COMMAND AND CONTROL OF MILITARY ASSETS FOR CBRNE RESPONSE

Finding: Command and control of federal and state military assets for CBRNE response continues to be problematic. Under current approaches, unity of effort between federal and state forces cannot be assumed or assured.

Discussion: It is assumed that National Guard forces operating in State Active Duty or Title 32 status, and controlled by a governor, will typically be the first military forces to respond to a CBRNE event. Federal military forces operating in Title 10 status may join the response operation, normally at a governor’s request for assistance, in accordance with the National Response Framework and typically under the Stafford Act. In certain cases, the president can direct Title 10 forces to respond without a request.

It is generally agreed that achieving unity of effort ensures the most effective, coordinated use of state and federal military forces for domestic contingencies. Such unity is not always achieved, however, because state military forces are under the command of governors unless the president federalizes them. The prospect of governors actually assuming command or control of Title 10 forces is constitutionally problematic, despite the fact that state authorities may be in the best position to make emergency response decisions for a local area.

Some progress has been made on achieving federal-state unity of effort. In some cases, the Department of Defense (DoD) has authorized a “dual status” command wherein a Federally-recognized Title 32 National Guard officer has been given authority simultaneously to command Title 10 and state military forces for certain domestic operations. In January 2009, DoD also established a policy that permits federal military commanders to establish a “direct liaison” relationship with state authorities. Under this arrangement, federal commanders coordinate with state authorities in the execution of tactical-level Defense Support of Civil Authorities missions.

Some argue that existing dual status arrangements and liaison authority are not sufficient. They believe that, when circumstances warrant, governors should be granted “tactical control” over federal military forces; that is, the authority to direct all aspects of military operations inside their State. The Department of Defense has to date vigorously opposed that type arrangement.

Recommendation: That the Secretary of Defense improve opportunities for unity of effort between state and federal military forces during a response to CBRNE events by:

1. Establishing a policy to provide federal recognition of eligibility for dual-status command in every U.S. state and territory.
2. Establishing memorandums of agreement to permit both National Guard and certain Title 10 commanders to command in dual status for certain contingencies, as agreed before defined events.
3. Establishing a plan for coordination of command and control authorities in the event of multi-state CBRNE events.
A COMMON OPERATING PICTURE FOR CBRNE RESPONSE

Finding: There is currently no standard or sufficient mechanism for localities, states, and federal agencies to share a civil-military common operational picture (COP) to support CBRNE incident response.

Discussion: The Homeland Security Act of 2002 assigned to the Department of Homeland Security (DHS) the responsibility for coordinating the federal government’s homeland security communications with state and local government authorities, the private sector, and the public. To accomplish the assigned task, the DHS is implementing the Homeland Security Information Network (HSIN). The HSIN is a secure, unclassified, Internet-based communications system. It serves as the primary DHS nation-wide information sharing and collaboration network. HSIN users can access information on incidents, to include mapping and imagery products that provide for enhanced situational awareness, as well as analytical products and instant messaging capabilities. Nevertheless, reliance on an Internet-based system has inherent vulnerabilities.

The 2006 Post Katrina Emergency Reform Act directed the DHS National Operations Center to establish a COP to provide situational awareness to federal, state, and local authorities in the event of terrorist incidents or natural disasters. The HSIN serves as the platform for the COP. The DHS activated a first generation COP in 2006 and is currently developing “COP 2.0,” which will make use of geospatial information products and federated search engines as well as data visualization and analysis from multiple sources. The COP 2.0 is intended to allow movement of information between classified and unclassified networks. However, the development of COP 2.0 has been slowed by the need to establish common usage protocols and other agreements between multiple user communities.

The National Guard Bureau and U.S. Northern Command both use and share information via the HSIN system, but their participation is hindered by information classification and assurance issues, user authentication, and other concerns. The COP 2.0 project may provide for a civil-military common operational picture, but its completion is not likely until years in the future.

The Advisory Panel strongly supports on-going efforts by DHS, DoD, and other agencies to work with authorities nationwide in the development of new applications to promote multi-agency communications and situational awareness during domestic emergencies. However, civil-military coordination for emergency response is currently hampered by the lack of a COP that response organizations can fully contribute to and use.

Recommendation: That the Secretary of Homeland Security, with support from the Secretary of Defense:

1) Direct new efforts to develop completely the HSIN and COP, to enable timely civil-military coordination for CBRNE response operations; and

2) Study and report on the implications of relying on the Internet for vital communications during an emergency and whether back-up capabilities are sufficient to support response operations in the event of a large-scale CBRNE event.
CIVIL SUPPORT TEAMS

Finding: The number and composition of National Guard Civil Support Teams seems adequate, but their effectiveness would benefit from minor changes, and the current and future FYDPs do not support necessary modernization to sustain them.

Discussion:
The Panel was specifically directed to make recommendations on:
1. “Whether there should be any additional Weapons of Mass Destruction (WMD) Civil Support Teams (CST), beyond the 55 already authorized and, if so, how many additional Civil Support Teams, and where they should be located.”
2. “What criteria and considerations are appropriate to determine whether additional Civil Support Teams are needed and, if so, where they should be located.”

In review of the Department of Defense stationing criteria used in the location of the Civil Support Teams, the Panel noted the criteria that a CST must be available for mutual support and response based on a radius of 250 miles and a response time of five hours. An analysis to ensure complete coverage of the land area of the United States’ most populated areas was undertaken based on threat analysis-based criteria. As a result, the Panel concludes that the current 55 certified CST locations and the two (2) new (as yet uncertified) CSTs in NY and FL covers this criteria adequately, with some risks accepted in western Texas in FEMA Region VI.

The current criteria reflect the best available threat analyses as well as the recent development, however ad hoc, of CBRNE skill sets within DoD. The authorization of 57 CSTs at their currently planned locations seems adequate. However, these teams are facing a very high operational tempo and also respond frequently to requirements for civil support (particularly to first responders), often across state lines of authority. This high demand on CST team members is made more difficult by the fact that 35% of CST positions are “one deep” in specialized skills sets with no ability to train replacements quickly. Augmenting these teams with no fewer than six additional personnel would improve each team’s ability to meet mission requirements of continuous operations for a minimum of 72 hours. These additional personnel need not be Active Guard Reserve (AGR) forces, but could be traditional inactive duty service members who are trained and assigned as well as available to perform relevant duties when augmentation is required. This would greatly improve support for extended operations, would allow for Soldiers/Airmen to attend required professional education without degrading unit capabilities, and would enhance retention of specialized CST personnel. This augmentation must not be at the expense of removing critical authorizations from existing force structure; it must be supported by an increase in personnel authorizations.

