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**Assessment of Local, State and Federal
Request Processes for Defense Support to
Civil Authorities in the United States**

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Christophe Radel
December 2009**

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FOR DEFENSE SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES**

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Submitted in partial fulfillment of the requirements for the degree of

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ABSTRACT

Highly destructive man-made and natural disasters during the first years of the 21st century have brought under scrutiny the Federal government's involvement in post-disaster operations. A number of federal agencies are mandated to assist civil authorities with preparing, responding to, and recovering from disasters. As a department with access to unique capabilities and tremendous manpower resources, the Department of Defense has played a key role in such operations. The exact role of the Defense Department however remains misunderstood by a number of key individuals and organizations. This research project investigated the various processes available to either local, state or federal authorities to request Department of Defense involvement. A number of critical factors are to be considered prior to either requesting or authorizing such involvement, as the use and activities of federal military forces within the continental United States are carefully regimented. This project examined United States codes, as well as the federal regulations and mandates governing military forces, in order to assess the processes that determine the nature and extent of Department of Defense involvement in post-disaster operations.

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	OBJECTIVE	4
B.	ORGANIZATION AND METHODOLOGY.....	5
II.	LITERATURE REVIEW	7
A.	NATIONAL AND MILITARY DISASTER RESPONSE DOCUMENTS.....	7
1.	National Response Framework.....	8
2.	USNORTHCOM CONPLAN 2501-05, Defense Support of Civil Authorities.....	9
3.	Emergency Support Function #7—Logistics Management and Resource Support Annex.....	12
4.	Military Support to Civil Authorities: The Role of the DoD in Support of Homeland Defense.....	14
5.	Robert T. Stafford Disaster Relief and Emergency Assistance Act.....	15
B.	RESPONSE ASSESSMENT DOCUMENTS.....	16
1.	Hurricane Katrina: Better Plans and Exercises Needed to Guide the Military’s Response to Catastrophic Natural Disasters.....	16
2.	The Federal Response to Hurricane Katrina, Lessons Learned ...	17
3.	Homeland Defense: U.S. Northern Command has Made Progress but Needs to Address Force Allocation, Readiness Tracking Gaps, and Other Issues.....	19
III.	RESPONSE AGENCIES.....	21
A.	THE DEPARTMENT OF HOMELAND SECURITY	21
1.	Brief History.....	21
2.	Agency Consolidation.....	22
B.	FEDERAL EMERGENCY MANAGEMENT AGENCY	23
1.	Statutory Authority	24
2.	Organization.....	25
3.	Assistance to Governmental Agencies.....	27
C.	THE DEPARTMENT OF DEFENSE.....	32
1.	Defense Support of Civil Authorities	32
2.	U.S. Northern Command	34
3.	Forces in Support of DSCA.....	37
D.	CHAPTER SUMMARY.....	41
IV.	REQUEST PROCESS FOR LOCAL FIRST RESPONDERS.....	43
A.	IMMEDIATE LOCAL RESPONSE.....	43
1.	Mutual Aid Agreements	43
2.	Immediate Response Authority	44

3.	Limitations to Mutual Aid Agreements and Immediate Response Authority.....	45
B.	REQUEST FOR ASSISTANCE FROM DOD RESOURCES	46
1.	The Robert T. Stafford Disaster Relief and Emergency Assistance Act.....	46
2.	Request for Assistance.....	47
3.	Mission Assignment	50
V.	CONCLUSION	53
	LIST OF REFERENCES.....	59
	INITIAL DISTRIBUTION LIST	63

LIST OF FIGURES

Figure 1.	Relationships between Response Agencies Responsible for the Coordination of Defense Support to Civil Authorities	5
Figure 2.	CONPLAN 2501 Phases.....	11
Figure 3.	Organization Chart, U.S. Department of Homeland Security (From: U.S. DHS, 2008e)	23
Figure 4.	Organization Chart, Federal Emergency Management Agency (From: FEMA, 2009b)	26
Figure 5.	FEMA Regional Offices. (From: FEMA, 2008).....	27
Figure 6.	Framework governing the role of DHS FEMA (After: Figure 1).....	28
Figure 7.	State Request for Federal Assistance (After: Figure 1)	33
Figure 8.	Unified Combatant Commands areas of responsibility (From: NGA, 2008) ..	35
Figure 9.	Relationship between DCO/DCE and Primary Agency (After: Figure 1).....	36
Figure 10.	DCO Designation Criteria. (From: C. M. Armstrong, personal communication, August 19, 2009).....	36
Figure 11.	State Control of Title 32 Forces (After: Figure 1)	38
Figure 12.	Duty Status Comparison. (From: C. M. Armstrong, personal communication, August 19, 2009).....	39
Figure 13.	DoD Agencies involved in DSCA Operations (After: Figure 1).....	40
Figure 14.	Local DoD Support to Civil Authorities (After: Figure 1)	45
Figure 15.	Local, State-to-State, and Federal Assistance (After: Figure 1)	48
Figure 16.	Response Request Process	50
Figure 17.	Interaction Leading to DCO Involvement (After: Figure 1).....	51
Figure 18.	Mission Assignment Process (From: C. M. Armstrong, personal communication, August 19, 2009).....	52
Figure 19.	Relationships between Response Agencies Responsible for the Coordination of Defense Support to Civil Authorities	54

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LIST OF ACRONYMS AND ABBREVIATIONS

ARNORTH	U.S. Army North
BSI	Base Support Installation
CRS	Congressional Research Service
DCE	Defense Coordinating Element
DCO	Defense Coordinating Officer
DDASS	DoD DSCA Automated Support System
DHS	Department of Homeland Security
DLA	Defense Logistics Agency
DoD	Department of Defense
DoT	Department of Transportation
DSCA	Defense Support of Civil Authorities
EMAC	Emergency Management Assistance Compact
EPLO	Emergency Preparedness Liaison
ESF	Emergency Support Functions
FAA	Federal Aviation Agency
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
GAO	Government Accountability Office
GSA	General Services Administration
JFO	Joint Field Office
JTF	Joint Task Forces
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSCA	Military Support to Civil Authorities
NEMA	National Emergency Management Association
NG	National Guard
NGA	National Geospatial-Intelligence Agency
NRF or Framework	National Response Framework
NSSE	National Special Security Event
OHS	Office of Homeland Security

PA	Primary Agency
PFO	Principal Federal Official
PMSA	Pre-scripted Mission Assignments
RFA	Request for Federal Assistance
RRCC	Regional Response Coordination Center
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
USNORTHCOM	U.S. Northern Command
USPACOM	U.S. Pacific Command
USTRANSCOM	U.S. Transportation Command

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I. INTRODUCTION

A number of highly visible natural and man-made disasters have taken place within the American territories during the first decade of the 21st century. The destructive nature of these disasters has highlighted the role played by the Federal government in responding to these disasters. The pressure to improve further the coordination and integration of the numerous federal agencies and departments involved in disaster response and recovery operations remains omnipresent.

The U.S. military has played a key role in providing support to civil authorities following natural and man-made disasters within American territories dating back to the early 19th century (Buchalter, 2007). Military disaster relief operations, under the title of Defense Support of Civil Authorities (DSCA), have taken place regularly since then. The government has responded to a number of contingencies—including fires, floods, earthquakes, civil unrest and hurricanes. The United States Department of Defense (DoD) officially defines DSCA operations as:

support provided by U.S. federal military forces, National Guard forces [...], DoD civilians, DoD contract personnel, and DoD component assets, in response to requests for assistance from civil authorities for special events, domestic emergencies, designated law enforcement support, and other domestic activities. (DoD, 2009)

The nature and extent of DoD involvement within DSCA operations has varied over time; however, the 1990s were a decisive period of time in homeland humanitarian assistance history (O'Brien, 2006). In 1992, the DoD deployed three Joint Task Forces (JTF)—providing an estimated 28,000 soldiers, sailors, marines, airmen, and DoD civilians—as Hurricane Andrew, Hurricane Iniki and Typhoon Omar ravaged the southeastern region of the United States. While there were mixed public opinions as to the effectiveness and responsiveness of the Federal government to these tragic events, two independent analyses, conducted by the GAO and the Director of Military Support, subsequently commended the DoD's response as appropriate (O'Brien, 2006). Both studies nonetheless identified that “speed of deployment and unity of command were areas for improvement” (O'Brien, 2006). The Defense Department's response was to

implement a series of procedural, doctrinal, and force-structure changes in order to further refine the military's role within a federal humanitarian relief operation. In addition, publications, such as *FMFM 7-10, Domestic Support Operations*, which specifically addresses disasters and domestic emergencies; *Joint Publication 3-07, Joint Doctrine for Military Operations Other Than War*; *Joint Publication 3-07.3, Joint Tactics, Techniques, and Procedures for Peace Operations*; and *Joint Publication 3-26, Homeland Security* were created to address the "multiple aspects of the military's role in homeland humanitarian assistance operations" (O'Brien, 2006).

Further, in the aftermath of September 11, 2001, the federal authorities acknowledged that additional measures were needed to ensure effective coordination with state and local governments (Office of the Assistant to the President for Homeland Security and Counterterrorism, 2006). Thus, in the July 2002 *National Strategy for Homeland Security*, the President called for a "major initiative to build a national system for incident management and to integrate separate federal response plans into a single, all-discipline incident management plan" (Office of the Assistant to the President for Homeland Security and Counterterrorism, 2006). The President proposed that the initiative be led by the Department of Homeland Security (DHS) (Office of the Assistant to the President for Homeland Security and Counterterrorism, 2006). The DoD, on its end, recognized the need for "a more integrated military response" to a contingency on the homeland, and established the U.S. Northern Command (USNORTHCOM) (GAO, 2008a).

The seemingly improved level of collaboration and integration among federal entities was, nonetheless, insufficient as Hurricanes Katrina and Rita—both disasters of unexpected magnitudes—made landfall in the summer of 2005. A 2008 General Accounting Office report reveals that "despite a massive deployment of resources and support from both military and civil agencies, confusion arose as to what responsibilities the military had, and what capabilities it would provide in planning and responding to a catastrophic event" (GAO, 2008a). Thus, "despite the significant advances in doctrine, structure, and a common playbook resident in the post-Andrew National Response Plan, confusion and 'the fog of war' again had significant impact on a coordinated response"

(O'Brien, 2006). The military did demonstrate the “capability to respond quickly to a natural disaster,” and also “the ability to execute excellent consequence management” (Osborne, 2006). Indeed, the Defense Coordinating Element responsible for managing requests for federal military assistance deployed as many as 50,000 Guard troops and 22,000 active-duty troops, processed in excess of 115 requests for assistance and 98 missions in support of Louisiana—assistance totaling more than \$840,000,000 in financial obligations (Owens & Schilling, 2006). The response of the Federal government as a whole, however, “fell short of the seamless, coordinated effort” envisioned within the National Response Plan (Langowski, 2008).

A White House-mandated post-crisis analysis titled, *The Federal Response to Hurricane Katrina Lessons Learned* (White House Office, 2006) identified key areas for military improvement, to include the following.

- Improve the unity of effort between National Guard and Active Duty Forces
- Streamline the process for requesting forces in the current “pull” structure
- Improve communications between DHS, FEMA, non-governmental organizations, state, and local authorities (O'Brien, 2006)

A subsequent investigation by the “Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina” was less “cordial with regards to the DoD response” (O'Brien, 2006). This committee identified numerous areas for improvement. They found the following.

- National Guard and DoD response operations, though comprehensive, were perceived as slow
- The DoD lacked situational awareness of post-landfall conditions, which contributed to a slower response
- The lack of integration of National Guard and active-duty forces hampered the military response
- Northern Command did not have adequate insight into state response capabilities or adequate interface with governors, which contributed to a lack of mutual understanding and trust during the Katrina response
- The DoD, FEMA, and the State of Louisiana had difficulty coordinating with each other, which slowed the response
- DoD/DHS coordination was not effective after Hurricane Katrina

- Joint Task Force Katrina command staff lacked joint training, which contributed to the lack of coordination between active-duty components
- The DoD had not yet incorporated or implemented lessons learned from joint exercises in military assistance to civil authorities that would have allowed for a more effective response to Katrina (O'Brien, 2006)

A. OBJECTIVE

The widespread confusion and frustration within the American public in regards to the response to Hurricanes Katrina and Rita have led to a number of improvements in the coordination and communication within local, state and federal agencies, including the military. However, there remain many organizations, federal, state and local, which are still unfamiliar with the way the military is integrated into a federal disaster response and recovery operation. Such lack of knowledge can potentially lead to misunderstandings and distrust of a military response. The objective of this project is to research how defense capabilities support local, state and federal authorities, as well as to identify the request processes available to civil authorities to receive effective military support following a natural or man-made disaster. An emphasis will be placed on the decision-makers involved in the request process, as well as on the constraints, laws and regulations governing a military response.

