



# Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions

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*Critical Mismatch:  
The Dangerous Gap Between Rhetoric and Readiness  
In DOD's Civil Support Missions*

*The Honorable Paul McHale*

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# Critical Mismatch: The Dangerous Gap Between Rhetoric and Readiness In DOD's Civil Support Missions

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## Abstract

*A domestic asymmetric attack employing chemical, biological, radiological, nuclear, and high explosive (CBRNE) weapons would likely produce a large number of U.S. casualties. U.S. Northern Command—the command responsible for responding to such an attack—is not operationally prepared to address this foreseeable threat. The flawed policies embodied in the 2010 Quadrennial Defense Review have left Northern Command with inadequate capacity: an insufficient number of personnel, without the necessary training, possessing very limited operational readiness. While the states have adequate forces to respond to a mid-range CBRNE event, the President lacks sufficient federal forces to respond to a complex catastrophe. Congress, the Administration, and the Department of Defense should act promptly to fill these critical gaps.*

*[C]yber threats and WMD remain major shortfalls. In too many other cases, DOD preparedness falls woefully short. Combatant commanders, especially U. S. Northern Command, have made many of these capability requirements known, but priorities within the Department have placed resources elsewhere.*

—Defense Science Board<sup>1</sup>

Created in the immediate aftermath of 9/11, U.S. Northern Command (NORTHCOM) is charged with responsibility for overall military defense of the U.S. homeland and defense support of civil authorities (DSCA). Yet 10 years after it was established, NORTHCOM still lacks many of the critical capabilities needed to carry out its DSCA missions. In a recent conversation with the author of this paper, a former Deputy Secretary of Defense asked a

blunt question: “Does NORTHCOM really bring any value added to our country’s security?” This monograph was written in response to that question.

On September 11, 2001, no single military commander was assigned the responsibility for overall defense of the U.S. homeland. Air defenses were assigned to North American Aerospace Defense Command (NORAD). The maritime approaches were under the de facto authority of the Chief of Naval Operations. Land-based military capabilities were oriented toward very specific mission sets: force protection, counternarcotics, civil disturbance, and—when requested by a governor and approved by the President—civil support. While substantial capability to defend against chemical, biological, radiological, nuclear, and high explosive (CBRNE) weapons

existed within the total force of the Department of Defense (DOD), the assets specifically identified for domestic employment—albeit limited in their size and operational capability—were principally allocated to Joint Task Force Civil Support (JTF-CS).<sup>2</sup> Operational command and control of these various capabilities was splintered and ineffective.

As NORTHCOM completes its first decade of existence, the hard questions necessarily arise: Does NORTHCOM have the capacity to deliver support to civil authorities in response to natural disasters and CBRNE attacks in a manner consistent with the rhetoric of the department’s own strategy and, more importantly, consistent with the reasonable expectations of the American people? Are sufficient forces available to NORTHCOM? Are they properly trained? Are they

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properly equipped? Can they be rapidly deployed?

These questions are not only valid, they are vital to U.S. security. Regrettably, the reality is that recent initiatives by the Obama Administration have seriously undermined NORTHCOM's ability to respond to the CBRNE threats it was created to combat. As a result, the continuing proliferation of CBRNE technology—combined with policy-driven cuts in NORTHCOM's response capabilities—have rendered the U.S. homeland dangerously vulnerable to catastrophic attack.

This paper describes in some detail the evolution of U.S. consequence management capabilities over the past decade. The accompanying analysis highlights a number of hard truths: a domestic asymmetric attack employing CBRNE weapons would likely produce a large number of U.S. casualties. These casualties would likely require immediate medical care in a severely degraded

physical environment. State and local response capabilities would likely be overwhelmed. Governors of affected states would almost certainly request federal assistance. The President would declare a major disaster under the Stafford Act. The Department of Homeland Security (DHS) would call for DOD support, but in the absence of substantial changes in current defense policy, NORTHCOM would not be ready to respond.

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Any effort to strengthen NORTHCOM's force structure will require respect for five key characteristics: The Department of Defense

must ensure that future Title 10 response forces are:

1. Considered national assets,
2. Under presidential command and control,
3. Assigned to NORTHCOM,
4. Subject to the Posse Comitatus Act, and
5. Trained and equipped with sufficient mass and capability.

