with other Federal and state agencies are fully implemented. The CCMRF was directed by presidential directive in 2007 to complete the Integrated Planning System. That requirement still has not been met nor has the work done been integrated with other Federal government plans, nor has the CCMRF planning effort been integrated with state or National Guard plans as required.

In December 2007, a presidential directive mandated that the Department of Homeland Security, in coordination with other Federal agencies having roles in Homeland Security, develop an Integrated Planning System.<sup>24</sup> The resulting Integrated Planning System was to be submitted within two months of the directive, but was not approved until January 2009. However, it still has not been published as it undergoes review by the current administration. Publication of the Integrated Planning System will provide

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<sup>24</sup>White House, Homeland Security Presidential Directive 8, Annex 1, *National Planning* (Washington, DC: Government Printing Office, 2007).

linked planning documents at the Federal, state, and local levels. However, while that system is incomplete and not integrated it is still unclear what gaps in capabilities exist.

The CCMRF lacks a rapid deployment capability to a catastrophic event within the United States. A CCMRF consists of approximately 4,300 Soldiers and their equipment. A natural assumption is that the entire unit remains at some level of readiness where they can load aircraft or ground transportation and be delivered to an effected area within 24 to 36 hours. This in fact is not true, the current DoD plans estimate being able to begin providing forces in 48 to 96 hours after notification of the event. This slow response stems from several shortfalls in the CCMRF organization and planning structure. First, the CCMRF lacks dedicated transportation assets, the units sourced to the CCMRF are not under the exclusive command of USNORTHCOM, and finally the CCMRF does not practice its deployment capability. Another issue that delays the deployment of the CCMRF, but is outside the scope of this study, is the current delay built into the Federal response. Before the DoD will deploy the CCMRF, the local and state resources must be overwhelmed, then the State Emergency Management Assistance Compact (EMAC) must be executed and also overwhelmed. There is no mechanism to preposition DoD forces in anticipation of an expected catastrophe. For example, it was not possible to preposition Federal response forces near Louisiana in anticipation of Hurricane Katrina coming ashore.

The United States is currently stressed to support two wars, consequently providing for the equipment needs of the CCMRF is an ongoing challenge. Transportation assets are even more critical. If the CCMRF is to be deployed as it is envisioned, it needs to have a dedicated deployment package. The DoD has planned that

the CCMRF units will begin flowing into the affected area within the first 48 to 96 hours after the event. Studies have shown that will be inadequate, in particular for events involving a nuclear detonation. In such an event, it would be critical the CCMRF arrive within the first 24 hours to begin decontamination. Speaking at a preparedness conference of the American Red Cross in September 2009, Homeland Security Secretary Napolitano commented that:

90 percent of us live where there is a moderate or high risk of natural disaster. In 2009, FEMA has responded to almost a hundred disasters across 36 states affecting millions of Americans--and that is just in the past nine months. In addition--and finally, we need to acknowledge that the threat of a terrorist attack remains. It is persistent--it is an ever-changing threat, and it is not just an issue for big cities.<sup>25</sup>

In a striking disparity, numerous studies have been conducted by government and non-government agencies, which show less than 25 percent of Americans, have made even minimum preparations for a disaster, which include storing 72 hours of food and water, for each family member and their pets. Despite a media campaign in recent years by FEMA and the American Red Cross, little improvement has been seen since Katrina. USNORTHCOM and other DoD assessments conclude the CMRFF response to most incidents will not be timely. The general organization of the CCMRF also limits its rapid deployment capacity since units are not assigned exclusively to USNORTHCOM. Without control over the unit availability, training, and readiness, USNORTHCOM is uncertain it will be able to respond to incidents adequately in the event of a catastrophic event.

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<sup>25</sup>Janet Napolitano, "Remarks on Preparedness at the American Red Cross," American Red Cross Hall of Service, Washington, DC, September 29, 2009.

The solution to these problems will be difficult to resolve, but few options exist if the CCMRF is to be fielded as currently envisioned. The confusing and inefficient chain of command will need to be streamlined to provide a single unified command under the affected state governor. The CCMRF must be provided specialized training and equipment appropriate to the mission. Robust exercises, including field exercises involving all subordinate units must be conducted regularly to insure and improve the entire organization's readiness. Appropriate planning, integration, and coordination with other Federal and state agencies must be completed. Finally, a rapid deployment capability must be resourced. The continued existence of these shortfalls limits the capabilities and risks a failure of the DoD's ability to provide a trained and ready response to a catastrophic mass casualty incident.

#### Research Questions Answered

The focus of this research was centered on the characteristics, requirements, and implementation of the CCMRF, and which organization, active Federal forces or state National Guard, is better suited for the responsibility of the CCMRF mission and focused on answering three questions:

1. Are active Federal forces, those falling under Title 10, the most capable component to assume a long-term Homeland Defense role within the United States? Alternatively, should the responsibility fall to the National Guard units across the nation rather than from active Federal forces?

Neither organization is more capable, but National Guard and Reserve units are better suited to providing civil support for the homeland. These Soldiers and Airmen live and work in communities throughout the country and their unique roles make them

suitable for the specialized training needed to conduct civil support mission. Their nationwide presence should be exploited for their knowledge, experience, and relationships needed to assist civil authorities in restoring order, protecting the public, mitigating damage, and reliving suffering.

There is no question that regular title 10 forces could be trained and equipped and perform equally well. The significant difference lies in the primary role of each force. While many of the war fighting tasks can apply directly to civil support, many do not apply to the battlefield. Title 32 units stand as a ready reserve for the nations wars and prior to deployment already are required to undergo significant retraining and validation for their mission. Formally training them in skills unique to civil support will not hamper their readiness for their role as an operational reserve.

2. If the National Guard and Reserves are the preferred organization over the Federal component, should they remain under Title 32 or a Title 10 status?

National Guard Troops mobilized and assigned to the CCMRF should remain under Title 32. Doing so will add law enforcement capabilities as a core capability and will do nothing to limit employment throughout the United States. There is a precedent already set to have soldiers under Title 32 and federally funded so there will require no new laws or regulations. Those Federal Reserve soldiers assigned to the CCMRF can only be activated under Title 10, but they would not make up the predominance of the unit.

3. Regarding the CCMRF, is the unit adequately trained, equipped, and funded to support the required mission.

The currently fielded CCMRF has significant shortfalls in its training for specialized skills and in collective training. Many of the skills required are low-density skill throughout the Department of Defense. Those specialized skill should be identified and training programs created to provide them in adequate quantities. Since this may be considered ancillary training, much of which may rarely, if ever on the battlefield. Like most specialized training, these are perishable and require regular retraining and certifications, which should be exercised leading up to the assumption of the mission through the relief of mission.

#### Areas for Further Research

The effectiveness of the current force structure of the CCMRF was not consider, a BDE size element composed of TF Medical, TF Aviation, and TF Operation. An analysis of this structure could provide additional insight into the real capabilities and shortfalls in the organizational structure.

There are many questions remaining about the capabilities and the willingness of the DoD to provide a robust Federal response to a catastrophic incident. A detailed study of the impact of the current war on the DoDs ability to provide the required force should be conducted. A useful focus will be on the current ARFORGEN and its relationship to the CCMMRF mission and the manning requirements.

USNORTHCOM and others seem to accept that the concept of the CCMRF may prove to be inadequate in certain incidence, in particular a nuclear detonation. A very useful study would involve a qualitative and quantitative analyst for the requirements of each of the ESF. I suspect the currently generic nature of the organization will prove

inadequate. As a related study, the quantitative analysis could compare the cost of the CCMRF fully resourced for its mission.

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