There are funding shortfalls for adequate equipment modernization and sustainment of critical elements within the CSTs. The effectiveness and utility of the critical equipment

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1 Since that time, the name of the teams has been shortened to “Civil Support Teams,” and the number of teams nationwide has increased to 57.
assigned to the CSTs are dependent upon two pacing items in particular (the Unified Command Suite and the Analytic Laboratory System), and this equipment is aging. These systems require sustainment, repairs and replacement of outdated equipment to continue to provide capability to support the civilian first responder community. If this equipment continues to degrade, the CSTs capability to communicate, assess the situation and advise first responders will erode.

Recommendations:

1) That the Secretary of Defense authorize an augmentation of not fewer than six additional personnel to each Civil Support Team and not authorize more Civil Support Teams nor change their locations at this time.

2) That the Secretary of Defense ensure adequate funding is projected in current and future FYDPs to support modernization of CST equipment.

3) That the Secretary of Defense require the Chief, National Guard Bureau, to report on this capability shortfall and recommend the required funding to support adequate CST modernization and sustainment.
DETERMINING REQUIREMENTS FOR CBRNE RESPONSE

Finding: The nation has not defined with sufficient clarity what assets will be required to respond to CBRNE events.

Discussion:
Unless otherwise directed by the President, DoD is never the lead federal agency when providing civil support. Although DoD is considered to be a “resource of last resort” in responding to disasters, it also possesses many capabilities that could be useful in response operations, and coordinating military and civilian planning efforts has become increasingly important. Large hurdles in this coordination are the lack of identified requirements for particular response scenarios and the lack of a complete accounting of the capabilities state, local, tribal, or federal civilian agencies can supply. Because such requirements are a foundation for traditional military planning, planning for defense support to support civilian authorities (DSCA) is both challenging and unique.

DoD planning efforts are not sufficiently informed by information regarding requirements and capabilities. The majority of DoD’s recent planning has been for responses to large events, particularly CBRNE events, based on the assumption that those are cases in which DoD support will most likely be requested.

Because DoD’s role is to provide capabilities when the civilian sector is overwhelmed or does not have those capabilities, deliberate planning for DSCA would benefit if it knew what civilian capabilities exist.

In a 2006 DHS appropriations bill, the Congress directed that DHS accelerate development of a “Federal Response Capabilities Inventory,” previously required in amendments to the Stafford Act, including “a list of organizations and functions within the Department of Defense that may be used.” DHS started this work but has not finished.

Recommendation: That the President direct DHS’s timely completion of the capabilities inventory to include explicit definition of requirements and capabilities necessary to respond to CBRNE incidents, based on the current or updated National Planning Scenarios.
DOD GUIDANCE FOR DSCA

FINDING: DoD guidance for all forms of Defense Support of Civil Authorities is fragmented, incomplete, and outdated.

DISCUSSION: There are at least seven key DoD Directives (DoDD) that relate to DSCA. Only one is dated later than 2000. A critical one is dated 1986. Importantly, civil authorities who may seek support from DoD will likely have to search multiple directives to determine what conditions may apply in a specific case. Placing all DSCA authorities, conditions, and restrictions in one comprehensive directive—as Joint Publication 3-28, Civil Support attempts to do—will help avoid confusion, and potential overlap or contradictions. The panel is aware that DoDD 3025.dd is in final coordination and is expected to be published in a few months. But that directive has been in coordination for five years and only consolidates two of the seven key directives.

RECOMMENDATION: That the Secretary of Defense immediately consolidate all directives dealing with Defense Support of Civil Authorities into a single source document.
Finding: There is no central federal repository to capture data and lessons from emergency and disaster response operations that includes Defense Support of Civil Authorities (DSCA).

Discussion: DoD has been involved in myriad DSCA missions. Future response efforts should be informed by past operations. The Panel sought to analyze historical instances in which the military supported civil authorities to respond to both natural and man-made disasters; a recent study examined 18 such cases. However, comprehensive, authoritative data on DSCA missions do not appear to be available. There is, for example, a significant lack of consolidated data about Title 10, Title 32, and State Active Duty deployments for DSCA. The lack of standardized data on historical DSCA events highlights the need for a comprehensive federal repository to collect and store information on emergency and disaster response, including those events that may inform CBRNE response efforts. The development of a DSCA database, as a part of a larger federal repository, would lay the foundation for improving DoD’s ability to estimate requirements for future DSCA planning and response.

If proper authorities are going to estimate the requirements for disaster response and use those estimates to develop federal and state response strategies, they will need data about capabilities (the types and amounts) that have been previously provided or will likely be requested for a wide range of actual disasters.

Recommendations:
1) That the Secretary of Defense establish a central DoD repository for deployment data on DSCA operations, including natural and manmade events. The repository should include all data on the original request for DoD support, military units and personnel deployed, details of their operations, logistical and transportation support, command and control, funding, and lessons.

2) That the President or the Congress mandate the establishment of a standardized central federal repository for data on all federal response activities for natural and manmade emergencies and disasters, of which the DoD repository will be an integral part.
PRIORITY OF THE DSCA MISSION IN FORCE GENERATION

Finding: While the Quadrennial Defense Review of 2010 (QDR) identifies homeland security as a significant mission, there is inadequate provision for Defense Support of Civil Authorities (DSCA) in the force generation cycle.

Discussion: The QDR emphasizes the need for the DOD to rebalance its policy, doctrine, and capabilities to better support six key missions, one of which includes homeland defense and DSCA. The Panel is, however, not reassured that DoD is placing sufficient emphasis on budget and planning priorities on DSCA missions, especially for CBRNE support. DoD must have the ability for force generation for and execution of DSCA missions, notwithstanding its other commitments.