The U.S. Department of Defense is unarguably one of the best-equipped and best-trained federal agencies capable of providing post-disaster assistance. The department can provide a range of capabilities, manpower and leadership on a scale that no other agency can achieve. Yet, in spite of its extensive resources and capabilities, the DoD may not be expected and is not mandated to be the lead agency within a disaster response operation. It is, therefore, imperative that every entity, local, state or federal, be familiar with how military capabilities fit within a response and recovery operation and how such capabilities may be requested. Indeed, a comprehensive understanding of the request processes for DSCA can provide emergency planners at all levels of government the ability to operate within what Tomasini and Van Wassenhove (2009) refer to as “the humanitarian space.”

B. ORGANIZATION AND METHODOLOGY

Chapter II consists of a literature review of existing frameworks governing Defense Support of Civil Authorities operations within USNORTHCOM and FEMA. Chapter II also identifies disaster relief procedures, which were identified as either effective or ineffective, following the response to Hurricane Katrina, the largest response to a natural disaster in the history of the United States. Chapter III provides a description of the relationships between the major responding agencies, as well as the legal framework that legislates these relationships. Elements from Figure 1 will be used and further explained throughout Chapter III as a mean to introduce the major entities, legal and organizational frameworks involved in the request and coordination of military involvement in support of civil authorities.



Figure 1. Relationships between Response Agencies Responsible for the Coordination of Defense Support to Civil Authorities

Chapter IV describes the processes available to local, state and federal agencies, to request military assistance. This chapter also introduces the factors that are key to determining whether specific DSCA requests may be fulfilled. Figure 1 will be referred to throughout Chapter IV in order to illustrate the role of the various agencies involved in DSCA operations.

Finally, Chapter V offers a series of observations, which validate the progress made in the DSCA arena, as well as recommendations to further improve DSCA coordination and ensure that the United States military continues to improve its ability to respond to disaster relief operations with both expediency and effectiveness.

II. LITERATURE REVIEW

The United States military's response to a natural or man-made disaster has been an evolving process. Most recently, 9/11 and Hurricane Katrina have been the major driving forces in that evolution. These events brought about the development of the *National Response Framework* and *USNORTHCOM's CONPLAN 2501-05: Defense Support to Civil Authorities*. These two documents provide the core of how the military, and the nation, will respond to a disaster. In addition to these documents, there has been a large amount of other work published by others, such as the Government Accountability Office (GAO), and the Congressional Research Service (CRS); numerous academic and scholarly works have also been published on the subject. These documents review the military's response to Katrina and the steps it has taken since to improve its response capabilities and its coordination with other local, state and federal organizations. They include the legal differences between an active duty military response and a National Guard response, the process for how the active duty military would be deployed and the capabilities it can bring. Additionally, these documents provide commentary on the effectiveness of the current system and recommendations for improvements. The following are summaries of the most significant documents regarding a military response to a disaster and the capabilities the military can bring to such a situation Section A discusses how the nation and the military will respond to a natural or man-made disaster. Section B discuss a few of the documents that have assessed the performance of the military's disaster response both during and after Hurricane Katrina.

A. NATIONAL AND MILITARY DISASTER RESPONSE DOCUMENTS

These documents provide the structure on how the Federal government will respond to a natural or man-made disaster. They cover a broad federal response, which covers the entire Federal government, as well as specific military documents that cover how the DoD will respond.

1. National Response Framework

The *National Response Framework* was developed by the Department of Homeland Security and FEMA to address how the Nation should respond to a disaster. Originally named *the National Response Plan*, and first published in 2004, it is now referred to as the *National Response Framework*. The latest version was published in January 2008.

a. Overview

The *National Response Framework (NRF or Framework)* is the guide to how the Nation conducts an all-hazards response, which covers events from accidents and natural disasters to actual or potential terrorist attacks (U.S. Department of Homeland Security, 2008d). Following Hurricanes Katrina and Rita, the President and Congress determined that the Federal government needed to organize its support of state, local, and tribal officials better in response to incidents that range from the serious but purely local, to large-scale terrorist attacks or catastrophic natural disasters. The *NRF* is the current iteration of federal planning for a coordinated response at all levels of government (U.S. Department of Homeland Security, 2008d).

The *NRF* is designed as a scalable, flexible and adaptable coordinating structure to align key roles and responsibilities across the Nation. It describes proven tactics that have developed at the federal, state and local levels. It is intended for government-executive, private commercial sector and non-governmental organizations' (NGO) leaders, as well as emergency management practitioners. The *NRF* gives both a broad overview of the basic concepts and mechanics of a disaster response, and it also explains the operating structures and tools used by emergency responders and managers at all levels of government. It is the common "playbook" to ensure a coordinated response at all levels of government (U.S. Department of Homeland Security, 2008d).

b. Scope

The *NRF* provides structures for implementing nationwide response policy and operational coordination for all types of domestic incidents. The *NRF* is a scalable,

flexible and adaptable plan; thus, it can be partially or fully implemented by federal, state or local officials. It provides guidance on the full range of emergencies—from natural disasters to terrorist attacks. The *NRF* covers emergencies that are small local issues all the way up to large-scale catastrophes that require a national-level response. The *NRF* is intended to accelerate the response of all the players by giving a coordinated plan to the first responding agency, which gives clear guidance on how to proceed as further escalation is required (U.S. Department of Homeland Security, 2008d).

c. Relevance

The *NRF* is the base strategy by which all federal disaster relief is governed. It describes for the emergency responders at the federal, state and local level the plan on how a coordinated response will be executed. It also explains what pieces of an operation each agency will handle as it is brought into the situation. As part of the federal response, the military has its own responsibilities when it is requested to respond. The *NRF* specifies the supporting roll of military forces and the chain of command issues that make the military unique from other responding agencies. In a broad way it also describes the criteria that the military uses when deciding what missions it will take on and how they will fit into the existing command structure with the Principal Federal Official and Federal Coordinating Officer.

2. USNORTHCOM CONPLAN 2501-05, Defense Support of Civil Authorities

USNORTHCOM CONPLAN 2501-05, DSCA was written by the staff at United States Northern Command in May 2006. It was prepared to fulfill the requirement set forth by the Joint Strategic Capabilities Plan to prepare plans to support the employment of DoD forces in support of civil authorities.

a. Overview

CONPLAN 2501-05 is the USNORTHCOM's concept plan for DSCA operations. Once a request for support is approved by the Secretary of Defense or directed by the President, USNORTHCOM will respond quickly and effectively to the

requests of civil authorities to save lives, prevent human suffering, and mitigate great property damage. This includes both large-scale disaster responses and smaller-scale support of federal, state and local agencies (CDRUSNORTHCOM, 2006).

In support of the *National Response Framework*, *CONPLAN 2501-05* describes how the DoD can respond to a disaster. It describes the key tasks that USNORTHCOM is concerned with, including the following.

- Save lives, prevent human suffering, and reduce great property damage
- Provide assistance to a Primary or Coordinating Agency
- Synchronize with local, state, and federal response efforts
- Anticipate requirements to enable first responders to continue their response efforts (CDRUSNORTHCOM, 2006)

CONPLAN 2501-05 continues by describing how USNORTHCOM will respond; in other words, it provides its Concept of Operations. Its responses can be tailored to small-scale operations, with a senior military officer as the Defense Coordinating Officer (DCO) assisting the Joint Field Office (JFO) to coordinate responding military units. For medium and large-scale responses, a JTF—or multiple JTFs—can be deployed to provide coordination of multiple responding DoD forces assisting local, state, and federal agencies (CDRUSNORTHCOM, 2006).

The CONPLAN structure is a five-phase plan: Phase I, Shaping; Phase II, Staging; Phase III, Deployment; Phase IV, Support of Civil Authorities; Phase V, Transition. As illustrated in Figure 2, USNORTHCOM's response is broken up into these phases for a short notice response. To allow for a more flexible response while still continuing with the previous stage these phases have been designed to overlap as the situation dictates so the response can move forward while still finishing work in the previous phases. Each phase is intended to build on the previous phase until the final turnover of responsibilities to other agencies occurs and forces depart the area of operations (CDRUSNORTHCOM, 2006).

CONPLAN 2501 Phases

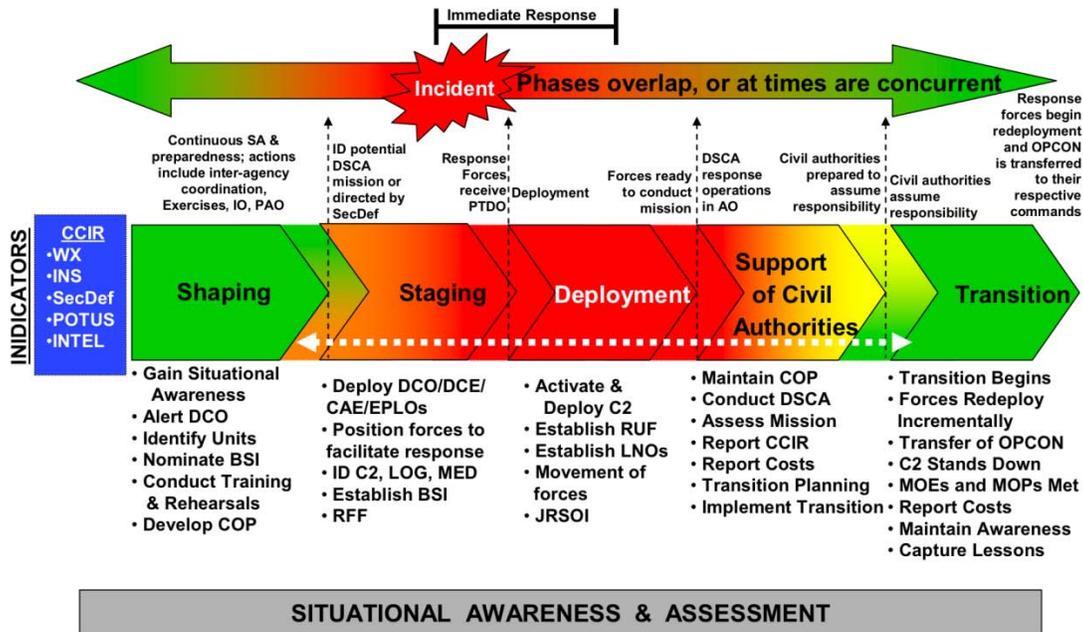


Figure 2. CONPLAN 2501 Phases

CONPLAN 2501-05 provides detailed plans for all DoD components from the Army and Navy to the Defense Logistics Agency (DLA) and the National Geospatial-Intelligence Agency (NGA). Each component has specific instructions on what it will be prepared to do for its part of a DSCA. The CONPLAN also describes how these components will coordinate and how the DoD will fund its operations. Finally, it describes the Concept of Logistics Support for DSCA operations and how command-and-control will be carried out (CDRUSNORTHCOM, 2006).

b. Scope

CONPLAN 2501-05 is the over-arching response plan for USNORTHCOM for the Defense Support of Civil Authorities. It encompasses all of the DoD components that have responsibilities to respond. It covers many of the potential scenarios that could take place—from wildfires to terrorist attacks to a catastrophic

hurricane. This is a macro-level document that gives guidance to DoD and non-DoD agencies on what to expect with a military deployment in support of DSCA (CDRUSNORTHCOM, 2006).

c. Relevance

A DoD response to a request for DSCA is a complex affair, and *CONPLAN 2501-05* gives details on how a DSCA deployment will be carried out. It covers the task organization, operations, communications, public affairs and logistics. This information is effective at explaining a DoD response, although it is written for the military. The goal of this paper will be to make this information useful for not only the military, but for the civilian agencies that may wish to request assistance. It will explain this DoD response information within the context of the civilian response framework, as well as other federal agencies' response plans.

3. Emergency Support Function #7—Logistics Management and Resource Support Annex

Emergency Support Function #7 was written by the Department of Homeland Security and FEMA in January 2008 to establish roles for Federal government agencies, including DoD, to provide logistical support for disaster response.

a. Overview

Emergency Support Function (ESF) #7—Logistics Management and Resource Support Annex provides the operating plan for how the Federal government will coordinate logistics during a national disaster response. *ESF #7* assigns the DHS/FEMA with providing a national disaster logistics planning, management and sustainment capability with the help of other federal logistics partners, key public and private stakeholders, and non-governmental organizations to meet the needs of disaster victims and responders. It also states that the General Services Administration (GSA) will support federal, state and local agencies that need resources support prior to, during, and after incidents requiring a coordinated federal response. *ESF #7* describes the types of

logistics services that FEMA and GSA will provide, and it also lists the logistics functions of the federal partners that can be assigned to assist FEMA and GSA (U.S. Department of Homeland Security, 2008b).

b. Scope

ESF #7 describes how the Federal government, through FEMA and GSA, will coordinate the logistics functions required in a federal disaster response. It tasks FEMA and GSA with specific responsibilities in logistics management and resource support, and it lists the different logistics functions for which each federal partner has responsibility (U.S. Department of Homeland Security, 2008b).

c. Relevance

ESF #7 gives the logistics plan that will be carried out during a federal disaster response. As one of the federal partners in this plan, the DoD has the responsibility to assist in providing the following.