In short, NORTHCOM needs the right people, in sufficient numbers, properly trained, with the necessary equipment, ready to rapidly execute operational plans. Unless the policy errors hereafter highlighted in the 2010 Quadrennial Defense Review are promptly rectified, future leaders will be left with a critical gap between NORTHCOM's missions and its capabilities to fulfill them.

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1. Defense Science Board, *Unconventional Operational Concepts and the Homeland*, U.S. Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, March 2009, p. v, <http://www.acq.osd.mil/dsb/reports/ADA498404.pdf> (accessed July 27, 2012).

2. Lieutenant Colonel Patrick A. Barnett, ed., *Domestic Operational Law Handbook for Judge Advocates* (Charlottesville, NC: U.S. Army Center for Law and Military Operations, 2009), [http://www.loc.gov/rr/frd/Military\\_Law/pdf/domestic-law-handbook-2009.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/domestic-law-handbook-2009.pdf) (accessed July 17, 2012). See also *ibid.*, p. 46, note 27.

## 9/11 and the Defense of the U.S. Homeland

### Defense Support of Civil Authorities: The Historic Context

The Department of Defense's civil support mission—now known as Defense Support of Civil Authorities (DSCA)—has a long and colorful history. At the President's direction or in immediate response to a local emergency, active-duty military forces have executed a wide range of domestic missions throughout U.S. history: disaster relief operations, firefighting, restoration of civil order, military assistance to special events, border security operations, and support to civilian law enforcement, to name but a few. U.S. Marines once guarded the mail.<sup>3</sup> These DSCA missions have been authorized and defined by a diverse array of specific statutes and directives.<sup>4</sup>

### Standing Up NORTHCOM: The Modern Era

Immediately prior to 9/11, the DSCA mission had evolved into a responsibility assigned almost exclusively to the U.S. Army. As a result, whenever the Federal Emergency Management Agency

(FEMA) or another civilian agency requested military assistance and the President (usually under the Stafford Act) approved the request, the Department of the Army would process and execute DOD response.<sup>5</sup> Under these circumstances, the Army's Director of Military Support served as the focal point for coordination. The Secretary of the Army then served as the executive agent for the Secretary of Defense and in that capacity had directive authority.

Prior to September 11, 2001, domestic military missions frequently lacked adequate coordination among the uniformed services, were ad hoc and poorly resourced, and were generally executed in a manner inconsistent with the jointness required by the 1986 Goldwater-Nichols Act. In the case of DSCA, senior DOD officials recognized that this approach was inadequate to address the foreseeable and substantial threats likely to emerge in a post-9/11 environment.

In April 2002, in direct response to the September 11th attack, the department created a new geographic combatant command: the

U.S. Northern Command.<sup>6</sup> Within its geographic area of responsibility (the 48 continental U.S. states, Alaska, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Canada, and Mexico), NORTHCOM's assigned responsibilities fall into two broad categories:

- **Homeland defense** is the protection of U.S. sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President. DOD is the lead federal agency responsible for homeland defense—and in that context, homeland defense is essentially warfighting.<sup>7</sup> The department's authority to conduct these missions is derived from the President's power as Commander in Chief under Article II of the Constitution.<sup>8</sup> In the exercise of this constitutional authority, NORTHCOM's warfighting role is substantially similar to that of the other geographic combatant commands.<sup>9</sup>

3. J. Robert Moskin, *The U.S. Marine Corps Story* (New York: McGraw-Hill, 1982).

4. Barnett, *Domestic Operational Law Handbook for Judge Advocates*. DOD defines DSCA as "[s]upport provided by U.S. Federal military forces, DoD civilians, DoD contract personnel, DoD Component assets, and National Guard forces (when the Secretary of Defense, in coordination with the Governors of the affected States, elects and requests to use those forces in title 32, U.S.C., status) in response to requests for assistance from civil authorities for domestic emergencies, law enforcement support, and other domestic activities, or from qualifying entities for special events." U.S. Department of Defense, Directive 3025.18, December 29, 2010, <http://www.dtic.mil/whs/directives/corres/pdf/302518p.pdf> (accessed July 27, 2012).