Currently the Army has for each brigade-sized element a standardized mission essential task list (METL) that guides its collective training. Nearly all of these METLs include some tasks that are relevant to civil support operations. Given actual time constraints, no unit can realistically prepare for all of its METL tasks in a three- or four-year training cycle. It is generally up to the unit commander, in consultation with his or her higher headquarters, to determine which tasks are currently most important and for which ones to accept training risk. For example, it is current Army policy that active component units with less then 18 months of dwell time and reserve component units with less then 36 months of dwell time focus on the essential tasks required for the mission environment to which they will most likely deploy, which does not normally include DSCA missions.

DoD should take several steps that will increase its flexibility to balance potential homeland defense and DSCA requirements with ongoing and enduring overseas commitments.

Recommendations: That the Secretary of Defense:

1) Clarify the roles and missions required for response to a CBRNE event and elevate the importance of this mission to be equal to warfighting;
2) Specifically include DSCA as a mission equal to other missions in the force generation cycle, including all aspects of doctrine, organization, training, materiel, leadership and education, and personnel and facilities (DOTMLPF);
INTEGRATED PLANNING

FINDING: There is currently no comprehensive national integrated planning system to respond to either natural or man-made disasters, including CBRNE events. No such planning system exists that encompasses all Federal entities and also includes a process for considering State plans in that process. Moreover, there is not sufficient capacity at most levels of government to do effective planning for CBRNE incidents. Furthermore, planning among Federal agencies is fragmented and nonstandard, and there does not appear to be a formal process by which State plans can inform Federal planning and vice versa.

DISCUSSION: Annex 1 to HSPD-8, (Subject: National Preparedness, December 17, 2003), directed the establishment of a national integrated planning system (IPS). The IPS is not currently operational. HSPD-8 was issued during the previous presidential administration, but it has since not been reaffirmed, amended, or superseded (it continues to be available on the DHS website as of May 26, 2010). That directive required:
- A national planning doctrine and planning guidance, instruction, and process to ensure consistent planning across the Federal Government;
- A mechanism that provides for concept development to identify and analyze the mission and potential courses of action;
- A process that allows for plan refinement and proper execution to reflect developments in risk, capabilities, or policies, as well as to incorporate lessons learned from exercises and actual events;
- A process that links regional, State, local, and tribal plans, planning cycles, and processes and allows these plans to inform the development of Federal plans;
- A process for fostering vertical and horizontal integration of Federal, State, local, and tribal plans that allows for State, local, and tribal capability assessments to feed into Federal plans; and
- A guide for all-hazards planning, with comprehensive, practical guidance and instruction on fundamental planning principles that can be used at Federal, State, local, and tribal levels to assist the planning process.

RECOMMENDATION: That the President direct the establishment of an integrated planning system such as the one directed by HSPD-8 Annex 1 that promotes coordinated planning among the private sector; local, state, and federal government entities; and international partners. Integrated planning must include international organizations and allied governments in the event of a large-scale event that requires foreign assistance.
INTERAGENCY TASK FORCE

FINDING: There is currently no standing interagency organization that can direct the operational response to a major CBRNE incident in the homeland.

DISCUSSION: As part of pre-incident planning and coordination, an organization that can quickly and effectively translate national-level decisionmaking for a CBRNE incident into operational and tactical actions is imperative. The United States has had success with a joint interagency task force structure to defend against and respond to specific threats such as drug trafficking and other transnational crime. Joint Interagency Task Force (JIATF)-South, located in Key West, has a long history of success in drug interdiction, for example. The organization is comprised of DoD personnel as well as representatives from every major federal intelligence and law enforcement agency as a full-time part of its leadership. Funding for JIATF-South is provided by the member organizations.

Likewise, JIATF-West has had notable success in counterdrug and other transnational crime operations, and includes not only U.S. Federal agencies but also representation from two allied nations.

Despite having a nominal commander, the JIATF structure is not intended to supplant normal command and control of agency assets. It is simply a proven method as a coordination center for gaining unity of effort in multi-agency operations. A JIATF-CBRNE should have civilian leadership that could rotate among participating federal departments.

A JIATF for CBRNE could include representation from various elements of the Departments of Homeland Security, Defense, Justice, Energy, Health and Human Services, Agriculture, and potentially other federal organizations with related functions designated in the National Response Framework. Existing Department of Defense organizations that could be associated with such a JIATF include Joint Task Force-North and Joint Task Force-Civil Support.

The establishment of such an organization is not an additional layer of bureaucracy—there currently is no standing, operationally-oriented entity that performs these functions in an on-going, coordinated fashion. It is also not intended to supplant the structures and processes described in the NRF, nor the National Operations Center at DHS. In most cases, in the event of a significant CBRNE event, the JIATF-CBRNE leader could be appointed as the Principal Federal Official (PFO), and the JIATF-CBRNE staff could serve as the core staff of the designated Joint Operations Center (JOC) for the event.

A JIATF-CBRNE should be focused only on CBRNE responses and not employed for other catastrophes except under extreme circumstances and as directed by the President, in order to maintain a CBRNE response leadership capability even when other catastrophes occur, especially because naturally-occurring catastrophes may present an
opportune time for enemies of the U.S. to launch attacks in the homeland. Moreover, the response functions and responsibilities for natural disaster as reasonably well known and, for the most part, successfully executed under existing structures.

As a standing organization, a JIATF-CBRNE should serve as a focal point for interagency planning and exercising in preparation to respond to a CBRNE event. For example, recent planning efforts of the Task Force for Emergency Response (TFER), funded by FEMA but soon to expire, could be continued through a JIATF-CBRNE, and a JIATF-CBRNE could be responsible for coordinating national preparedness exercises. By coordinating interagency planning efforts as is the goal of the outgoing TFER program, a JIATF-CBRNE would support and encourage improved planning in state, local and tribal emergency management agencies, and would promote improved interagency communication prior to incidents.

The Panel believes that this organization can be established by agreement of participating federal organization, and that legislation and separate budget authority is not required.

RECOMMENDATION: That the Secretaries of Homeland Security and Defense establish, by a memorandum of agreement, a Joint Interagency Task Force focused on chemical, biological, radiological, nuclear and conventional high-explosive risks and that they seek participation and support from all federal agencies with CBRNE-related functions under the National Response Framework.
NEW CONSTRUCTS

FINDING: In the past, DoD has taken an *ad hoc* approach to defense support to civil authorities (DSCA). Since the establishment of U.S. Northern Command and a renewed emphasis on the DSCA mission, DoD has created plans and units specifically designed for DSCA, but it is unclear how this approach might best meet the Nation’s needs for CBNRE response.