- Subsistence
- Administrative Supplies
- Petroleum Products
- Engineering and Construction Materials
- Personal Demand Items
- Major End-items: Mobile Units
- Medical Material
- Telecommunications Management
- Transportation Management

It details the logistics functions that will be the focus of the military logistics capabilities described in this paper (U.S. Department of Homeland Security, 2008b).

4. Military Support to Civil Authorities: The Role of the DoD in Support of Homeland Defense

This report was written by Alice Buchalter for the Federal Research Division of the Library of Congress in February 2007 to bring together the statutes, Executive Branch documents, regulations, and DoD internal directives that define and govern the military's response to national disasters.

a. Overview

The DoD's role in supporting civil authorities in disaster response has been developing since the passage of the *Federal Civil Defense Act of 1950*. Since then, the role of the military in response to domestic emergencies has gone through several regulatory and legislative updates, but the primary mission has always been that the DoD will support other federal agencies and state and local officials as directed by the President or Secretary of Defense. This role is clearly defined in the *Military Support to Civil Authorities: The Role of the Department of Defense in Support of Homeland Defense*; it provides all of the major regulatory and legislative documents that cover the legal authority needed for the DoD to respond. It also covers the different levels of responsibility the DoD and the National Guard have when involved in military support to civil authorities (MSCA). Lastly, it covers the role of states and their governors in MSCA, DoD policy for domestic defense, and guidelines for when the DoD will respond.

b. Scope

This report encompasses all components of the DoD, Army, Navy, Air Force, Marines and the Army and Air National Guards. It discusses both the federal role of the DoD, as well as each state's command over the Army and Air National Guards of that state and their unique authority for MSCA. This MSCA role has long been a part of the mission of the DoD, but with the events of 9/11 and the Hurricane Katrina disaster, the scope and importance of the military's response has greatly increased (Buchalter, 2007).

c. Relevance

The purpose of our report is to examine the role of the DoD in MSCA, the legal methods for the DoD to respond, and how it will respond in a disaster. The legal ability to respond and what the laws and regulations that govern that response have a major impact on what capabilities the military can provide in its response. If these responsibilities and legal restrictions were not defined, there could be little coordination at the federal, state or local level, which would result in a slower response, further suffering and damage to property (Buchalter, 2007).

5. Robert T. Stafford Disaster Relief and Emergency Assistance Act

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the *Stafford Act*) was originally passed by Congress into law in 1988 as the updated version of the Disaster Relief Act of 1974. The latest amendments to the *Stafford Act* were passed in 2007.

a. Overview

The Stafford is the primary legislation governing the federal response to disasters in the United States. It directs how disasters are declared, the types of assistance that can be provided, and how the costs are to be divided between federal, state and local governments (Moss & Shelhamer, 2007). It was drafted to clarify the role of the Federal government in disaster assistance. It created the presidential declaration system that allows for financial and physical assistance to be directed to federal, state and local government agencies for the purpose of disaster relief. This relief is directed through FEMA, an agency within the Department of Homeland Security, which has the responsibility of coordinating Federal government response planning and disaster responses. The *Stafford Act* is a growing document that has been amended several times in response to lessons learned from disaster responses, such as the *Post-Katrina Emergency Management Reform Act of 2006*, which took many of the lessons from Katrina and incorporated them into the *Stafford Act*.

b. Scope

The *Stafford Act* is the overarching document that governs the federal response to natural and man-made disasters in the United States. It covers how the president will declare a disaster to the different types of disasters that can be declared and what type of aid each one of those disaster types is meant to provide.

c. Relevance

Our project of assessing the request process for attaining military assistance in a disaster situation is meant to describe how the military ties into the federal response framework and the different ways the military can provide DSCA. This requires a review of the relevant legislation that directs the federal response to a disaster. The *Stafford Act* is one of the key pieces of legislation and it directs the rest of the framework that has been created for a federal response.

B. RESPONSE ASSESSMENT DOCUMENTS

These documents provide assessments of how the Federal government has responded to disasters. They show the positive and negative results of federal actions in disaster response and provide lessons learned as a result of previous responses.

1. Hurricane Katrina: Better Plans and Exercises Needed to Guide the Military's Response to Catastrophic Natural Disasters

Written in May 2006 by the Government Accountability Office, this report was to provide Congressional Committees with information about how the Military could better respond to natural disasters.

a. Overview

On August 29, 2005, Hurricane Katrina made landfall on the Gulf Coast of the United States. Due to the scope of the disaster, the military was called in to provide assistance in relief operation; however, federal, state, and local responders did not understand the full capabilities of the military and the types of assistance it could provide. There was also a lack of understanding by the military about what types of capabilities

were wanted and what capabilities would be provided by federal and National Guard forces. The National Guard was the first to respond, and as the magnitude of the effort became clearer, active-duty forces were deployed to supplement the National Guard. Once deployed, the military had trouble gaining situational awareness and organizing its response because of a lack of timely damage assessment, communications difficulties, force-integration problems, uncoordinated search-and-rescue efforts and unexpected logistics responsibilities. These could all have been avoided with better planning and exercises that included all responders. Following Hurricane Katrina, all levels of government, including the DoD, are looking at the lessons learned and incorporating them into future planning for a better, more coordinated response at all levels of government (GAO, 2006a).

b. Scope

This GAO report takes a specific look at the military's response to Hurricane Katrina. It also examines the plans by the military and the government's National Response Plan to see how those plans affected the military's response. The GAO identifies a number of problems with the existing plans. It also explores the lack of effective coordination that had taken place prior to Hurricane Katrina.

c. Relevance

Our goal with this study is to define the capabilities of the military in disaster relief situations and the processes that it takes to request that assistance. This study will then examine prior disaster responses to see what better coordination processes could be use to allow for a more effective and quicker response. The GAO report gives a review of the military's response and problems that occurred, which will then be compared to current system to see if changes were made and if those changes have been effective.

2. The Federal Response to Hurricane Katrina, Lessons Learned

These lessons learned were written by the White House in February 2006 to catalog many of the lessons learned from the federal response to Hurricane Katrina.

a. Overview

This review was ordered by the President to review the federal preparedness and response to Hurricane Katrina. It first examines pre-Katrina plans on how the Federal government would respond to a national disaster. The report then explores the Hurricane's development "Pre-Landfall" and what steps were taken by the Federal government to prepare for its response—from stockpiled material to the personnel that were put on standby. It then looks at the "Week of Crisis" from August 29 through September 5, in which state and local emergency capabilities were completely overwhelmed, and a federal response was required. It looks at the extraordinary response by all of the responding partners but also identifies deficiencies that occurred and recommends needed improvements. The final phase-shift from response to recovery is reviewed. Lessons learned covering the seventeen critical challenges that were problematic before, during, and after Hurricane Katrina are examined. The final section of the report, "Transforming National Preparedness," discusses the changes necessary to fix the problems identified by Hurricane Katrina. The foundations of the recommended reforms result in two priorities: a comprehensive National Preparedness System and a Culture of Preparedness (White House Office of Homeland Security and Counterterrorism, 2006).

b. Scope

This is a review of the Federal government's response to Hurricane Katrina. Although disaster preparedness and response is largely a state and local function, this report does not include them in this assessment—except where they affected Federal government decisions. The primary focus for these lessons learned is the systematic issues and gaps that require improvements in the way the Federal government responds to disasters (White House Office of Homeland Security and Counterterrorism, 2006).

c. Relevance

This project's goal is developing a better understanding of the process for requesting DoD disaster support and capabilities that can be used in DSCA. Once that process has been identified, a review of prior incidents will be investigated to see how

that process was used and if it was effective. The largest response to any disaster was the response to Hurricane Katrina. The lessons learned from this case are invaluable if we truly intend to discover what went both right and wrong and how our current capabilities have been shaped by those responses.

3. Homeland Defense: U.S. Northern Command has Made Progress but Needs to Address Force Allocation, Readiness Tracking Gaps, and Other Issues

This report was written by the Government Accountability Office in April 2008 to provide Congressional Requesters with information regarding the progress of NORTHCOM in its plans for Homeland Defense and Civil Support.

a. Overview

This GAO report reviews NORTHCOM's work on developing and revising plans for homeland defense and civil support missions. Additionally, it reviews NORTHCOM's tracking of the other DoD organizations that are required to develop plans on how they will support NORTHCOM in the event of a disaster. Three key planning areas are also defined as challenges that NORTHCOM needs to address.

1. NORTHCOM has difficulty identifying requirements for capabilities it may need because it does not have more detailed information from DHS or the States on the specific requirements needed from the military in the event of a disaster
2. NORTHCOM has few regularly allocated forces and few capabilities allocated to its plans
3. NORTHCOM has difficulty monitoring the readiness of military units for its civil support mission because its plans do not specify mission tasks against which units can be assessed

NORTHCOM has taken actions to minimize these issues, but further work is required (GAO, 2008a).

This report also has 25 pre-scripted mission assignments that NORTHCOM and FEMA officials coordinated in order to facilitate the process for requesting DoD capabilities in the event of an emergency. These pre-scripted mission assignments include coordination teams, transportation support, communications support,

engineering support, logistical support, and more. These mission assignments are designed to leverage the DoD's areas of expertise and capabilities where civil agencies typically fall short (GAO, 2008a).

b. Scope

This report covered all of NORTHCOM's plans for homeland defense and civil support. It compared them with existing DoD joint-operational planning criteria for completeness and adequacy. It also compared them with existing FEMA plans and the 15 national planning scenarios to determine if NORTHCOM plans supported those scenarios.

c. Relevance

This paper is reviewing the response request process of NORTHCOM to provide assistance for DSCA. By identifying existing capabilities, the researcher hopes to analyze what has already been defined and the process that was needed to receive that assistance and anything that may still be needed based on a review of previous incidents. The GAO's review of NORTHCOM allows for future improvement analysis.

III. RESPONSE AGENCIES

A number of publicly funded, federal agencies may potentially be called upon to assist local, state or federal authorities with responding to a man-made or natural disaster. The *National Response Framework (NRF)* directs which departments or agencies may be activated to play a “primary, coordinating, and/or support role based on their authorities, resources, and the nature of the threat or incident” (U.S. DHS, 2008d). Per the *NRF*, the DHS, FEMA within DHS, and the DoD all play a vital role in the event of a contingency within the United States. The purpose of Chapter III is to identify the mission, responsibilities, authority, and capabilities of these major relief agencies in the coordination and dissemination of DSCA support. Section A addresses the role of the Department of Homeland Security. Section B focuses on one of DHS’s subordinate organization, the Federal Emergency Management Agency. Section C finally introduces the entities within the DoD responsible for managing requests for military assistance.

A. THE DEPARTMENT OF HOMELAND SECURITY

By Presidential directive and statute, the Secretary of Homeland Security is the principal federal official responsible for the “coordination of federal resources utilized in the prevention of, preparation for, response to, or recovery from terrorist attacks, major disasters, or other emergencies” (U.S. DHS, 2008d).



1. Brief History

President George W. Bush, within weeks of the attacks of September 11, 2001, first established the Office of Homeland Security (OHS) in an effort to consolidate agencies responsible for security within the United States. Under the leadership of former Pennsylvania governor Tom Ridge, OHS—in conjunction with public and private partners—first developed a National Strategy for Homeland Security, which focused homeland security functions into six critical mission areas.

- Intelligence and Warning
- Border and Transportation Security

- Domestic Counterterrorism
- Protecting Critical Infrastructure
- Defending against Catastrophic Terrorism
- Emergency Preparedness and Response (Office of Homeland Security, 2002)

The mission areas were determined in order to support the strategic objectives of OHS most effectively, namely the following.

- Preventing terrorist attacks within the United States
- Reducing America's vulnerability to terrorism
- Minimizing the damage and recovery from attacks that do occur (Office of Homeland Security, 2002)

In June 2002, President Bush announced his intention to create a permanent Cabinet-level Department in order to unite further essential agencies charged with protecting the homeland. Bush foresaw four essential missions to the department.

- Border and Transportation Security
- Emergency Preparedness and Response
- Chemical, Biological, Radiological, and Nuclear Countermeasures
- Information Analysis and Infrastructure Protection (U.S. DHS, 2008d)

2. Agency Consolidation

The position of Assistant to the President for Homeland Security was subsequently replaced with a cabinet-level position of Secretary of Homeland Security when the *Homeland Security Act (HSA)* of 2002 created the United States Department of Homeland Security. The DHS History Office reports that pre-DHS homeland security activities were spread “across more than 40 federal agencies and an estimated 2,000 separate Congressional appropriations accounts” (U.S. DHS, 2008d). However, upon its creation in 2003, DHS consolidated the activities of these agencies and assumed control of a number of organizations previously controlled by other departments, to include FEMA and the U.S. Coast Guard (USCG) (U.S. DHS, 2008d). Figure 3 provides the functions and organizations, which fall under the responsibility of the Secretary of Homeland Security.



Figure 3. Organization Chart, U.S. Department of Homeland Security (From: U.S. DHS, 2008e)

The resulting re-organization of federal-level departments and agencies provided DHS with not only a wide range of statutory authorities, subject-matter expertise, and assets and operational capabilities, but also with considerable responsibilities and resources for emergency response (U.S. DHS, 2008d).