5. Robert T. Stafford Disaster Relief and Emergency Act (Stafford Act), 42 U.S. Code § 5121, *et. seq.*, as amended, and William O. Jenkins Jr., "Emergency Management: Actions to Implement Select Provisions of the Post-Katrina Emergency Management Reform Act," testimony before the Subcommittee on Emergency Communications, Preparedness and Response, Committee on Homeland Security, U.S. House of Representatives, March 17, 2009, p. 6, note 7, <http://www.gao.gov/new.items/d09433t.pdf> (accessed July 17, 2012).

6. U.S. Government Accountability Office, *Homeland Defense: DOD Can Enhance Efforts to Identify Capabilities to Support Civil Authorities During Disasters*, GAO-10-386, March 2010, esp. p. 1, notes 1 and 2, <http://www.gao.gov/assets/310/302659.pdf> (accessed July 17, 2012).

7. U.S. Department of Defense, *Strategy for Homeland Defense and Civil Support*, June 2005, <http://www.defense.gov/news/jun2005/d20050630homeland.pdf> (accessed July 17, 2012).

8. U.S. Constitution, Art. II, Section 2.

9. U.S. Department of Defense, *Strategy for Homeland Defense*.

■ **Defense support of civil authorities** is DOD support, including federal military forces, the department's career civilian and contractor personnel, and DOD agency and component assets, for domestic emergencies and for designated law enforcement and other activities. The department provides defense support of civil authorities when directed by the President or Secretary of Defense.<sup>10</sup> These missions rarely involve the use of force. Indeed, the most common scenario leading to a DSCA mission involves a major natural disaster within a particular state jurisdiction; a request from that state's governor asking the President to declare a "major disaster" under the provisions of the Stafford Act; approval of such a declaration by the President; and a subsequent request for DOD assistance from the lead federal agency, likely DHS operating through its subordinate agency, FEMA.<sup>11</sup> When executing a DSCA mission, DOD forces are in a supporting role to the lead federal agency.<sup>12</sup>

### **An Evolving Combatant Command**

While NORTHCOM's creation was in direct response to the traumatic events of September 11th, a number of factors heavily influenced its task organization. Chief among these was a core principle of American history: that the military should play a very limited role within U.S. borders. Indeed, in *The*

*Federalist* No. 8, Alexander Hamilton captured this concern with clarity:

There is a wide difference, also, between military establishments in a country seldom exposed by its situation to internal invasions, and in one which is often subject to them.... These armies being in the first case, rarely, if at all, called into activity for interior defense, the people are in no danger of being broken to military subordination.... [T]he civil state remains in full vigor.... [Citizens] neither love nor fear the soldiery....

In a country in the predicament last described, the contrary of all this happens. The perpetual menacings of danger oblige the government to be always prepared to repel it; its armies must be numerous enough for instant defense. The continual necessity for their services enhances the importance of the soldier, and proportionably degrades the condition of the citizen. The military state becomes elevated above the civil.... [T]he people are brought to consider the soldiery not only as their protectors but as their superiors. The transition from this disposition to that of considering them masters is neither remote nor difficult.<sup>13</sup>

Hamilton's concern was that excessive dependence on the military for internal security could corrode the civilian institutions of government and ultimately the very concept

of civilian supremacy within a constitutional system of government. When NORTHCOM was created, Hamilton's voice could still be heard. As a result, NORTHCOM was established in 2002 as a command and control element—a headquarters—almost completely devoid of operating forces. By design, it was a hollow force with leaders, planners, and interagency liaison offices largely untethered to the forces needed to provide operational capability.

NORTHCOM's initial concept of operations—constrained by DOD policy—anticipated that the necessary operating forces, including critical lifesaving capabilities, would be assigned ("chopped") to NORTHCOM only in the aftermath of a major disaster. Until then, such forces would remain within their parent services. With sensitivity to Hamilton's *Federalist* No. 8 warning, DOD senior leadership initially determined that operational forces should not be "assigned" to NORTHCOM, but that the operating forces for an actual NORTHCOM deployment would be transferred to the command if and when needed and then only with minimal forces sufficient to augment exhausted civilian capabilities. In effect, the theory was to apply "just-in-time delivery" to a crisis environment.