DISCUSSION: Given the current and evolving structures, authorities, and policies, DoD capabilities are not considered to be available for “first response” — other than the immediate response authority for installation commanders to support local authorities. While DoD capabilities are included in the national response framework as a “resource of last resort,” the actual availability of DoD assets to respond to a CBRNE event are currently uncertain, as DoD is primarily engaged in major operations elsewhere in the world. DoD has made efforts to address the DSCA mission more directly than in the past but has dedicated or allocated relatively few fully trained forces to that mission. Given the lack of details about what might be required from DoD to respond to a CBRNE crisis, DoD has focused on presumed catastrophic events in its planning and force structuring to respond in a DSCA role. Moreover, DoD generally is not empowered to deal directly with States, to understand better the capabilities required for response to a major disaster, especially for CBRNE, and to conduct directly the comprehensive planning that is required for such events.

RECOMMENDATION: That the Secretary of Defense/the Congress consider whether a new national construct is required for response to a domestic CBRNE event. That analysis should include a range of options from the creation of new civilian organizations that relieve DoD of this responsibility to expanding DoD statutory authorities, for it to be organized and empowered to engage in CBRNE missions in a more robust way, including direct interaction with states for planning and response. Any future DoD involvement for a CBRNE response will require detailed requirements- and capabilities-based planning based on nation-wide information about what those requirements might be.
PRIVATE SECTOR AND INTERNATIONAL ASSISTANCE

FINDING: Capabilities may be available from the private sector and from other nations and international organizations to respond to CBRNE events. Currently, there is neither a comprehensive process to identify capabilities that could be brought to bear in a major disaster in the United States, nor an existing planning process through which pre-incident coordination and communication can take place.

DISCUSSION: The lessons learned from Hurricane Katrina clearly establish the importance of the private sector in the immediate aftermath of a major disaster. Although there are existing programs for dealing with critical infrastructure protection, little has been done to integrate fully the private sector into national response planning and execution. Given the fact that the private sector owns and controls approximately 85 percent of the telecommunications and information management technology, there involvement in all stages of planning and response is critical. Moreover, major national retailers and manufacturers have important resources that should be brought to bear in any major disaster. For a major CBRNE event—especially a nuclear attack—assistance from international organizations and allied governments almost certainly will be required. International military-to-military planning and coordination should be an integral part of any comprehensive process.

RECOMMENDATION: That the President direct specific initiatives through which the Departments of Homeland Security, State, and Defense—working in concert—significantly improve planning and coordination with appropriate elements of the private sector and international organizations and allies for assistance in response to a major CBRNE incident.
EMPLOYMENT OF TITLE 10 RESERVE COMPONENT

Finding: The Title 10 reserve component includes assets that might be valuable for CBRNE planning and response, but these assets are unavailable except under extreme circumstances (i.e. for certain defined terrorism incidents).

Discussion: CBRNE events may not be related to terrorism in some cases (e.g., pandemic flu, nation-state attack, major industrial accidents); in other cases, the cause of the event may not be clear. By law, Title 10 Reserve Component forces are prohibited from involuntary mobilization for conducting domestic operations except those involving a "weapon of mass destruction" or catastrophic terrorism. Involuntary mobilization is expressly prohibited for providing assistance to other Federal entities or to States for natural disasters and major accidents. For example, Title 10 reserves would not currently be available to assist in a response to a major influenza pandemic. However, Title 10 reserve units might be closer to an affected area than Title 10 units or National Guard units from other states, and the Title 10 reserves, particularly the Army Reserve, have a significant number of the types of units DoD is most often asked to provide to civil support missions.

Recommendations:
1. That the Secretary of Defense direct reserve component commands to coordinate with states to identify Title 10 reserve component assets that may be beneficial in responding to the full range of CBRNE event—natural and manmade—and report these findings to the Congress.

2. That Congress expand statutory authority for planning and employment of Title 10 reserve component assets for any CBRNE incident, whether a result of terrorism or other causes.
FORCES FOR DSCA (formerly Domestic Force Deployments)

FINDING: Sufficient forces have not been identified for DSCA and domestic military deployments generally do not occur in accordance with the comprehensive processes used for overseas deployments, resulting in poor visibility of responding units and their corresponding capabilities.

DISCUSSION: For major military deployments outside the United States, an early step in force generation and provision is the development of Time-Phased Force Deployment Data (TPFDD)—a supported commander’s requirements document for forces. TPFDDs establish the type of units required for specific missions as part of a theater of operation campaign plan. They do not designate specific units by number—only type. When units are actually provided and committed to a supported commander’s mission, a TPFDD becomes a Time-Phased Force Deployment List (TPFDL), with notional dates for departure from home station and arrival in theater.

USNORTHCOM currently has few units actually assigned, allocated or apportioned for missions in its area of operations. In conjunction with concerns we express elsewhere in chapters dealing with operational planning and training and exercises, we believe that insufficient forces have been allocated or apportioned to USNORTHCOM, especially for potentially catastrophic CBRNE incidents. Even with the advent of the new National Guard Homeland Response Forces (HRFs), given the potential magnitude of a catastrophic CBRNE event, general purpose Title 10 forces that may be required for DSCA for such an event should be identified by type for each potential scenario.

RECOMMENDATION:

1) That the Secretary of Defense direct that the Joint Staff and USNORTHCOM develop TPFDDs for domestic military deployments based on specific CBRNE DSCA response scenarios.

2) That the Secretary of Defense allocate or apportion additional Title 10 forces to USNORTHCOM for CBRNE response.
CBRNE PROFESSIONALS

Finding: There is a lack of a sustainable pool of military personnel trained for the CBRNE response mission.

Discussion: Because defense support of civil authorities (DSCA) in general, and CBRNE response in particular, is not a high-priority DoD mission, there is no career development path for service members, including officers, to specialize in this field. This situation exists even as a few units have a dedicated DSCA-CBRNE mission (e.g., CBIRF and CCMRF). As a result, service members who gain experience in DSCA-CBRNE are usually later assigned to other military units, leaving DSCA-dedicated units to continuously train new personnel for the DSCA-CBRNE role. The Panel learned, for example, that Marines assigned to the CBIRF were trained extensively for DSCA-CBRNE tasks, usually at the expense of the CBIRF itself, and they then served a short tour before returning to other USMC occupations, never to return to the CBIRF.