B. FEDERAL EMERGENCY MANAGEMENT AGENCY

FEMA, as identified in Figure 3, is an agency subordinate to the **FEMA** DHS. The agency’s primary mission is:

to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation. (FEMA, 2008)

The *National Response Framework* identifies the administrator of FEMA as the principal advisor to “the President, the Secretary, and the Homeland Security Council on

all matters regarding emergency management” (Office of Homeland Security, 2002). The FEMA Administrator’s duties include operating the National Response Coordination Center, the effective support of all Emergency Support Functions (ESF), and the preparation for, protection against, response to, and recovery from all-hazards incidents” (U.S. DHS, 2008d).

In addition, the FEMA administrator is in a vital position to assist the Secretary with *Homeland Security Presidential Directive 5 (HSPD-5)* (Management of Domestic Incidents) responsibilities, which consist of identifying “situations for which DHS shall assume overall federal incident management coordination responsibilities within the *Framework*” (U.S. DHS, 2008d). Such events call for the implementation of the “*Framework*’s coordinating mechanisms” and meets one or more below-listed criteria.

- A federal department or agency acting under its own authority has requested DHS assistance
- The resources of state and local authorities are overwhelmed, and federal assistance has been requested
- More than one federal department or agency has become substantially involved in responding to the incident

The Secretary has been directed by the President to assume incident management responsibilities (U.S. DHS, 2008d).

1. Statutory Authority

The *1988 Robert T. Stafford Disaster Relief and Emergency Assistance Act*, PL 100-707, provides FEMA with the statutory authority to conduct federal disaster response activities. The *Stafford Act* amended the original *Disaster Relief Act of 1974*, PL 93-288, and was itself amended by the *Pets Evacuation and Transportation Standards Act of 2006*, and the *Security and Accountability for Every Port Act of 2006* (U.S. Congress, 2007b). According to the *Department of Homeland Security Appropriations Act of 2007*, FEMA’s mandate is to support its primary mission by leading “the Nation’s efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents” (U.S. Congress, 2007b). The *2007 DHS Appropriation Act* also identifies that

FEMA is to develop and maintain “robust regional offices” and “partner with state, local, and tribal governments and emergency response providers, with other federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management” (U.S. Congress, 2007a). The Government Accounting Office also reports that the *Post-Katrina Emergency Management Reform Act of 2006* further enhanced “FEMA’s responsibilities within DHS,” to include the “ongoing management and maintenance of the *National Incident Management System* and the *National Response Plan*”—now known as the *National Response Framework (NRF)* (GAO, 2008b).

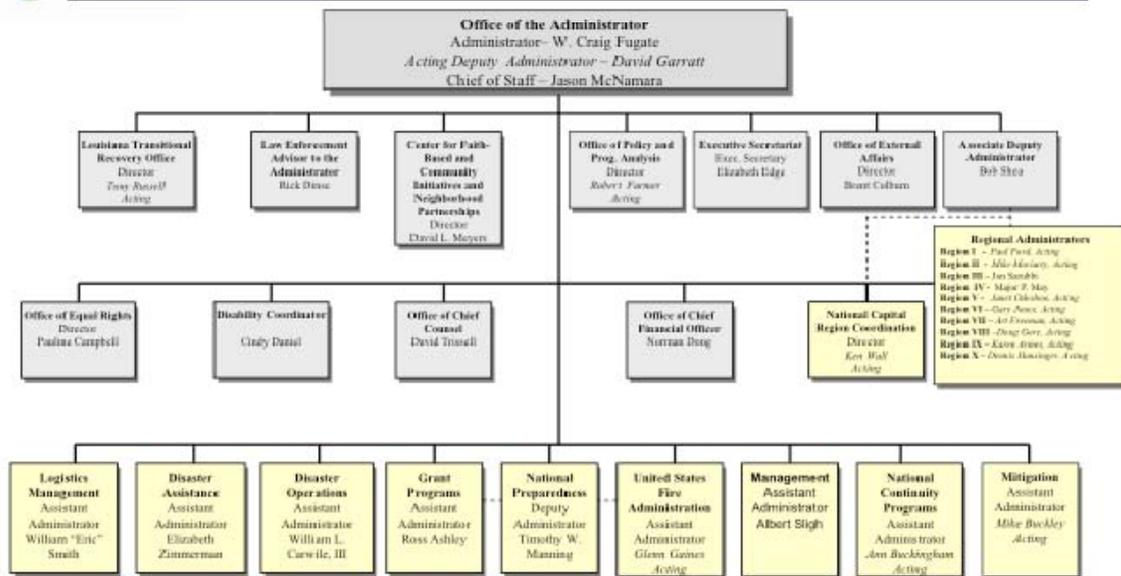
2. Organization

FEMA’s organizational structure reflects the nature of its activities and range of responsibilities. The agency is organized into nine offices and nine directorates overseen by the Administrator. The Administrator, in turn, is advised by the National Advisory Council, whose role also includes the revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the *National Response Plan*, as well as other related plans and strategies (FEMA, 2009c). Figure 4 identifies the organization of the directorates and offices under the authority of the FEMA Administrator.



FEMA

Federal Emergency Management Agency



Dotted Lines are Coordination Solid Lines Are Command and Control
 Names in Italics are in Acting positions
 As of 6/25/09

Figure 4. Organization Chart, Federal Emergency Management Agency (From: FEMA, 2009b)

In addition to its headquarters in Washington, DC, FEMA maintains a permanent presence within 10 regional offices (Figure 5), each headed by a Regional Administrator. The mission of these offices is to “support the development of all-hazards operational plans,” assist States and communities with becoming better prepared, “mobilize federal assets and evaluation teams to work with state and local agencies,” as well as manage an interagency Regional Response Coordination Center (RRCC) (U.S. DHS, 2008d). Such close cooperation with other federal agencies, strategic partners and tribal, state and local authorities further supports the agency’s mission and core competencies.



Figure 5. FEMA Regional Offices. (From: FEMA, 2008)

3. Assistance to Governmental Agencies

FEMA has developed a number of documents and resource management principles, in order to enable governmental agencies structure their response and improve their respective capabilities (U.S. DHS, 2008d). Such documents and principles of significance, especially to the Department of Defense, include the NRF, Pre-scripted Mission Assignments and Emergency Support Functions.

a. National Response Framework

The *Post-Katrina Act* mandates FEMA with administering and ensuring the implementation of the NRF, with “FEMA’s National Integration Center specifically responsible for periodically reviewing and revising the document, as appropriate” (GAO, 2008b). Per Figure 6, the NRF provides DHS/FEMA and DHS with the authority and framework to lead a coordinated federal response.

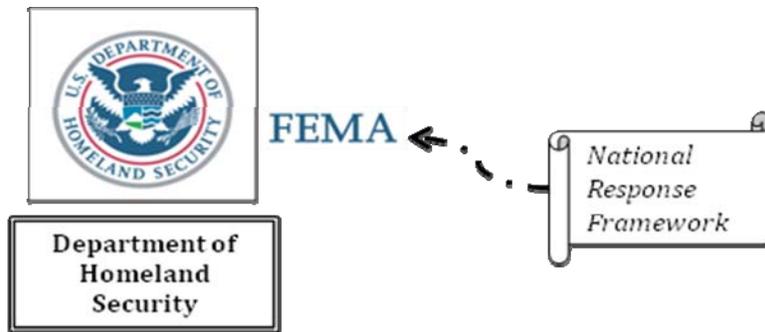


Figure 6. Framework governing the role of DHS FEMA (After: Figure 1)

The *NRF* is developed as a “guide to how the nation conducts an all-hazards response and manages incidents ranging from the smallest to the catastrophic” (U.S. DHS, 2008d). As such, the *NRF* identifies the roles, responsibilities and structures that organize the national response, as well as how communities, states, the Federal government and the private sector apply the key principles enabling a coordinated, effective national response. The *NRF*’s doctrine of “tiered response” especially emphasizes the need for all parties involved in disaster relief operations to prepare effectively, in order to best support responding and recovering efforts. Key “resource management principles” are thus identified to support the preparation phase and to “enhance response capabilities” (Office of Homeland Security, 2002). Two such principles are known as Pre-scripted Mission Assignments (PMSA), and ESF.

b. Pre-scripted Mission Assignments

Federal and state governments and agencies use pre-scripted missions in order to identify the resources and capabilities required in response to a specific contingency. The implementation of such practice scenarios assists in planning, reduces post-disaster response time, and expedites the delivery of services and commodities in response to an incident (U.S. DHS, 2008d). Thus, the DoD, along with FEMA, has developed “26 all-hazard, pre-scripted mission assignments for DoD support and more than 30 PSMA’s for U.S. Army Corps of Engineers support” to include the following.

- Heavy- and medium rotary-wing lift
- Tactical transportation
- Strategic transportation
- Communications support
- Emergency-route clearance
- Damage assessment
- Temporary housing
- Mobilization centers and operational staging areas
- Temporary medical facilities
- Rotary wing medical evacuation (Stockton, 2009)

c. Emergency Support Functions

ESFs provide “the structure for coordinating federal interagency support for a federal response to an incident.” “They are mechanisms for grouping functions most frequently used to provide federal support to states and federal-to-federal support” (U.S. DHS, 2008d). The DoD has been designated as a “support agency” to the below-listed ESFs—aside from ESF #9 Search and Rescue, for which the department has been designated as the “primary agency.” ESFs are as follows.

- ESF #1—Transportation
- ESF #2—Communications
- ESF #3—Public Works and Engineering
- ESF #4—Firefighting
- ESF #5—Emergency Management
- ESF #6—Mass Care, Emergency Assistance, Housing, and Human Services
- ESF #7—Logistics Management and Resource Support
- ESF #8—Public Health and Medical Services
- ESF #9—Search and Rescue
- ESF #10—Oil and Hazardous Materials Response
- ESF #11—Agriculture and Natural Resources
- ESF #12—Energy

- ESF #13—Public Safety and Security
- ESF #14—Long-term Community Recovery
- ESF #15—External Affairs

Two ESFs, in particular, require a substantial military involvement.

- Emergency Support Function #1—Transportation
- Emergency Support Function #7—Logistics Management and Resource Support

(1) Emergency Support Function #1—Transportation. Per the January 2008 *National Response Framework*, the Department of Transportation (DoT) is designated as the primary agency responsible to manage ESF #1 requirements. As such, the DoT, with the assistance of the ESF #1 support agencies (including the DoD), provides transportation assistance in domestic incident management, including the following activities.

- Monitor and report status of and damage to the transportation system and infrastructure as a result of the incident
- Identify temporary alternative transportation solutions that can be implemented by others when systems or infrastructure are damaged, unavailable, or overwhelmed
- Perform activities conducted under the direct authority of DoT elements as these relate to aviation, maritime, surface, railroad, and pipeline transportation
- Coordinate the restoration and recovery of the transportation systems and infrastructure
- Coordinate and support prevention, preparedness, response, recovery, and mitigation activities among transportation stakeholders within the authorities and resource limitations of ESF #1 agencies (FEMA, 2009)

Under ESF #1, however, the DoT is not responsible for the movement of goods, equipment, animals, or people (U.S. DHS, 2008d).

As a support agency, the DoD, when requested and upon approval by the Secretary of Defense, is specifically tasked to provide “military transportation capacity from the U.S. Transportation Command (USTRANSCOM)/alternate command to move essential resources, including DoT response personnel and associated equipment and supplies” (U.S. DHS, 2008b). USTRANSCOM is also expected to augment the

federal personnel assigned to ESF #1 function headquarters. A key DoD function also consists of providing “assets to complement temporarily degraded or disrupted DoT/Federal Aviation Agency (FAA) air navigation services capabilities, as requested by DoT/FAA and ESF #1” (U.S. DHS, 2008). In addition, the U.S. Army Corps of Engineers (USACE) is also required to provide “support in the emergency operation and restoration of inland waterways, ports, and harbors under the supervision of DoD/USACE, including dredging operations, as well as to assist in restoring the transportation infrastructure” (U.S. DHS, 2008b).

(2) ESF #7—Logistics Management and Resource Support. Under *ESF #7*, the DoD is further expected to contribute its logistics capabilities to disaster relief operations. The GSA is the Primary Agency (PA) responsible for resource support; however, the DoD is primarily involved with the agency responsible for logistics management, namely DHS/FEMA (U.S. DHS, 2008b). As such, the DoD assists DHS/FEMA with the following logistics management functions.