The end result was a daunting challenge for NORTHCOM's early commanders. While NORTHCOM had a vitally important mission, it had few operational resources and only limited ability to influence the training, equipment, and mission readiness of those forces that might

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10. Ibid.

11. Headquarters of the Army, *Civil Support Operations*, FM 3-28, August 2010, [http://armypubs.army.mil/doctrine/DR\\_pubs/DR\\_a/pdf/fm3\\_28.pdf](http://armypubs.army.mil/doctrine/DR_pubs/DR_a/pdf/fm3_28.pdf) (accessed July 17, 2012), and Barnett, *Domestic Operational Law Handbook for Judge Advocates*.

12. Ibid.

13. Alexander Hamilton, *The Federalist* No. 8.

be assigned mid-crisis. NORTHCOM quickly became a case study in accountability without capability.

## DOD Resistance to the DSCA Mission

While the historic view that the military should play a very limited role within U.S. borders significantly influenced the decision not to assign forces to NORTHCOM, a second factor also came into play: an institutional aversion to the entire DSCA mission set. Many senior DOD leaders—civilian and uniformed military alike—believed that providing support to civilian authorities was a mission of secondary importance. Yes, it had to be done, but only if forces could be spared from more important overseas combat missions, and even then with remaining doubt that DOD should be doing it at all. This mindset was particularly dangerous because it was utterly sincere—it went to the very definition of what it means to be a warrior in defense of our nation. The emerging DSCA missions in the NORTHCOM portfolio simply did not fit the DOD warrior role model. At best, the proper resourcing of these DSCA mission sets was seen as a grudging necessity.

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**MANY SENIOR DOD LEADERS—  
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In its 2008 report, *Transforming the National Guard and Reserves into a 21st Century Operational Force*, the

Commission on the National Guard and Reserves rightly emphasized the need to overcome DOD's cultural resistance to domestic civil support missions:

Despite producing policy documents claiming that protecting the homeland is its most important function, the Department of Defense historically has not made civil support a priority. This shortcoming is especially glaring in the post-9/11, post-Hurricane Katrina environment. Ensuring that the homeland is secure should be the top priority of the government of the United States....

...Homeland security policies and plans depend on the Department of Defense to provide support to civil authorities.<sup>14</sup>

After calling for congressional action expressly clarifying DOD's duty to provide civil support, the commission further noted that Congress should:

1. Codify “the Department of Defense’s current responsibility, as defined in its *Strategy for Homeland Defense and Civil Support*. In other words, [the law] should state that DOD—including federal military forces, DOD career civilian and contractor personnel, and DOD agency and component assets—has the responsibility to provide support to the DHS and other agencies for domestic emergencies and for designated law enforcement and other activities.”

2. Declare that “responding to natural and man-made disasters in the homeland is a core competency of DOD that is equal in priority to its combat responsibilities.”
3. Clearly state “that in the event of a major catastrophe incapacitating civilian government over a wide geographic area, DOD can be expected to provide the bulk of the response.”<sup>15</sup>

Similarly, three years earlier, the 2005 *Strategy for Homeland Defense and Civil Support* attempted to overcome DOD's historic resistance to civil support missions by defining DSCA as an essential element of 21st-century American security stating:

At the high end of the threat spectrum, however, the 21st century environment has fundamentally altered the terms under which Department of Defense assets and capabilities might be called on for support. **The potential for multiple, simultaneous, CBRNE attacks on US territory is real.** It is therefore imperative that the Department of Defense be prepared to support civilian responders in responding to such mass casualty events.

Support to domestic authorities for consequence management is a core element of active, layered defense. The Department of Defense maintains considerable CBRNE recovery expertise and equipment. When directed by the President or the Secretary of Defense, DoD will employ

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14. Commission on the National Guard and Reserves, *Transforming the National Guard and Reserves into a 21st Century Operational Force*, July 31, 2008, p. 90 and note 13, [http://www.loc.gov/rr/frd/pdf-files/CNGR\\_final-report.pdf](http://www.loc.gov/rr/frd/pdf-files/CNGR_final-report.pdf) (accessed July 17, 2012).