Recommendation: That the Secretary of Defense establish a career path for enlisted personnel, non-commissioned officers, and commissioned officers in DSCA-CBRNE. This should include the establishment of additional skill identifiers for qualified non-commissioned officers and commissioned officers, and this career path should be considered competitive with other career paths in each military service.

MOVED TO TRAINING CHAPTER
REVAMPING THE DEFENSE COORDINATING ELEMENT STRUCTURE

Finding: The Defense Coordinating Officer (DCO)/Defense Coordinating Element (DCE) is not sufficiently expandable to respond to major disasters.

Discussion: The DCO is the single point of contact for DoD support to civil authorities at an incident site. DCOs are assigned to each Federal Emergency Management Agency (FEMA) region to plan, coordinate, and integrate federal military support with local, state, and other federal agencies. The DCO typically has a staff, the DCE, to facilitate coordination with other agencies. During peacetime the DCO/E builds relationships with civil and military emergency response entities and individuals, and is each FEMA region’s subject matter expert on DoD resources for DSCA. The DCO/E participates in the development of state emergency response plans and exercises in the region. When an incident occurs, the DCO/E serves as a liaison between the Federal Coordinating Officer and other federal military organizations. The DCO/E determines the best military resources for a given mission and is the single point of contact for validating requests for military support from state and federal civil agencies. The DCO/E provides situational awareness of the incident to other defense agencies, including U.S. Northern Command (NORTHCOM). For small-scale events, the DCO can command federal military forces. For more complex incidents requiring a higher level of DoD resources, DoD may elect to establish a Joint Task Force (JTF) to command DoD response assets, and the newly established Homeland Response Forces (HRF) could play such a role. There is, however, no standard JTF-DCO relationship and it is unclear how the DCO/E will be involved with HRF operations.

The Advisory Panel does not believe the existing DCO/E structure can scale up sufficiently to manage a large-scale emergency incident—especially for CBRNE—on its own. Moreover, there is no clear guidance as to when and how a DCO/E should be transferred to another command during an unfolding emergency. Such a hand off could be especially difficult if, simultaneously, state military forces are moved to Title 10 status and placed under that command as well. Moreover, DCOs are typically military officers who rotate out of the position after a relatively brief period. That relatively brief tenure might prevent them from acquiring a detailed understanding of state emergency planning throughout the FEMA regions in which they serve. Such understanding is vital to NORTHCOM and other DoD agencies that need to anticipate potential demand for military forces during a crisis. Finally, it is not clear that the existing DCO/E structure is capable of providing the level of emergency planning assistance that could benefit a number of states.

The DCO/E’s planning and coordination function could be taken over by a National Guard element such as the HRFs in each FEMA region. That could provide for more stable, long-term relationships with civil agencies in the FEMA region, both before and during an event.

Recommendation: That the Secretary of Defense restructure DCO/E elements to ensure that they can scale up and command forces for response to catastrophic events. The Secretary should either place DCO/E elements under control of HRFs (with the establishment of appropriate federal-state command and control arrangements) or take other action to ensure their close coordination.
RESOURCING THE NATIONAL GUARD HOMELAND RESPONSE FORCE

Finding: The Homeland Response Force (HRF) structure provides a regional approach that has been recommended in the past, but the resourcing scheme has yet to be determined and the allocation of HRF assets among and between states is unclear, particularly for multi-state events.

Discussion: The DoD 2010 Quadrennial Defense Review (QDR) calls for a change to the nation’s military structure for CBRNE and other incident response. The guidance in the QDR directed the DoD to field CBRNE response forces capable of more rapid deployment and with enhanced lifesaving capabilities. As a result, the existing CBRNE Consequence Management Response Force (CCMRF) apportioned to USNORTHCOM will be enlarged and reconfigured to more rapidly deploy elements to an incident site. Two additional CCMRFs will be reconfigured to act as command and control elements for follow-on active duty military forces. Additionally, the National Guard will field ten new HRFs (two in 2011, the remainder in 2012), each comprising approximately 560 personnel and stationed in each of the 10 FEMA regions. HRFs will be required to commence deployment within six hours of an order and will typically be under state control, but the command and control relationships among states are not yet clear. HRF key tasks include brigade and battalion level command and control, incident site security, search and extraction, decontamination, and medical triage. HRFs will be assisting civil-military planning and coordination within their assigned FEMA region, but the relationship between HRFs and the Defense Coordinating Officer/Element (DCO/E) is not yet clear.

Critical issues remain to be resolved regarding the HRF concept. HRFs are not dedicated to homeland missions; thus, they could be deployed abroad. Whether they should focus on CBRNE response or expand their mission to include natural disasters has not been determined, and the related processes for training and equipping the new HRFs have not been finalized. Perhaps most important, it is not clear how the units will be resourced and employed. Multiple states could fund and contribute forces to the HRF in their associated FEMA region, or funding and control could fall to a single state in a region. Similarly, questions have been raised as to whether a governor controlling a HRF (if this is in fact the command arrangement) would allow deployment of the unit during a period of heightened threat in which his or her own state might be attacked while the HRF is employed elsewhere—especially during threats or crises involving multiple CBRNE attacks spanning a large area of the United States. It is not clear that the Emergency Management Assistance Compact (EMAC) structure is the appropriate model for HRF employment.

Recommendation: That the Secretary of Defense, in coordination with the Council of Governors:

1) Develop agreements for multi-state resourcing of each HRF unit.
2) Clearly define the process by which the HRFs will be trained, equipped, and employed.
3) Determine how HRFs and DCO/Es will coordinate to best support response planning and execution.
CHAPTER XX—TRAINING, EXERCISING, AND PROFESSIONAL DEVELOPMENT

TRAINING AND EXERCISING

Training Authority and Requirements

FINDINGS
1. There is a lack of authority to ensure that forces with a CBRNE response mission are consistently and properly trained.