- **Material management**—which consists of determining requirements, sourcing, ordering and replenishment, storage, and issuing of supplies and equipment (U.S. DHS, 2008b).
- **Transportation management**—which consists of determining equipment and procedures for moving material from storage facilities and vendors to incident victims. Transportation management also includes fulfilling requests from other federal organizations (U.S. DHS, 2008b).
- **Facilities management**—which consists of the location, selection, and acquisition of storage and distribution facilities. Such facilities include Distribution Centers, Mobilization (MOB) Centers, and National Logistics Staging Areas. Logistics Management is responsible for establishing and operating facilities, as well as managing related services to shelter and support incident responders in Joint Field Office and other field-related operations, including Base Camps (U.S. DHS, 2008b).
- **Personal property management**—which consists of policy and procedures guidance for maintaining accountability of material, as well as identification and reutilization of property acquired to support a federal response operation (U.S. DHS, 2008b).
- **Management of electronic data interchange**—which provides end-to-end visibility of response resources (U.S. DHS, 2008b).
- **Planning and coordination**—which consists of communication with internal and external customers and other supply chain partners in the

federal and private sectors. This task also includes providing for the comprehensive review of best practices and available solutions for improving the delivery of goods and services to the customer (U.S. DHS, 2008b).

In order to assist the National Logistics Coordinator with the management of resource support requirements and management of a DHS/GSA-run supply chain, the DoD is specifically tasked to provide logistical capabilities in support of the following ESF #7 sub-functions.

- Subsistence
- Administrative Supplies Support
- Petroleum Products
- Engineering and Construction Materials
- Personal Demand Items (water and ice)
- Medical Materials
- Telecommunications Management
- Transportation Management

C. THE DEPARTMENT OF DEFENSE

Military involvement, while critical to disaster response operations, is subject to a number of legal constraints, constitutional and statutory provisions. This section identifies the circumstances under which military forces may be committed to Defense Support to Civil Authorities, as well as the military organizations, entities and forces involved in such operations.



1. Defense Support of Civil Authorities

Under the *Stafford Act*, the governor of a state in which an incident occurred “may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing [...] any emergency work, which is [...] essential for the preservation of life and property” (U.S. Congress, 2007b). Figure 7, derived from Figure 1, represents the request process from a state governor to

the U.S. President. Such Request for Federal Assistance (RFA) takes place once a state anticipates exhausting, or has exhausted its own organic resources, as well as those from supporting States.



Figure 7. State Request for Federal Assistance (After: Figure 1)

In such instances authorized by the President, DoD components and agencies are authorized to respond to the following.

- Save lives
- Protect property and the environment
- Mitigate human suffering under imminently serious conditions
- Provide support under their separate established authorities (U.S. DHS, 2008d)

DoD involvement is dependent upon additional criteria. Indeed, “provision of defense support” is evaluated based on the following assessed criteria.

- Legality
- Appropriateness
- Cost
- Lethality
- Impact on readiness
- Risk (U.S. DHS, 2008d)

The *Stafford Act* and *Framework* each stipulate, however, that the federal military and civilian personnel and the resources involved in support of civil authorities

operations may not be involved in such emergency work for a period to exceed ten days, and that they are to remain under the command of the Secretary of Defense (U.S. DHS, 2008d).

2. U.S. Northern Command

In the aftermath of September 11, 2001, the federal authorities acknowledged that measures were needed to ensure a more effective coordination and collaboration with state and local governments (Office of the Assistant to the President for Homeland Security and Counterterrorism, 2006). Thus, in the July 2002 *National Strategy for Homeland Security*, the President called for a DHS-led “initiative to build a national system for incident management and to integrate separate federal response plans into a single, all-discipline incident management plan” (Office of the Assistant to the President for Homeland Security and Counterterrorism, 2006). The DoD, conceding the need for “a more integrated military response” to a contingency on the homeland, established the U.S. Northern Command on October 1, 2002 (USNORTHCOM) (GAO, 2008a).



USNORTHCOM’s role is “to provide command and control of Department of Defense homeland defense efforts and to coordinate defense support of civil authorities” (GAO, 2008a). Thus, USNORTHCOM’s specific mission is to “anticipate and conduct homeland defense and civil support operations within the assigned area of responsibility to defend, protect, and secure the United States and its interests” (U.S. Northern Command, 2009). The creation of USNORTHCOM was a decisive step towards addressing coordination inefficiencies with external agencies, as USNORTHCOM “consolidates under a single unified command existing missions that were previously disseminated amongst various DOD branches and organizations” (U.S. Northern Command, 2009). Such unity of command was deemed critical to mission accomplishment and, in 2002, USNORTHCOM became responsible for coordinating defense support to civil authorities with state and federal entities, to include the DHS/Federal Emergency Management Agency. Per Figure 8, the area of responsibility of USNORTHCOM includes “the continental United States, Alaska, Canada, Mexico,” as

well as up to 500 nautical miles of surrounding oceans, which include the “Gulf of Mexico, the Straits of Florida, and portions of the Caribbean region” (U.S. Northern Command, 2009).

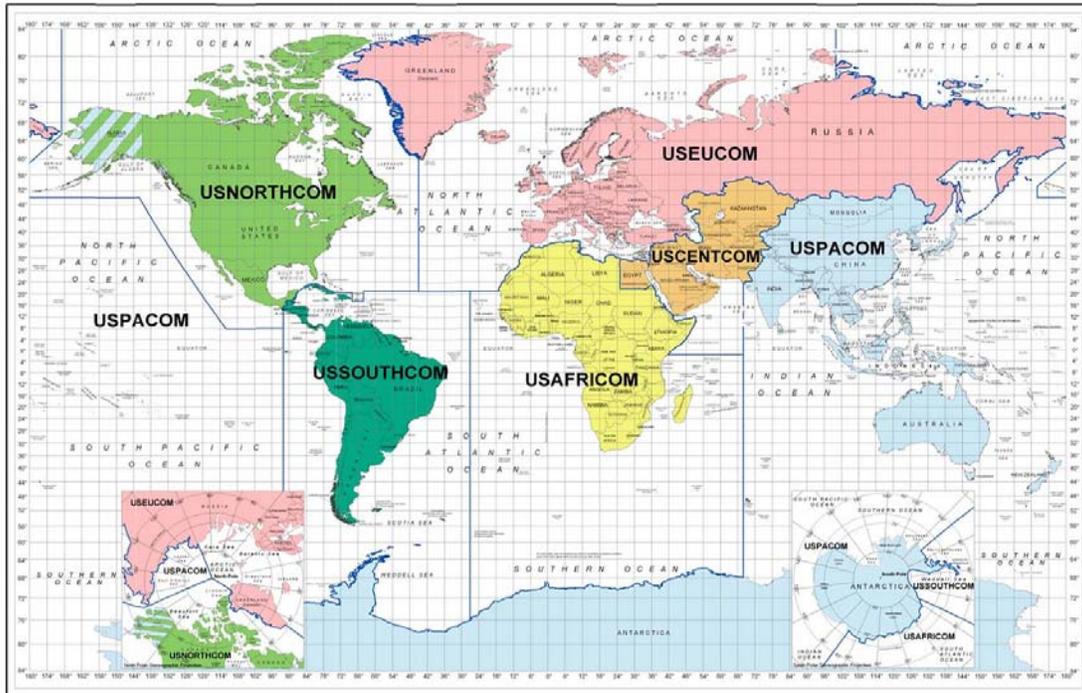


Figure 8. Unified Combatant Commands areas of responsibility (From: NGA, 2008)

Once the President of the United States declares a federal disaster area, a Federal Coordinating Officer (FCO) from FEMA is appointed to direct the federal response. The FCO is responsible for activating various federal agencies to provide emergency support functions to the disaster. At the FCO’s request, the Secretary of Defense designates a DCO, who activates a Defense Coordinating Element (DCE) to coordinate requests for federal military assistance. Per Figure 9, upon activation, the DCO first validates and subsequently coordinates a DoD response to requests for assistance submitted by the FCO.

In order to further facilitate federal support, a Principal Federal Official (PFO) may also be appointed at the discretion of the Secretary of Homeland Security to resolve interagency conflicts and to coordinate overall federal incident management (Owens &

Schilling, 2006). At the present time, personnel of the U.S. Army North (ARNORTH), a USNORTHCOM subordinate command, are assigned on a permanent basis as DCO/DCE/Emergency Preparedness Liaison (EPLO) teams to every one of FEMA’s ten regions.

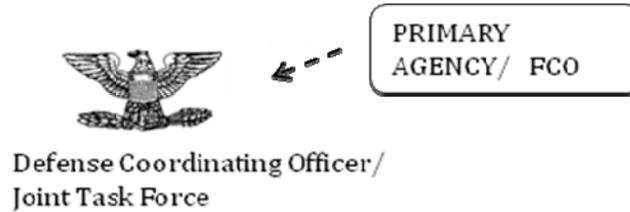


Figure 9. Relationship between DCO/DCE and Primary Agency (After: Figure 1)

With two additional DCOs assigned to Guam and Hawaii in support of U.S. Pacific Command (USPACOM), a total of 12 senior Army Officers are selected per the requirements identified in Figure 10 (C. M. Armstrong, personal communication, August 19, 2009).

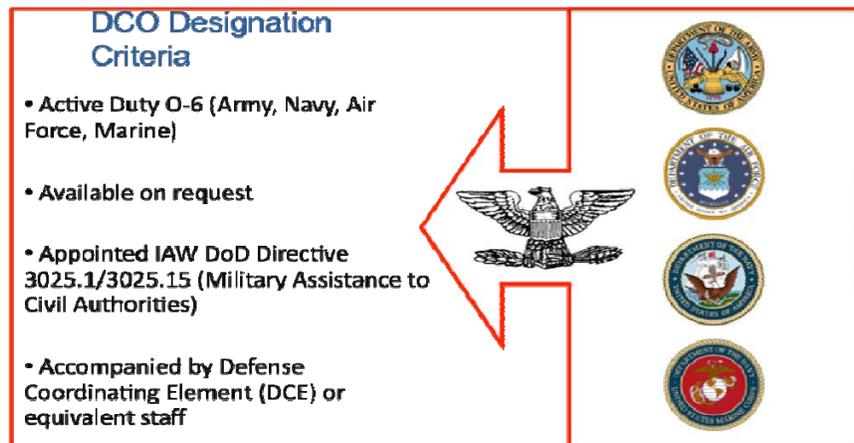


Figure 10. DCO Designation Criteria. (From: C. M. Armstrong, personal communication, August 19, 2009).

Ongoing responsibilities of a Defense Coordinating Officer/DCE/EPLO include the following.

- Acting as subject-matter experts for all state and federal emergency response plans
- Building synergy and habitual relationships with

- FEMA staff
- State emergency responders
- State Adjutant General and Joint Force Headquarters-State staff
- Functioning as a key player in all local, state, federal, and DoD homeland defense and civil support exercises
- Monitoring oversight with all military installations regarding Base Support Installation (BSI) operations
- Conducting National Special Security Event (NSSE) planning and support
- Being prepared to conduct operations in another region (FEMA, 2009a)

However, in the event of an existing or imminent contingency, and assuming activation by the Secretary of Defense, the DCO serves as the DoD's single point of contact at the JFO. As such, his responsibilities include the following.

- Processing requirements for military support
- Forwarding mission assignments to the appropriate military organizations through DoD-designated channels
- Assigning military liaisons, as appropriate, to activated Emergency Support Functions," as listed under the *NFR* (FEMA, 2009a)

3. Forces in Support of DSCA

DoD forces and resources may be committed either via National Guard support, or following a request for federal assistance submitted to the President of United States (U.S. DHS, 2008). However, the constitutional and statutory provisions governing the use of military force by the federal and state governments, as well as the duty status of said forces, closely regulates the specific nature of DSCA activities in which they may engage. The duty statuses under which military forces operate within the United States, namely state active duty, *Title 10 USC*, or *Title 32 USC*, dictate the nature of the activities these forces may engage in, as well as impose a number of restrictions over their use. In addition, funding and command-and-control issues are addressed depending on the authority under which military personnel and resources are committed to support DSCA operations.

a. State Active Duty

National Guard (NG) forces differ from other military components routinely involved in DSCA operations in that they may be used under one of three distinct mandates, starting with state active duty. NG units and elements in state active duty are under the command and control of the governor for a state-funded purpose, authorized by state law. The constitutions and statutes of every state empower governors to access and utilize the Guard’s “federally assigned aircraft, vehicles and other equipment, so long as the Federal government is reimbursed for the use of fungible equipment and supplies” (Lowenberg, 2005). Such a mandate provides governors with the authority to activate and deploy National Guard forces in response to natural disasters—to include floods, earthquakes, or wild fires, as well as man-made emergencies, such as riots (i.e., World Trade Organization meeting, Seattle, 1999), civil unrest (i.e., World Bank meeting, District of Columbia, 2000) and terrorist attacks (i.e., World Trade Center attacks, New York City, September 11, 2001) (Lowenberg, 2005).

b. Title 32 USC

NG forces acting under *United States Code 32* are funded by the Federal government to perform shared state/federal or primary federal missions with the concurrence of the President or designee (i.e., Secretary of Defense), but remain, per Figure 12, under the command and control of the state governor (Lystra, 2007). Article 1, Section 8 of the *U.S. Constitution* provides the authority to use the NG under continuing state control, but in the service of the Federal government, to “execute the laws of the Union, suppress insurrections and repel invasions” (as cited in Lowenberg, 2005).