15. *Ibid.*, pp. 91-92.



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these capabilities to assist the Secretary of Homeland Security, the principal Federal official for domestic incident management, or other domestic authorities. DoD must be prepared to support its interagency partners in responding to a range of CBRNE incidents, including multiple, simultaneous mass casualty attacks within the United States.<sup>16</sup>

Although the department paid rhetorical attention to homeland defense and domestic preparedness, senior DOD resistance to the DSCA mission continued to influence resourcing decisions for years to come. As a result, between 2002 and 2010, NORTHCOM's evolution of operational capability followed a steady—although sometimes inconsistent—trajectory. Better capabilities were routinely planned

for NORTHCOM, but sidebar discussions with senior leaders always revealed a dangerous departmental ambivalence. Fortunately, a very different attitude toward DSCA prevailed within the leadership of the National Guard.

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16. U.S. Department of Defense, *Strategy for Homeland Defense*, p. 19 (original emphasis).

## Initial DOD Efforts to Build Domestic Response Capabilities

### The National Guard and Support of Civil Authorities

The National Guard's consistent emphasis on the need to defend the U.S. homeland against asymmetric attacks using weapons of mass destruction (WMDs) sharply contrasted with many senior Defense Department officials—both civilian and uniformed military. As noted in the previous section, many DOD officials continued to view domestic security, including CBRNE consequence management, as a responsibility exclusively assigned to civilian law enforcement and the newly created Department of Homeland Security.<sup>17</sup> For these DOD officials, DSCA was a mission set in search of a departmental exit strategy. By contrast, the National Guard leadership saw homeland defense—including DSCA CBRNE consequence management—as an integrated element of 21st-century national security.

**WMD Civil Support Teams.** Motivated by committed and informed senior leadership, the National Guard began to create a tiered system of capabilities for CBRNE response. The National Guard's embrace of the CBRNE consequence management mission

began with the establishment of WMD Civil Support Teams (WMD-CSTs or CSTs)—a concept that had evolved out of an earlier proposal to create WMD response teams (WMD Raid Teams) within FEMA. However, it became apparent that the necessary manpower requirements would be difficult, if not impossible, to sustain within FEMA. As a result, in the late 1990s, the National Guard stepped forward. Working closely with congressional allies and largely bypassing DOD, the National Guard sought and received congressional authorization to establish 10 CSTs in 1999.<sup>18</sup>

A CST is essentially a CBRNE reconnaissance team with the capability to:

- Identify CBRNE agents,
- Assess the current and projected consequences of suspected and actual WMD events,
- Advise civilian responders regarding appropriate actions, and
- Assist with appropriate requests for assistance to expedite arrival of additional state and military

assets to help save lives, prevent human suffering, and mitigate great property damage.<sup>19</sup>

Composed of 22 highly trained, full-time members of the Army and Air National Guard, each CST is federally resourced, trained, and evaluated, but normally operates in Title 32 status under the command and control of the state governor.<sup>20</sup>

Congress authorized 17 additional CSTs in 2000, five more in 2001, and 23 more in 2005 for a total of 55 CSTs. Congress also mandated that each state and territory have at least one CST. (California established two.)<sup>21</sup> Two more were approved in 2012, one in New York and one in Florida.

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### THE NATIONAL GUARD LEADERSHIP SAW HOMELAND DEFENSE—INCLUDING DSCA CBRNE CONSEQUENCE MANAGEMENT—AS AN INTEGRATED ELEMENT OF 21ST-CENTURY NATIONAL SECURITY.

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Although senior DOD leadership firmly opposed congressional approval of each successive tranche

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17. For a statutory overview of DHS's core legal authorities, see the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135 (2002), as amended. See also Keith Gregory Logan and James D. Ramsay, *Introduction to Homeland Security* (Philadelphia: Westview Press, 2012).