2. Training that does exist for CBRNE response is inconsistent, fragmented, and lacks standards.

DISCUSSION
Although Defense Support of Civil Authorities (DSCA) is a significant priority in the latest Quadrennial Defense Review, there is no systematic process to ensure forces that could be given a DSCA mission are trained appropriately. USNORTHCOM does not have training authority over the units that may eventually be deployed under its command. In addition, the rotational cycle for active-duty units leaves little time for DSCA training, because it is not an assigned mission for most military units. There is currently no specific training requirement for the DSCA mission, with the exception of the USMC CBIRF, and a leadership-oriented validation of units rotationally assigned for potential duty as part of the CCMRF. Instead, the rotational approach (e.g., ARFORGEN for the Army) assumes that all units in the process are always trained and prepared to provide support to civil authorities. There are no DSCA-specific tasks in the mission essential task lists (METL) for active units. There are important gaps in this approach, including a lack of required training in crowd control and the use of non-lethal weapons, for example.

Units that are allocated for the DSCA mission have no training requirements to perform the mission. Instead, the Panel has learned that DSCA-related training occurs only as an non-binding agreement between the designated commander (e.g., Joint Task Force-Civil Support) and the allocated units.

RECOMMENDATIONS
1. That the Secretary of Defense direct a single entity (i.e., USNORTHCOM) as training authority for forces with a designated CBRNE response mission.

2. That the Secretary of Defense develop a joint mission essential task list for forces with a designated or potential CBRNE response mission, including but not limited to general purpose forces, CCMRF, CBIRF, CERFP, CST, and HRF.

Training Resources
FINDINGS
1. There is a lack of suitable facilities for CBRNE response training.
2. The current/future FYDPs do not support adequate funding to execute the level of exercises and training events to support the mission requirements of USNORTHCOM and its subordinate organizations.

DISCUSSION
There are very few suitable training facilities for CBRNE response missions. Currently, the facilities at Camp Gruber, Oklahoma, Muscatatuck, Indiana, and the West Virginia “Tunnel” site provide suitable venues for training in urban rescue, for example, requiring CBRNE-related units to expend considerable travel funds to train there. Other relevant training sites are designed for low-level collective and specialized individual training but not for necessary large unit training.

USNORTHCOM is funded to conduct only four exercises per year. This funding appears inadequate to evaluate and conduct sustainment training for CBRNE specialized units and critical support units that are designated as DOD CBRNE response elements. The four scheduled exercises per year support only a small percentage of these forces. Fully Mission Capable (FMC) units must be trained and evaluated to ensure their effectiveness and readiness for critical CBRNE response missions. Similarly, ARNORTH training support required to teach and train units in collective and specialized individual training sets appears to be inadequately funded to support the level of critical readiness levels required.

RECOMMENDATIONS
1. That the Secretary of Defense identify and resource multiple regional training centers for CBRNE response training. Ideally, one training center should be resourced for each FEMA region, in order to support training for each of the planned HRFs.
2. That the Secretary of Defense require the Commander, USNORTHCOM, and the Chief, National Guard Bureau report the required level of funding necessary to train and verify forces with a designated CBRNE response mission for inclusion in the FYDP.

Leadership Training and Professional Development

FINDINGS
1. The level of training for military and civilian leaders in response planning and operations seems inadequate.

2. There is a lack of a sustainable pool of military personnel trained for the CBRNE response mission.

DISCUSSION
Civilian and military leaders have suggested improving training opportunities to promote better understanding of federal and military response strategies, plans and operations. All leaders should be proficient with the National Response Framework and National Information Management System, but few military leaders have been trained specifically for DSCA, and the level of understanding of response planning and operations varies among governors. The nation may experience a large turnover of governors in the near future. The National Governors Association has in the past offered a seminar for governors on response, including the role of DSCA, this is not currently a continuing program.

Despite the recent pronouncements in the QDR, because DSCA in general, and CBRNE response in particular, have not been high-priority DoD missions, there is no career development path for service members, including officers, to specialize in this field. This situation exists even as a few units have a dedicated DSCA-CBRNE mission (e.g., CBIRF and CCMRF). As a result, service members who gain experience in DSCA-CBRNE are usually later assigned to other military units, leaving DSCA-dedicated units to continuously train new personnel for the DSCA-CBRNE role. The Panel learned, for example, that Marines assigned to the CBIRF were trained extensively for DSCA-CBRNE tasks, usually at the expense of the CBIRF itself, and they then served a short tour before returning to other USMC occupations, never to return to the CBIRF.

RECOMMENDATIONS
1. That the Secretary of Defense require that senior commanders, deputy commanders/executive officers, and staff officers attend the DoD’s DSCA course and are proficient with the National Response Framework and National Information Management System.

2. That the Secretary of Defense require the inclusion of DSCA-related instruction in the Officer Education Systems of all military services.

3. That the Secretaries of Homeland Security and Defense offer seminar-based training on response planning and operations, to include the role of DSCA, to all governors on a recurring basis.

4. That the Secretary of Defense establish a career path for enlisted personnel, non-commissioned officers, and commissioned officers in DSCA-CBRNE. This should include the establishment of additional skill identifiers for qualified non-commissioned officers and commissioned officers, and this career path should be considered competitive with other career paths in each military service.

Exercising Among DoD and Other Federal Agencies

FINDINGS
1. The amount and quality of exercises involving DoD and DOJ for specific CBRNE-related events seems inadequate.
2. Exercises involving the interagency Federal Radiological Monitoring and Assessment Center could be expanded.

**DISCUSSION**

Two specific training shortfalls were discovered during Panel proceedings. First, there seems to be a lack of quality operational exercises between DOJ and DoD that practice and evaluate plans to address specific statutes involving those departments directly and relating to the Insurrection Act and specific CBRNE statues, including chemical and biological emergencies and prohibited transactions involving nuclear materials.

Second, the Federal Radiological Monitoring and Assessment Center (FRMAC), a federal interagency asset, is available to assist federal, local, and state authorities in response to a nuclear or radiological incident. While the FRMAC conducts training and exercises with CSTs, it is not routinely included in exercises with other DoD CBRNE response assets, such as the CCMRF.

**RECOMMENDATIONS**

1. That the Secretary of Defense and the Attorney General require and fund operational exercises to evaluate interagency planning for and conduct of activities called for under statutes in which their departments play a key role, including the Insurrection Act and CBRNE-related statutes.

2. That the Secretaries of Energy, Homeland Security, and Defense evaluate the need for additional exercises among their departments and the FRMAC and fund such exercises, with involvement of relevant departments (DOJ, DHHS, EPA).