Figure 11. State Control of Title 32 Forces (After: Figure 1)

A January 2008 enactment of *Title 32* further authorizes the Secretary of Defense to “provide funds to a governor to employ NG units or members to conduct homeland defense activities” deemed to be “necessary and appropriate” (*USC*, 2008, 32, Sec. 902). The statute defines “homeland defense activities” as activities “undertaken for the military protection of the territory or domestic population of the United States, or of the infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States” (*USC*, 2008, 32, Sec. 901).

The *NRF* stipulates that NG forces employed either under state active duty or *Title 32* status are under the operational, tactical and administrative control of the governor and the state government, and are not part of “federal military response efforts” (U.S. DHS, 2008d). Figure 12 identifies the major characteristics and differences between the statuses under which military forces operate.

Duty Status Comparison

	<u>State Active Duty</u>	<u>Title 32</u>	<u>Title 10</u>
Command & Control	Governor	Governor	President
Area of Operation	IAW State Law	CONUS	Worldwide
Funding	State/Territory	Federal	Federal
Mission types	IAW State Law (Riot control, Emergency Response, etc.)	Training, And other federally authorized.	Overseas Training, & as assigned after mobilization
Discipline	State Military Code	State Military Code	UCMJ
Support Law Enforcement	Yes	Yes	Limited by <i>Posse Comitatus</i>

Figure 12. Duty Status Comparison. (From: C. M. Armstrong, personal communication, August 19, 2009)

c. Title 10 USC or Federal Military Status

Military forces under Title 10 status are under the command and control of the President, for a federal purpose authorized by federal law. Active-duty and reserve components of the Army, Navy, Air Force, Marine and Coast Guard (Figure 13) are federal military forces under the command and control of the Secretary of Defense, and funded by the Federal government.



Figure 13. DoD Agencies involved in DSCA Operations (After: Figure 1)

State NG units and elements may, under the “War Powers Clause” of the *Constitution*, be activated, including mobilized or “federalized” and, as a result, operate “under federal control and at federal expense for national defense purposes” (Lowenberg, 2005). While not directly accessible to state governors, Title 10 forces may be used pursuant to the *Stafford Act*, 42 *USC*, sec 5121, in support of a state. The *Robert T. Stafford Disaster Relief and Emergency Assistance Act* authorizes the President to declare a major disaster and, upon request from a state governor, to send in federal military forces on “an emergency basis for up to ten days to preserve life and property” (Trebilcock, 2000).

The activities performed within the United States by personnel under *Title 10*—to include Title 10 duty performed by National personnel—are, however, subject to “a number of restrictions, including provisions of the *Posse Comitatus Act* (18 *USC* 1385), which severely limits the use of federal military forces in support of domestic law enforcement operations” (Lowenberg, 2005).

The 1878 “power of the county,” or *Posse Comitatus Act*, was passed with the intent of preventing the Army from enforcing domestic law in order to focus on its

original national defense mission (Trebilcock, 2000). The *Act* plainly states that the Army or the Air Force may not be used “as a posse comitatus or otherwise to execute the laws,” “except in cases and under circumstances expressly authorized by the *Constitution* or Act of Congress” (18 *USC* 1385). While the *Act* applies to the Army, Air Force, Navy, and Marines (including their reserve components), the National Guard, however, “when it is operating in its state status pursuant to Title 32 of the U.S. Code, is not subject to the prohibitions on civilian law enforcement” (Trebilcock, 2000). In fact, “one of the expressed missions of the Guard is to preserve the laws of the state during times of emergency when regular law enforcement assets prove inadequate” (Trebilcock, 2000). The *Posse Comitatus Act* restrictions apply to the Guard only when it is federalized pursuant to an exercise of presidential authority (Trebilcock, 2000).

D. CHAPTER SUMMARY

Chapter III identified three governmental agencies vital to a military response to a man-made or natural disaster within the United States, the DHS, FEMA, and the DoD. While the integration of efforts between these three agencies requires enormous coordination, their organizational structures, as well as a number of frameworks, principles and resources, have been either developed or improved in order to define their roles, responsibilities, and authority clearly during a disaster response operation.

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IV. REQUEST PROCESS FOR LOCAL FIRST RESPONDERS

A growing mission for the U.S. military, but one that has existed since almost its inception, has been support of local communities in times of disaster. This process has changed many times and is now guided by the *NRF* and U.S. Northern Command's *CONPLAN 2501-05, Defense Support of Civil Authorities (DSCA)*. Yet, there are also other directives that guide the military response in disaster situations. There are many ways by which local, state, and federal agencies can get assistance from the military. The three most common ways for local first responders are Mutual Aid Agreements, Immediate Response, and Request for Assistance through the Mission Assignment Process. Each of these can be used independently or may build on another as a situation escalates and as time and expense increases.

A. IMMEDIATE LOCAL RESPONSE

There are two forms of immediate local response, Mutual Aid Agreements and Immediate Response Authority. Both have the benefit of allowing the local commander to respond on his own authority but they also have limitations that need to be considered and understood.

1. Mutual Aid Agreements

The first form of defense support to civil authorities is the mutual aid agreement. Mutual aid agreements allow DoD installations and the local communities of which the installation is a part to support each other for both routine and catastrophic incidents, in accordance with *Title 42, §1856a* (as cited in Office of the Assistant Secretary of Defense/Homeland Defense and America's Security Affairs, 2008) and *1856b* (Lystra, 2007).

These agreements are pre-coordinated between DoD installation commanders and their local communities to provide mutual support for fire, emergency medical services, hazardous materials response and decontamination support, and other public safety events (C. M. Armstrong, personal communication, August 19, 2009). Using a

memorandum of agreement (MOA) or understanding (MOU), which specifically defines the types of support that can be provided, installation commanders can draft these agreements by which they can support their local communities and their local communities can support them (Lystra, 2007). These agreements are used to provide expertise that the installation or the local community can supply to the other in case of an emergency. Examples of this are when bases provide additional fire-fighting or hazardous-material response support to their local communities that may not have that expertise or when local communities may provide additional emergency medical services to installations that do not have extensive medical services. These agreements are not for long-term support; they are designed for immediate response for short-duration events, usually limited to 72 hours.

2. Immediate Response Authority

Another manner in which the DoD can respond to a request for assistance from civil authorities at the local level is via a federal DoD component or military commander, or civilian equivalent, using their immediate response authority as set forth in *DoD Directive 3025.15* (DoD, 1997). DoD components can receive a request from civil authorities for support for the purpose of “saving lives, preventing human suffering and mitigating great property damage under imminently serious conditions” and respond without prior approval from the Secretary of Defense (Lystra, 2007). Initial requests may be communicated verbally for immediate response in an emergent situation, but written requests must follow. When practical, these requests and the support that was provided must be reported up the chain of command to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff (DoD, 1997). Immediate Response is also meant to be of a short duration, approximately 72 hours (as stated above). Requests for longer assistance must be submitted through the state for support, which could then request support from the Federal government. Examples of the types of support that can be provided are listed by Arnold and Porter, LLP (2002).

- Rescue, evacuation, and emergency medical treatment
- Emergency restoration of essential public services (including fire-fighting, water, communications, transportation, power and fuel)

- Debris removal
- Monitoring and controlling contaminated areas
- Safeguarding, collecting and distributing food and essential supplies
- Facilitating and reestablishing civil government functions

Figure 14 identifies the local DoD responses available to local officials under the Immediate Response Authority and Mutual Aid Agreements coordinated between adjacent DoD facilities and local authorities.

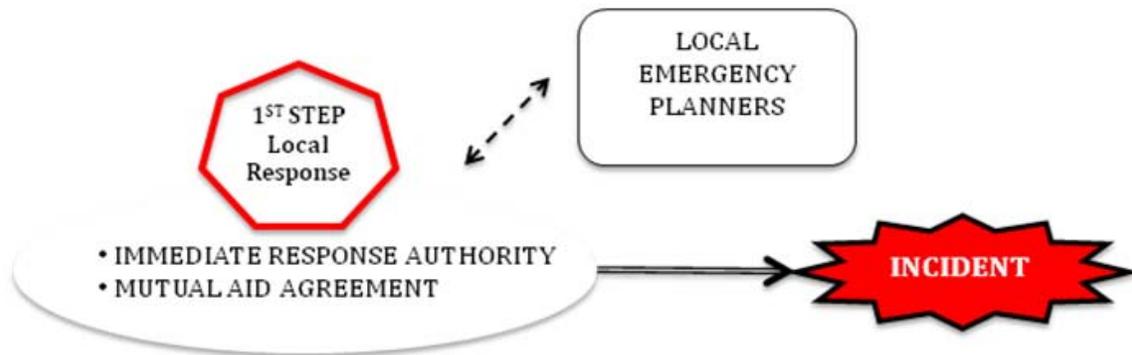


Figure 14. Local DoD Support to Civil Authorities (After: Figure 1)

3. Limitations to Mutual Aid Agreements and Immediate Response Authority

There are limitations to the responses that local commanders can provide using mutual aid agreements or their immediate response authority. One of the biggest limitations to mutual aid agreements and immediate response authority is time. These are not meant to be long-term responses to a catastrophic disaster situation. They are meant to be short-term solutions (72 hours) when time is of the essence and when the local military installation can get to the scene and provide assistance before any other assistance can arrive. In situations in which a long-term response is required, mutual aid agreements and immediate response authority are meant to provide assistance until neighboring community assistance agreements and state resources can be activated and deployed to provide assistance.

Another limitation to these types of responses is the *Posse Comitatus Act*. As discussed above, *Posse Comitatus Act* prohibits federal military personnel and

federalized National Guard personnel from acting in a law enforcement capacity within the United States. Without specifically being authorized by the *Constitution* or Congress, federal military personnel cannot conduct searches, seizures or arrests. This legislation also limits the use of assets that have the potential for lethality. These types of responses would not be at the local commanders' authority level and would need to be approved by the President, Secretary of Defense or Congress (Arnold & Porter LLP, 2002).

B. REQUEST FOR ASSISTANCE FROM DOD RESOURCES

For the DoD to respond to a major natural or man-made disaster, decision-makers must follow many steps to facilitate a prolonged military response. This process ensures that all considerations are reviewed and it is determined that the military is the right agency to respond to a disaster. Some of the criteria that will be reviewed will be the following.

- Cost: Who is going to pay or reimburse the DoD?
- Appropriateness: Should the DoD be the provider?
- Readiness: Will the assistance have an adverse impact on the responding unit's primary mission?
- Risk: What are the potential health and safety risks to DoD forces?
- Legality: What is the legal authority that permits or prohibits the assistance requested by civil authorities?
- Lethality: Is there any potential for the use of lethal force by or against DoD forces? (C. M. Armstrong, personal communication, August 19, 2009)

In addition to these items, the DoD must also explore whether local and state resources have been applied first and appropriately and must ensure the DoD is not competing with private, local companies that have the same resources and could respond more quickly (C. M. Armstrong, personal communication, August 19, 2009).

1. The Robert T. Stafford Disaster Relief and Emergency Assistance Act

The *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (*Stafford Act*) is the legislative basis through which the President can declare emergencies and major disasters and can provide assistance to state and local governments. The *Stafford*

Act addresses many areas of disaster relief programs, disaster preparedness, and insurance coverage, but it specifically goes into how the Federal government can provide assistance and how states can request that assistance. At the request from a state governor, the President may declare a major disaster based on his belief that circumstances in the affected state are “of such severity and magnitude that effective response is beyond the capabilities of the state, and the affected local governments and that federal assistance is necessary” (U.S. Congress, 2007b). Once that determination has been made, and the President declares a major disaster, he may do the following to provide general assistance.

- Direct any federal agency to utilize its authorities and the resources granted to it by federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of state and local assistance response and recovery efforts
- Coordinate all disaster-relief assistance provided by federal agencies, private organizations, and state and local governments
- Provide technical and advisory assistance to affected state and local governments for the following.
 - the performance of essential community services
 - issuance of warning of risks and hazards
 - public health and safety information, including its dissemination,
 - provisions of health and safety measures
 - management, control, and reduction of immediate threats of public health and safety
 - recovery activities, including disaster impact assessments and planning
- Assist in the distribution of medicine, food, and other consumable supplies and emergency assistance
- Provide accelerated assistance and support to save lives, prevent human suffering, or mitigate severe damage (U.S. Congress, 2007)

2. Request for Assistance

After an incident has occurred, it is up to local first responders to provide immediate assistance. To assist with the incident immediately, the DoD can provide assistance through the mutual aid and immediate response process. If the response will

require more assistance or more time, the local government will then need to request additional aid from the state governor. This aid can come in the form of state police, state-funded fire fighters or hazardous material teams, state-controlled National Guard units, or other state resources. Additionally, states can utilize the Emergency Management Assistance Compact (EMAC) process, which is an interstate support agreement between States by which States can support each other with additional resources. Coordinated by the National Emergency Management Association (NEMA), the EMAC process is administered by a full-time staff, and all support is reimbursed by the supported state. The EMAC is not the only mutual aid agreement among States. Mutual aid agreements can also exist between different cities, towns and counties to provide assistance to the communities that need it.