18. U.S. Department of Defense, "Timeline for DOD Domestic Consequence Management Resources: CBRNE Response Capabilities," unpublished chronology of DOD CBRNE capability development, Office of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, 2007.

19. U.S. Department of Defense, "Timeline for DOD Domestic Consequence Management Resources." See also Barnett, *Domestic Operational Law Handbook for Judge Advocates*.

20. The National Guard can serve in any one of three statuses. The first is state active duty, in which they are under command and control of the state governor (through the state adjutant general) and are funded by the state. The second is Federal Title 10. In this status, they are under the command and control of the Department of Defense, funded by the Department of Defense, and equivalent to any active-duty component forces. The third of these is Federal Title 32. In this status, they are under the command and control of the governor, but are funded by the Department of Defense.

21. Ibid. See Headquarters of the Army, *Civil Support Operations*, p. 4-3. See also Barnett, *Domestic Operational Law Handbook for Judge Advocates*, p. 48, and National Guard Bureau, "National Guard Civil Support Team (CST)," <http://www.ng.mil/features/HomelandDefense/cst/index.html> (accessed July 19, 2012). For a summary overview of CST organization and operations, see Headquarters of the Army, *Civil Support Operations*, pp. C1-C3.

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of CSTs, the utility of the National Guard CST concept became clear when approximately a half dozen CSTs effectively responded to the contaminated debris associated with the 2002 crash of the Space Shuttle *Columbia*—debris that was spread across several states. By 2005, DOD opposition to CSTs and, more broadly, DSCA missions began to soften when Secretary of Defense Donald Rumsfeld voiced a deep concern that DOD and the entire federal inter-agency were not adequately prepared for a domestic catastrophic event, including a WMD attack.

**CBRNE Enhanced Response Force Packages.** Building on the CST concept, in 2004, Lieutenant General Steve Blum, Chief of the National Guard Bureau, proposed the creation of 17 CBRNE Enhanced Response Force Packages (CERFPs). The mission of a CERFP is to “respond to a CBRNE incident and assist local, state, and federal agencies in conducting consequence management by providing capabilities to conduct personnel decontamination, emergency medical services, and casualty search and extraction.”<sup>22</sup> Modeled on the U.S. Marine Corps’ Chemical Biological Incident Response Force (CBIRF) created in 1996—with training, equipment, and certification closely resembling CBIRF—each CERFP is designed to employ an embedded WMD-CST as well as medical, security, combat service support, chemical, engineering, and other assets to execute the following missions:

- Intelligence,
- Information operations,
- Communications,
- Critical infrastructure protection,
- Mass casualty operations,
- Operations in a CBRNE-contaminated environment,
- Maintaining and securing air and ground logistical routes,
- All seasons—all conditions capability, and
- Technical search and extraction.<sup>23</sup>

Organized into a Medical Team (45 personnel), Search and Extraction Team (50 personnel), and Decontamination Team (75 personnel), each CERFP has approximately 170–200 technically trained National Guard soldiers and airmen, drawn from existing units, normally in state status, but available for Title 32 duty or, under extraordinary circumstance, Title 10 (federal) employment.<sup>24</sup>

Lieutenant General Blum stated his vision quite clearly: the Marines’ CBIRF was a superb capability, but insufficient in numbers and equipment to rapidly respond throughout the entire nation. Furthermore, CBIRF, consistent with its original purpose, maintained a primary orientation toward the National Capitol

Region. The 17 National Guard CERFPs—with at least one CERFP located in each FEMA Region—could rapidly fill an identified gap in mid-range CBRNE response capability throughout the entire U.S. homeland.

Over time, these National Guard initiatives produced an integrated and effective system of response for mid-range CBRNE consequence management missions. Following a localized disaster, the governor of the affected state could rapidly deploy nearby National Guard CBRNE response personnel to technically assess the incident, determine the CBRNE contaminants, advise first responders, and inform follow-on forces. These units—CSTs and CERFPs—could also provide their own decontamination and immediate medical care. However, their capabilities were never structured or resourced to respond to the much greater operational demands of a complex multistate catastrophe. Moreover, in most circumstances, these National Guard units would be under the governor’s command and control and therefore would be unavailable to the President during events of national significance. For complex, multistate catastrophes, the President would inevitably be compelled to call on NORTHCOM.