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http://nnsa.energy.gov/ourmission/emergencyoperationscounterterrorism/respondingtoemergencies/consequence management/federal
PLAN SHARING FOR CBRNE RESPONSE

Finding: Federal and state agencies responsible for CBRNE response efforts are not making a sustained and comprehensive effort to share all hazards response plans. Sharing plans is essential for the development of coordinated federal, state, and local responses to emergencies, especially CBRNE incidents.

Discussion: Response plans are essential to describe requirements and the application of resources during response activities. It is imperative for a coordinated national response that response plans be shared among all federal, state and local response entities.

State and local governments need to develop detailed disaster response plans, including plans for maintaining governance. Governance can be disrupted during an emergency. On September 11, 2001, for example, New York City’s emergency management command center was destroyed when the World Trade Center collapsed. This experience was cited by the National Governors Association when it recommended that every state develop continuity of government (COG) plans to ensure that governments can continue to provide essential leadership and services in any emergency and in circumstances when government personnel and infrastructure are unavailable.

Federal officials informed the Panel that some states have been reluctant to share their response plans, as requested, with the Department of Defense (DoD), U.S. Northern Command, and the National Guard Bureau (NGB). They also advised the Panel that a number of states have not planned sufficiently for continuity of government during an emergency. The NGB in particular has launched an initiative to that is one attempt develop, coordinate, exercise, and evaluate states plans on a more consistent basis. But that effort and others are only addressing parts of the problem.

The Council of Governors’ co-chairs confirmed that some states have been unwilling to share their emergency response plans with federal military organizations, in part because they have found that federal military organizations do not reciprocate and share relevant federal plans with state authorities.¹

State planning for emergency response is uneven in quality across the country. States that routinely experience natural disasters generally have more advanced capability for disaster response planning. The Panel is concerned that few states have planned sufficiently for a large-scale CBRNE incident or coordinated their planning for such incidents with other states in their region and with the federal government.

Sharing of plans should also occur among federal government agencies and from the federal government to states. Plan sharing has sometimes been hampered by classification issues. The refusal to share federal military plans with states based on classification establishes an environment in which mutual planning is severely restricted.

¹ Discussions of relevant planning issues are recorded in the draft transcript of the Panel’s June 2010 meeting at pages 7, 8, 14, 22, 35.
The Panel has elsewhere recommended that the President establish an integrated planning system that promotes coordinated planning at all levels of government. However, such as system cannot succeed unless federal and state emergency response agencies, including military organizations, share their response plans.

RECOMMENDATIONS:

1. That the president explicitly require, in his forthcoming directive on national planning for domestic emergencies, that response plans be shared across federal agencies, and that he require states to share their plans with other states and the federal government as a condition of future related federal assistance. The presidential directive should define standards for quality response plans.

2. That governors direct their emergency management agencies to share all response plans, to include COG plans, with federal civil and military agencies.

3. That governors develop COG plans with sufficient detail to ensure the provision of state leadership and essential services during an emergency, to include large-scale CBRNE incidents.

4. That the President direct DHS to coordinate with governors to establish a formal process by which state plans are shared with and inform federal planning and vice versa, and that the President direct the establishment within DHS of a repository for federal and state response plans, to be updated annually.

5. That the President direct DHS and DoD to continue efforts -- such as the Task Force for Emergency Readiness -- to bolster states’ response planning efforts by making available military capabilities in preparedness planning, and that the Congress fund such efforts.

6. That the Secretary of Defense direct that existing DoD domestic response plans be declassified and future plans be unclassified to the maximum extent feasible.
DoD AUTHORITIES FOR CBRNE SUPPORT

Finding: The authorities for the Department of Defense to support civil authorities during a CBRNE event are generally adequate, but are not widely known and are frequently misunderstood.

Discussion: The panel examined numerous statutory provisions that have application for DoD civil support, especially those for a CBRNE event. Among the key provisions are:

- Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S. Code Sections 5121 et seq.)
- The Insurrection Act (10 U.S. Code, Sections 331 through 334)
- Defense Support to Law Enforcement Agencies (10 U.S. Code, Sections 371 et seq.)
- Chemical and biological incidents (10 U.S. Code, Section 382)
- Nuclear incidents (18 U.S. Code, Section 831)
- Public Health Emergencies (42 U.S. Code, Section 247d and related provisions)
- Federal Quarantine Authority (42 U.S. Code, Section 264)
- The “Posse Comitatus Act” (18 U.S. Code, Section 1385)

Virtually without exception, each person with whom the authorities issues were raised—within DoD, with other federal agencies, and with State and local representatives—agreed that existing authorities for DSCA are robust and no major new authority is required. Most agree that one exception is modifying existing statutory authority to allow the President to mobilize involuntarily elements of the Federal Reserve Components for broader employment than currently authorized. The Panel has addressed that issue elsewhere. Many also agreed that it would also be prudent to include biological incidents in the list of other types included in the major disaster provisions of the Stafford Act.

Likewise—virtually without exception—many suggest that existing authority is not well understood and may be confusing, even to some military leaders. Although the Domestic Law Operations Handbook for Judge Advocates is a step in the right direction, it is designed for legal practitioners, not the broader audience who may have interests in the subject. What is required is clear and concise explanation of the authorities—and the conditions and restrictions that apply to each—that may be used both within the military as well as civilian officials at all levels of government.

Elsewhere in this report, the Panel has recommended including authorities in professional military education, as well as developing or improving and exercising plans for the their implementation. The Panel has likewise addressed elsewhere the need to revise and consolidate many DoD directives and instructions that implement authorities for civil support.

RECOMMENDATIONS:
1. That the Secretary of Defense develop a handbook for DoD support of civil authorities that explains in comprehensive detail—using scenarios as examples—how DoD capabilities may be legally employed nationwide for support of civil authorities for CBRNE incidents.

2. That the Congress amend the Stafford Act to include explicitly biological incidents in the provisions dealing with federal support for major disasters.
The 20th Support Command (Chemical, Biological, Radiological, Nuclear and high-yield Explosives or CBRNE) is the United States Army's Chemical, Biological, Nuclear, Radiological and high-yield explosives headquarters.

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Command Overview

The 20th Support Command (CBRNE—Chemical, Biological, Radiological, Nuclear and Explosives), also called CBRNE Command, was activated 16 Oct. 2004, by U.S. Army Forces Command to provide specialized CBRNE response in support of military operations and civil authorities.