Once all available state resources have been utilized and if the state anticipates that additional assistance is still required, the state governor can make a request to the President for a disaster declaration. Figure 15 identifies the three levels of assistance: local, state, and federal available to emergency planners and how the DoD can get involved at all three levels of response.

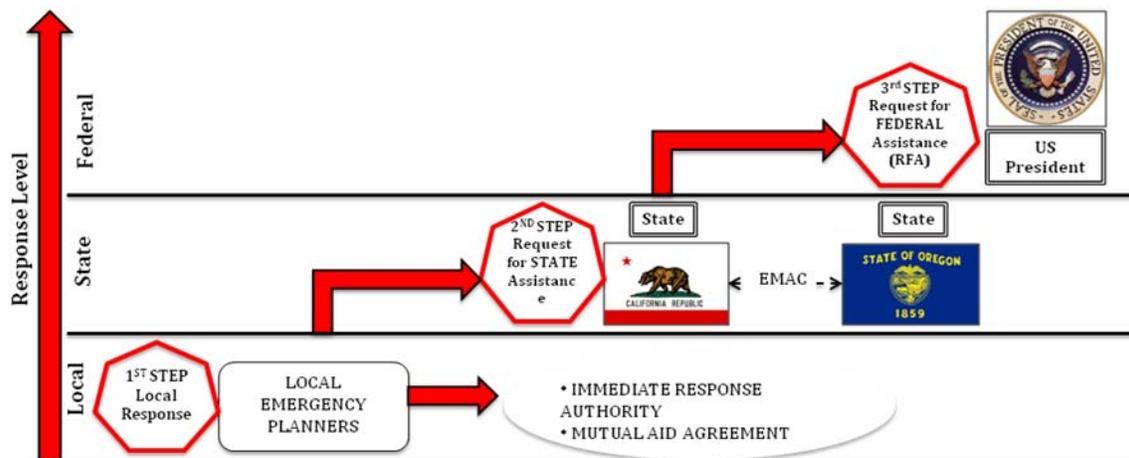


Figure 15. Local, State-to-State, and Federal Assistance (After: Figure 1)

Before initiating the request, however, the state governor must have activated the state’s emergency plan and ensured all state and local resources have been appropriately allocated. Additionally, a survey of the affected area must be conducted to determine the

extent of the public and private damage that has occurred. A joint preliminary damage assessment conducted with FEMA officials to determine the types of federal damage assistance is also necessary. In addition, the governor must consult with the FEMA Regional Administrator on federal disaster assistance eligibility, and must advise the FEMA regional office that a request of the President for a declaration of a major disaster will be sent. Although ordinarily the state governor can follow these steps to get federal aid, it is possible for the President to declare a major disaster or emergency on his own. This request of the President would come directly from the FEMA Regional Administrator based on the severity of the disaster and if an appropriate response will be beyond the capabilities of the state and local governments (U.S. Department of Homeland Security, 2008d).

Once the FEMA Regional Administrator's evaluation of the situation has occurred, his recommendation is sent to the national FEMA Administrator with the state governor's request. Through the Secretary of Homeland Security, a recommendation is forwarded to the President. Finally, the President makes his determination and declares a major disaster or emergency. A major disaster declaration provides not only federal assistance but also long-term federal recovery programs through the Presidential Disaster Relief Fund and other disaster aid programs. An emergency declaration, on the other hand, is more specific in scope regarding where funding will be provided and does not provide the long-term federal disaster aid programs (U.S. Department of Homeland Security, 2008d).

Once the President has made a declaration, a lead or primary agency is assigned to lead the federal response. From that primary agency, a FCO will be assigned and deployed, and a Joint Field Office will be established along with the Unified Coordination Group. The Unified Coordination Group consists of the federal and state Coordinating Officers and senior officials from other responding agencies—including the DCO from the DoD. This group will coordinate all response efforts to ensure all resources are used effectively (U.S. Department of Homeland Security, 2008d).

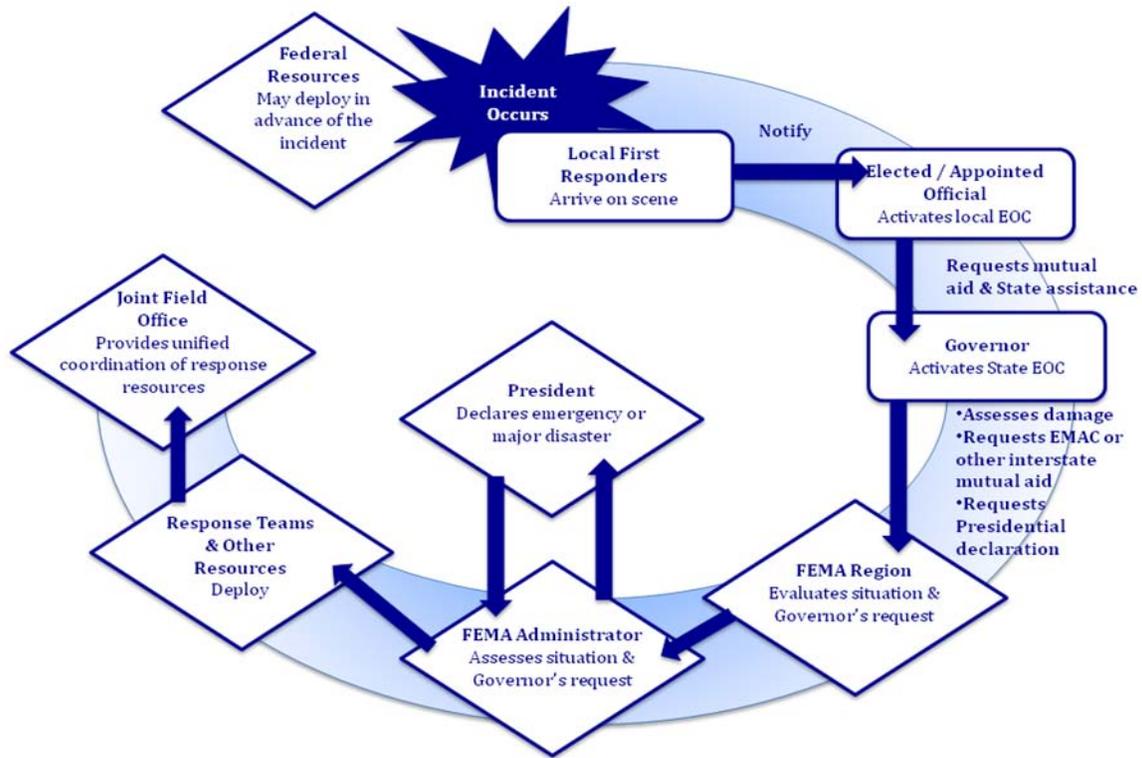


Figure 16. Response Request Process

3. Mission Assignment

For the DoD to become involved in a disaster-relief situation, the lead federal agency will then make a request for assistance to the Secretary of Defense. He will then evaluate that request based on the six criteria: cost, appropriateness, readiness, risk, legality, and lethality, as listed above. For units that are already supported through mutual aid agreements or immediate response authority, this same process would be used to continue that support. Once the Secretary of Defense has approved the use of DoD forces, USNORTHCOM (NORTHCOM) is usually put in operational control of the forces that will be deployed. The regional DCO is then activated and deploys to the Joint Field Office to directly support the FCO and be a part of the Unified Coordination Group. As shown in Figure 17, the DCO coordinates the interaction between the primary agency and the DoD.

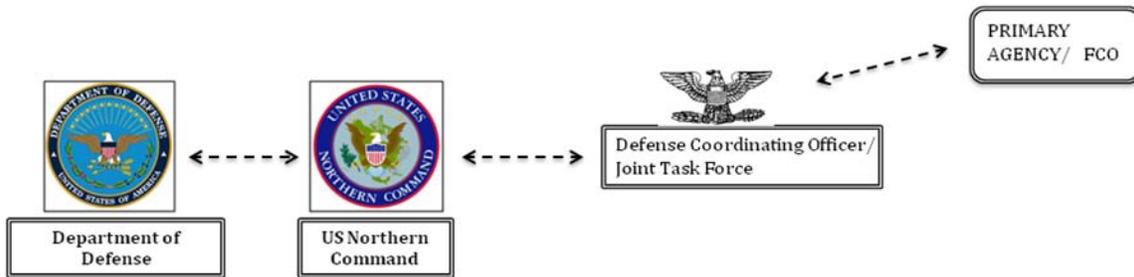


Figure 17. Interaction Leading to DCO Involvement (After: Figure 1)

From the Joint Field Office, the DCO will then receive requests for forces through the Mission Assignment Process. When received, the DCO will validate each request using the same criteria and determine if a request is already authorized through an existing Standing DSCA Execute Order or if further approval is needed. Once a request is validated, the mission assignment is then to NORTHCOM, which will review the request and then submit the request to the Joint Director of Military Support. He will then determine the unit that can best fill the request from the different services and defense agencies. The request is then forwarded to the Secretary of Defense. If it is approved, a Deployment Order or Execute Order is issued to Joint Forces Command, which will then provide the orders for the units that will deploy in support of the disaster response. Although this process appears to be long, it is automated by the DoD DSCA Automated Support System (DDASS), which allows all the approval authorities to review and approve the requests online, and which will cue the next level in real-time. This process is depicted in Figure 18.

Mission Assignment Process

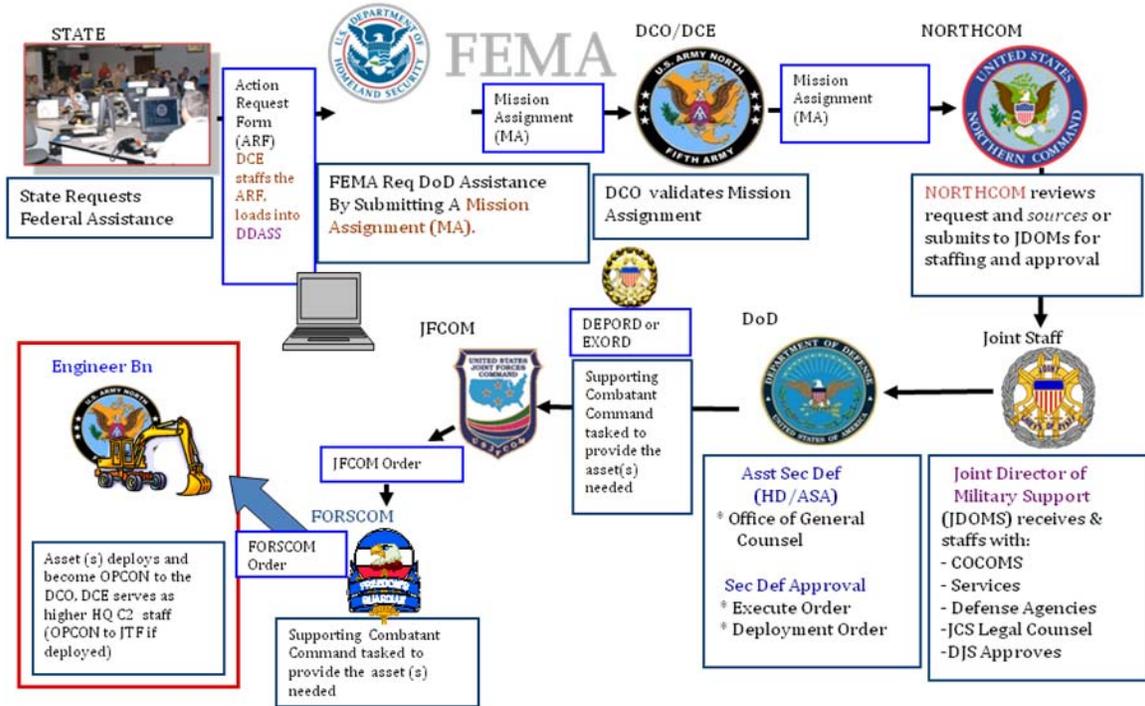


Figure 18. Mission Assignment Process (From: C. M. Armstrong, personal communication, August 19, 2009)

V. CONCLUSION

Public scrutiny of the governmental response to natural and man-made disasters has increased, as the destruction associated with such disasters reached exceptional levels in the 1990s, September 2001, and, most notably, in 2005. A number of organizations and entities, identified within the *NFR*, are tasked with heading publicly funded disaster response and recovery efforts. As a department with access to unique capabilities and tremendous manpower resources, the DoD is clearly one of the most prominent players in large-scale operations. In fact, with the permanent assignment of Defense Coordinating Officers/Elements within each of the ten FEMA regions, the DoD has clearly demonstrated its commitment to providing effective and responsive defense support to civil authorities. However, the exact role of the DoD, as well as the boundaries within which it must operate, remain misunderstood by a number of disaster relief professionals (C. R. Lystra, personal communication, October 8, 2009).