**Early NORTHCOM Capabilities: CBRNE Response**

**“Three Plus Three.”** Early in 2003—shortly before the ground war began in Iraq—at a meeting with

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22. U.S. Department of Defense, “Timeline for DOD Domestic Consequence Management Resources.”

23. Ibid. See Headquarters of the Army, *Civil Support Operations*, p. 4-3. See National Guard Bureau, “CBRNE Enhanced Response Force Package (CERFP),” <http://www.ng.mil/features/HomelandDefense/cerfp/index.html> (accessed July 19, 2012), and U.S. Department of Defense, *CBRNE Enhanced Response Force Package (CERFP)*, unpublished fact sheet. For a summary overview of CERFP organization and responsibilities, see Headquarters of the Army, *Civil Support Operations*, pp. D1-D4.

24. Ibid.

the leadership of JTF-CS and its immediate parent command Joint Force Headquarters–Homeland Security (JFHQ-HLS), Lieutenant General Russ Honore, then commander of JFHQ-HLS,<sup>25</sup> was asked: “If we [the U.S.] are attacked by Iraqi Special Forces here at home—and if those attacks are near simultaneous and involve multiple locations—how many CBRNE events could NORTHCOM effectively handle?” Lieutenant General Honore asked for clarification of the question to better define the nature of the attacks, the types of CBRNE contaminants employed, and the overall magnitude of casualties. With that information, Lieutenant General Honore replied, “We are prepared to respond to one gold plate [high-end] event.” When asked why the command had not planned for multiple, near simultaneous events, his answer was succinct: “No one ever told us to.”<sup>26</sup>

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**OVER TIME, THESE NATIONAL GUARD INITIATIVES PRODUCED AN INTEGRATED AND EFFECTIVE SYSTEM OF RESPONSE FOR MID-RANGE CBRNE CONSEQUENCE MANAGEMENT MISSIONS.**

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During the next hour of discussion, Lieutenant General Honore and his staff worked through a number of potential scenarios and their operational implications. At the end

of the assessment, a tentative concept of operations began to emerge: if approved by the NORTHCOM commander, JFHQ-HLS would develop detailed plans for three near simultaneous, geographically dispersed CBRNE attacks and would begin to develop contingency plans for responding to up to three more attacks. At the Pentagon this planning approach was soon reduced to the summary phrase “three plus three,” and it provided the basic framework for DOD CBRNE consequence management planning for the next five years. When informed of the discussion a few days later, the Secretary of Defense gave his concurrence.

It is important to understand NORTHCOM’s 2003 CBRNE response capabilities in their historic context. Although DOD’s CBRNE response capabilities can legitimately trace their roots to the U.S. operational capabilities of the First and Second World Wars, the modern antecedent was the creation of the Army’s Technical Escort Units in 1957.<sup>27</sup> These remained the main CBRNE response force with no significant change until 1996 when Marine Corps Commandant General Charles Krulak sought and received congressional approval to establish CBIRF with the primary mission of defending against and responding to attacks on the U.S. Capitol building.<sup>28</sup> Even more significant, however, was the establishment of JTF-CS in 1999.<sup>29</sup> Both CBIRF and JTF-CS

would ultimately become core elements of NORTHCOM’s CBRNE response capability.

**Chemical Biological Incident Response Force.** Although at least one CBIRF response force has been historically tied to the U.S. Capitol building and its close proximity, CBIRF’s formal mission allows for worldwide deployment in response to a credible threat or actual CBRNE incident.

*CBIRF’s CBRNE consequence management capabilities include:*

- Agent detection and identification;
- Casualty search and rescue, including extraction;
- Personnel decontamination;
- Emergency medical care; and
- Stabilization of contaminated personnel.<sup>30</sup>

*CBIRF is composed of approximately 430 personnel, organized into:*

- CBIRF command element (4 personnel);
- Headquarters and service company (208 personnel);
- Reaction force company (170 personnel);
- Civilian contractors (16 personnel); and

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25. JFHQ-HLS was then one of NORTHCOM’s major subordinate commands. The command has since been terminated.