The U.S. Army Forces analyzed threats facing the US in both domestic and international contexts, and argued for the need to realign and expand the Army's CBRNE assets and capabilities. The CBRNE Command consolidates its unique assets under a single operational headquarters located in the Edgewood Area of Aberdeen Proving Ground, Maryland.

CBRNE operations detect, identify, assess, render-safe, dismantle, transfer, and dispose of unexploded ordnance, improvised explosive devices and other CBRNE hazards. These operations also include decontaminating personnel and property exposed to CBRNE materials during response.

By consolidating these assets under one headquarters, the Army has more effective command and control of its specialized CBRNE elements. This alignment also eliminates operational redundancies and allows more efficient management and employment of these unique—but limited—resources.

The 20th SUPCOM (CBRNE) gives the Army and the nation a scalable response capability with the flexibility to operate in a variety of environments, from urban areas to austere sites across the spectrum of military operations. Subordinate elements include the 48th Chemical Brigade, the 52d Ordnance Group (Explosive Ordnance Disposal), the 71st Ordnance Group (EOD) and the CBRNE Analytical and Remediation Activity, known as CARA. These organizations support Combatant Commands and the Homeland in operations and contingencies throughout the world. At any time, 20 percent of the command is deployed in support of Operation Enduring Freedom in Afghanistan.

When called upon, the command may deploy and serve as a headquarters for the Joint Task Force for Elimination of Weapons of Mass Destruction (JTF-E), as directed by the 2006 Quadrennial Defense Review.

The CBRNE Command leverages sanctuary reach back, linking subject matter experts in America's defense, scientific and technological communities with deployed elements and first responders.

When fully operational, the command will possess a deployable chemical and biological analytical capability to provide timely, accurate analysis of unknown samples and a near real-time chemical-/biological- monitoring platform. This minimizes risk to on-scene personnel and affords leaders timely information to issue guidance and make decisions.

Subordinate units
- 52nd Ordnance Group (EOD), Fort Campbell
- 71st Ordnance Group (EOD), Fort Carson
- 48th Chemical Brigade, Fort Hood
- CBRNE Analytical and Remediation Activity (CARA)
- US Army National Guard 111th Ordnance Group (EOD) (under Training Readiness Authority of 20th Support Command)
History

On 16 October 2004 the 20th Support Command (CBRNE) was activated at Aberdeen Proving Ground, Md., as a major subordinate command under US Army Forces Command with the mission of providing an operational headquarters to command and control Army CBRNE operations and serve as the primary Army force provider of specialized CBRNE capabilities.

Assigned to the new headquarters were the 52d EOD Group and its five EOD battalions, and the 22d Chemical Battalion (Technical Escort), formerly known as the Technical Escort Unit. In June 2005, the 71st EOD Group was activated at Fort Carson, Colo. By June 2006, three new EOD battalions were assigned to the 71st EOD Group and the 110th Chemical Battalion (TE) was activated at Ft. Lewis, Wash.

The publishing of the 2006 Quadrennial Defense Review required further alterations to the 20th Support Command’s structure, organization, manning and equipment in order to meet its new requirement to stand-up and serve as the headquarters for the Joint Task Force for Elimination of WMD (JTF-E).

In May 2007, the establishment of the CBRNE Analytical and Remediation Activity (CARA) with four remediation response teams, multiple mobile exploitation laboratories, and an aviation section, marked a key milestone in the Command’s ability to provide the Army with the full spectrum of specialized CBRNE forces and capabilities.

In September 2007, the final major organizational piece was completed when the 48th Chemical Brigade was activated and assumed command of three Chemical Battalions and the two Chemical Technical Escort Battalions.

In addition to the Command’s organic assets the 20th SUPCOM (CBRNE) has Training Readiness Authority over the USAR’s 111th EOD Group and in 2008 the Command assumed operational control of the USAR Consequence Management Unit and administrative control of the 1st and 9th Area Medical Laboratories.

The CBRNE Command also executes command and control of six WMD-Coordination Elements that deploy to augment combatant commanders or lead federal agencies with their significant CBRNE and combating-WMD expertise and communications assets. The Command’s two Nuclear Disablement Teams provide the final piece of the puzzle and the Command’s ability to execute full-spectrum counter-CBRNE and combating-WMD operations at home and abroad.

In 2008, elements of the Command deployed in support of Operation Iraqi Freedom for sensitive missions leveraging the unique capabilities of this command. The CBRNE Command has deployed over 20 units and headquarters per year in support of OIF and OEF for counter-IED operations, and CBRN force protection, exploitation, and elimination operations and at any time more than 20 percent of the Command is deployed abroad in support of OIF and OEF.

The command maintains a robust rapid response force for threats in the homeland, and routinely supports the President, other dignitaries, and national special security events. The command now stands with two EOD Groups, one Chemical Brigade, 12 Battalions, more than 65 Companies, and one direct reporting activity. The 20th SUPCOM (CBRNE) continues to transform to meet current and future challenges at home and abroad.

“Liberty We Defend”

Commanders

1. BG Walter L. Davis (October 2004 – August 2005)
2. BG Kevin R. Wendel (September 2005 – June 2008)
3. BG Jeffrey J. Snow (June 2008 – May 2010)
4. MG Leslie C. Smith (July 2010 – May 2013)
5. BG JB Burton (May 2013 - present)

Deputy Commanders

1. COL Gene King
2. COL Paul Plemmons
3. COL Raymond Van Pelt
4. COL Thomas Langowski
5. COL Kyle Nordmeyer

Command Sergeants Major
CSM Marvin Womack, Sr., 2005 to 2009
CSM Ronald E. Orosz, 2009 to 2011
CSM David Puig, 2012–present

See also
- Bioterrorism

References

External links
- 20th Support Command (CBRNE) Home Page (http://www.cbrne.army.mil/) – Official Site
- News on the 20th annual competition (http://www.cbrneworld.com/news/20th_support_command_news/)
- CBRNE response team from 20th CBRN deal with washed up munitions (http://www.cbrneworld.com/news/leaking_chemical_weapon_amongst_the_clams/)

Further reading
- Ben Sheppard, 'Chemical reactions,' Jane's Defence Weekly, 4 February 2009, p. 28–31

Categories: Support Commands of the United States Army