The purpose of our project was to identify the major players involved in DSCA operations, as well as the various processes by which civil authorities may request and receive military assistance. In so doing, we researched and presented the regulations, entities and agencies presently governing DSCA operations. We introduced various elements within Figure 1 (being repeated for the benefit of the reader) to identify the key players involved in post-disaster military operations, as well as to synthesize the relationships and processes linking these various entities and organizations.

We also provided detailed information regarding the organizations, roles and responsibilities of the DHS, the FEMA, and of the DoD, and presented the three main processes available to civil authorities to request military assistance, namely immediate response, mutual aid agreements and request for assistance.



Figure 19. Relationships between Response Agencies Responsible for the Coordination of Defense Support to Civil Authorities

Here, we present our observations regarding the soundness of the present system and whether the reforms implemented over the past few years have improved the ability of the DoD to conduct defense support to civil authorities.

The following observations are provided.

Observation 1: A key concern of the 2006 report of the “Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina” referred to the lack of “information sharing protocol” within the DoD (U.S. Congress, 2006). USNORTHCOM presently provides the military components tasked with providing civil support missions with “enhanced joint situational awareness and communication” (U.S. Congress, 2006). Yet, in 2005, the efforts of the command, while commended by the select committee, were impaired due to some lingering growing pains and relatively inexperienced command structure (U.S. Congress, 2006). At this point of

its existence, USNORTHCOM, with the consolidation under its single unified command of disaster-related missions executed by all DoD organizations, now enables DoD forces to operate under a unified command structure, which is deemed critical to mission accomplishments.

Observation 2: The permanent post-Katrina assignment of DCOs/ DCEs to FEMA has improved the ability of the DHS and the DoD to coordinate their respective efforts. Such a step was critical considering that insufficient coordination between DoD/DHS was identified as a contributing factor to the perceived slow response of the Federal government during Katrina (U.S. Congress, 2006). Further, the assignment of DoD liaison officers to FEMA regions and their interaction with state officials has increased the DoD's insight into state-level response capabilities and the states' understanding of the constraints within which the DoD operates (C. M. Armstrong, personal communication, August 19, 2009).

Observation 3: FEMA's ongoing efforts, as mandated by Congress in 2007, to develop and maintain "robust regional offices" and "partner with state, local, and tribal governments and emergency response providers, with other federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management" are essential to improving federal disaster response and recovery operations (U.S. Congress, 2007a). Per Congress' findings, difficulties to coordinate DoD, FEMA and state-level efforts had a major impact over the relief efforts conducted post-Katrina. FEMA's regional offices presently provide state, DoD and federal officials with a well-established interface, thus enabling all parties to more effectively prepare, coordinate and anticipate response and relief requirements.

Observation 4: Joint exercises in defense support to civil authorities, along with pre-scripted mission assignments, contribute to enhanced coordination and integration between active duty DoD components and NRF participants. It is critical, however, that lessons learned throughout such evolutions be implemented in order to maximize their benefits.

Observation 5: The responsibility to be familiar with DoD capabilities, operating procedures and request processes rests with emergency planners. In spite of the DoD's efforts to educate local, state and federal partners regarding the legal and procedural constraints within which the military operates, the DoD remains subject to criticism in times of crisis, due to its lack of involvement or responsiveness (C. R. Lystra, personal communication, October 8, 2009). This project established that the DoD is in a supporting role in times of emergency, unless otherwise decided by the President, and it may commit its forces and capabilities only under specific conditions. DCOs are, at present time, the best-suited source of information available to local, state and federal public representatives.

Observation 6: The lack of coordination and integration between NG and active duty forces was identified as a major contributor to the impaired responsiveness and duplication of military efforts during Katrina (U.S. Congress, 2006). To this day, Active Duty (Title 10) and National Guard (Title 32) forces remain under two separate chains of command when deployed in support of civil assistance operations. Unity of command is achieved only under the most extreme conditions upon the federalization of NG forces. In the absence of such unity, commanders lack complete visibility over the capabilities, personnel and activities of their sister services, and fail to maximize the use of their respective resources.

Rather than authorize Title 10 and 32 forces, but also all local, state and federal organizations, to operate independently from each other, we believe that all operational orders and mission assignments should be fielded through the JFO set up to coordinate the federal involvement. Such a procedural requirement may be inconvenient to smaller and mainly local organizations. In addition, tensions may arise as cultures, politics and standard operational procedures from different levels of government interact within the JFO. Yet, such an integration of activities would guarantee an enhanced visibility over the entire relief effort. Also, politics and organizational pride are of diminished importance in the presence of human suffering. Thus, the right force, that is either the city police, fire department, NGs in a law enforcement capacity, or Title 10 forces in a logistical support role, may be tasked with the mission for which it is best suited. A state

governor may still legally retain control of the NGs, yet may guarantee their optimal use by allowing the JFO's coordinated command structure to oversee their activities.

Observation 7: Inter-service cultural, legal, and political constraints may prevent a further integration of Title 10 and Title 32 forces under the present statuses. However, were the capabilities of the state's NGs to increase, and the use of EMACs to increase as well, the involvement of active duty forces may be reduced. We believe that NGs are best suited to provide military relief support to local communities. Their familiarity with the terrain, community and local leadership, along with their unique law enforcement capabilities and ability to train with local emergency responders, allow them to provide the most responsive, flexible and tailored response. Therefore, were the Federal government to finance an increase in NGs and state-level response capabilities, states may be able to rely exclusively on each other for disaster support and prevent the involvement of the Federal government, and by extension, of Title 10 forces.

Disaster relief operations involve a multitude of organizations, all subject to legal, procedural, and political restrictions, and thus are complex in nature. Such complexity may result in operational inefficiency, as was the case in Summer 2005. The reforms implemented since then, as well as earlier initiatives, such as the creation of USNORTHCOM and DHS, have improved the ability of local, state and federal responders to coordinate and integrate their respective capabilities. Defense leaders involved in DSCA operations are, on their end, confident that the DoD is better prepared and organized than ever to provide responsive and effective military assistance to overwhelmed civil authorities. The use and dependence on military resources and personnel require however that emergency responders be familiar not only with the capabilities of the military, but also with the limitations imposed upon its use.

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LIST OF REFERENCES

- Arnold, & Porter LLP. (2002). *Federal authorities for disaster response*. Washington DC: Center for Strategic and International Studies.
- Buchalter, A. R. (2007). *Military support to civil authorities: The role of the Department of Defense in support of homeland defense*. Washington, DC: Library of Congress, Federal Research Division.
- Commander, United States Northern Command (CDRUSNORTHCOM). (2006). *Defense support of civil authorities (USNORTHCOM CONPLAN 2501-05)*. Colorado Springs, CO: United States Northern Command.
- Department of Defense (DoD). (1997). *Military assistance to civil authorities (DoDD 3025.15)*. Washington, DC: Author.
- Department of Defense (DoD). (2009). *Assistant Secretary of Defense for homeland defense and Americas' security affairs (DoDD 5111.13)*. Washington, DC.
- Department of the Army. (1993). *Domestic support operations (FMFM 7-10)*. Washington, DC.
- Federal Emergency Management Agency (FEMA). (2008). *Strategic plan, fiscal years 2008–2013*. Washington, DC: Department of Homeland Security.
- FEMA. (2009a, June 4). *Defense Coordinating Officer (DCO)/Defense Coordinating Element (DCE)*. Retrieved July 28, 2009, from http://www.fema.gov/about/regions/regionv/dco_dce.shtm
- FEMA. (2009b, June 25). *Organization chart, federal emergency management agency*. Retrieved September 10, 2009, from <http://www.fema.gov/about/structure.shtm>
- FEMA. (2009c November 3). *National Advisory Council*. Retrieved December 8, 2009, from <http://www.fema.gov/about/nac/>
- Government Accountability Office (GAO). (2006). *Better plans and exercises needed to guide the military's response to catastrophic natural disasters*. Retrieved May 6, 2009, from <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=gao&docid=f:d06643.pdf>
- Government Accountability Office (GAO). (2008a). *U.S. northern command has made progress but needs to address force allocation, readiness tracking gaps, and other issues*. Washington, DC: Author.
- Government Accountability Office (GAO). (2008b). *Actions taken to implement the post-Katrina Emergency Management Reform Act of 2006*. Washington, DC: Author.

- Joint Chiefs of Staff. (1995). *Joint doctrine for military operations other than war* (Joint Pub 3-07). Washington, DC: U.S. Government Printing Office.
- Joint Chiefs of Staff. (2005). *Homeland security* (Joint Publication 3-26). Washington, DC: U.S. Government Printing Office.
- Joint Chiefs of Staff. (2007). *Peace operations* (Joint Publication 3-07.3). Washington, DC: U.S. Government Printing Office.
- Langowski, C. T. (2008). *Defense support to civil authorities*. Fort Leavenworth, TX: U.S. Army Command and General Staff College.
- Lowenberg, M. G. (2005). *The role of the National Guard in national defense and homeland security*. Washington, DC: National Guard Association of the United States.
- Lystra, C. R. (2007). *Defense support of civil authorities*. Washington, DC.
- Moss, M. L., & Shelhamer, C. (2007). *The Stafford Act: Priorities for reform*. New York City: The Center for Catastrophe Preparedness and Response.
- National Geospatial-Intelligence Agency (NGA). (2008, December 17). *The world with commanders' areas of responsibility*. (National Geospatial-Intelligence Agency map Edition 8 NGA Series 1107). Retrieved September 15, 2009, from <http://www.defenselink.mil/pubs/pdfs/MAP12-08.pdf>.
- Office of Homeland Security. (2002). *National strategy for homeland security*. White House, Washington, DC.
- Office of the Assistant to the President for Homeland Security and Counterterrorism. (2006). *The federal response to Hurricane Katrina. Lessons learned*. Washington, DC: Department of Homeland Security.
- O'Brien, J. (2006). *Improving the U.S. military's response to homeland humanitarian assistance operations*. Newport, RI: Naval War College.
- Osborne, W. A. (2006, December). The history of military assistance for domestic natural disasters: The return to a primary role for the Department of Defense in the twenty-first century? *The Army Lawyer*, 1–18.
- Owens, J. W., & Schilling, T. L. (2006). 4th Brigade, 75th Division as the defense coordinating element for Hurricanes Katrina and Rita. *FA Journal*, 11(2), 18–21.
- Renuart, V. E., Jr. (2009, March 17). Statement of General Victor E. Renuart, Jr., USAF. Commander of United States Northern Command and North American Aerospace Defense Command before the Senate Armed Services Committee.

- Stockton, P. (2009). *Statement by The Assistant Secretary of Defense for Homeland Defense and America's Security Affairs before the 111th Congress Committee on Armed Services, Subcommittee on Terrorism, Unconventional Threats and Capabilities, United States House of Representatives July 28, 2009*. Washington, DC: U.S. House of Representatives.
- Tomasini, R. M., & L. N. Van Wassenhove. (2009). *Humanitarian logistics*. New York: INSEAD Business Press.
- Trebilcock, M. C. (2000). *The myth of Posse Comitatus*. 153d Legal Support Organization, Judge Advocate General's Corps. Norristown, PA: U.S. Army Reserve.
- U.S. Congress. (2006). *A failure of initiative. Final report of the select bipartisan committee to investigate the preparation for and response to Hurricane Katrina*. 109th U.S. Congress, 2nd Session. Washington, DC: U.S. Government Printing Office.
- U.S. Congress. (2007a). *Department of Homeland Security Appropriations Act, 2007*. Washington, DC: U.S. Government Printing Office.
- U.S. Congress. (2007b). *Robert T. Stafford disaster relief and emergency assistance act (Public Law 93-288), as amended, 42 USC. 5121-5207, and related authorities*. Washington, DC: U.S. Government Printing Office.
- U.S. Department of Homeland Security (U.S. DHS). (2008a). *Brief documentary history of the Department of Homeland Security 2001–2008*. Department of Homeland Security History Office. Washington, DC: Author.
- U.S. Department of Homeland Security (U.S. DHS). (2008b). *Emergency support function #7—Logistics management and resource support annex*. Washington, DC: Author.
- U.S. Department of Homeland Security (U.S. DHS). (2008c, December). *National incident management system*. Retrieved May 6, 2009, from http://www.fema.gov/pdf/emergency/nims/NIMS_core.pdf
- U.S. Department of Homeland Security (U.S. DHS). (2008d). *National response framework*. Washington, DC: Author.
- U.S. Department of Homeland Security (U.S. DHS). (2008e, July 17). *U.S. Department of Homeland Security Organizational Chart*. Retrieved September 10, 2009, from http://www.dhs.gov/xabout/structure/editorial_0644.shtm
- U.S. Northern Command (USNORTHCOM). (2009). *About USNORTHCOM*. Retrieved August 15, 2009, from <http://www.northcom.mil/about/index.html>

United States Code. (2008). Title 32. Washington, DC: U.S. Government Printing Office.

United States Code. (2009). Title 10. Washington, DC: U.S. Government Printing Office.

White House Office of Homeland Security and Counterterrorism. (2006). *The federal response to Hurricane Katrina lessons learned*. Washington, DC: U.S. Government Printing Office.

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