26. The author was present at this meeting.

27. U.S. Department of Defense, “Timeline for DOD Domestic Consequence Management Resources.”

28. Ibid. See generally, Corporal Clinton Firstbrook, “CBIRF Responds to Ricin Scare, Helps Secure Federal Buildings,” *Homeland Defense Journal*, Vol. 2, No. 2 (March 2004).

29. Ibid.

30. Ibid.

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- Marine Corps/Navy specialties (40 personnel).<sup>31</sup>

*CBIRF's Initial Response Force consists of 117 personnel, supported by 21 vehicles, with operational capabilities that include:*

- Detection and identification of CBRNE hazards;
- Rapid extraction, casualty extraction, and technical rescue;
- Decontamination of 65–70 non-ambulatory or 200–225 ambulatory casualties per hour;
- Medical triage/stabilization and medical regulation;
- Explosive ordinance (force protection);
- Command, control, communications, computers, and intelligence; and
- Logistics.<sup>32</sup>

*CBIRF's follow-on forces consist of 200 additional personnel, supported by 22 additional vehicles and equipment with the capability to decontaminate:*

- An additional 60–75 non-ambulatory casualties per hour or

- An additional 200–225 ambulatory casualties per hour.<sup>33</sup>

By the time NORTHCOM was established in 2002, CBIRF had been operationally effective for approximately five years. During that time it had routinely and successfully executed a series of CBRNE-related missions, primarily in the National Capitol Region, often in support of national special security events, such as the annual State of the Union address and presidential inaugurations. It had also established close working relationships with various civilian police departments—notably, the New York Police Department—including a formal commitment (memorandum of agreement) by CBIRF to “self-deploy” to New York in the event the NYPD requested CBRNE assistance.

As a result, at the time of NORTHCOM's creation, CBIRF had already established itself as an effective mid-range CBRNE response capability, with more than 400 highly trained, technically proficient, rapidly deployable personnel. Located at Indian Head, Maryland, CBIRF was well positioned to serve as the principal CBRNE overwatch for the National Capitol Region.<sup>34</sup>

**Joint Task Force Civil Support.** In 1999, just three years after Congress authorized CBIRF, JTF-CS was established.<sup>35</sup> Early in 2003, JTF-CS consisted of a command and

control element (approximately 160 assigned personnel) with authority over a deployable joint task force of approximately 2,700 personnel, commanded by a National Guard major general serving in active-duty federal status.<sup>36</sup> JTF-CS was created to plan and integrate DOD support to the designated lead federal agency (likely FEMA) for domestic CBRNE consequence management operations. When Lieutenant General Honore spoke of NORTHCOM's ability to respond to one “gold plate” CBRNE event in the spring of 2003, he almost certainly had JTF-CS in mind.

From 1999 to 2002, JTF-CS defined and improved its ability to serve essentially as the headquarters of an early-stage DOD CBRNE response. It built relationships with hundreds of municipalities throughout the U.S., requested data related to critical civilian infrastructure and local first responder capabilities, assessed vulnerabilities, developed CBRNE response plans, and supported the readiness of individual military units to deploy rapidly to CBRNE events. However, the operational units identified for inclusion in JTF-CS's task organization remained geographically dispersed throughout the nation. As a result, in the early years of its existence, the ability of the JTF-CS command element to link up rapidly with its subordinate units remained very

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31. Ibid.

32. Ibid.

33. Ibid.

34. Firstbrook, “CBIRF Responds.”

35. U.S. Department of Defense, “Timeline for DOD Domestic Consequence Management Resources.”

36. Ibid. See generally Master Sergeant Michael Eck, “Joint Task Force Civil Support: A National Asset,” *Marine Corps Gazette*, July 2007, pp. 21–24, <http://www.marinecorpsgazette-digital.com/marinecorpsgazette/200707?pg=23#pg23> (accessed July 17, 2012). See also Master Sergeant Michael Eck, “Joint Task Force Civil Support (JTF-CS): A National Asset,” Fort Leavenworth, *Center for Army Lessons Learned Newsletter* 10–16, December 2009, [http://usacac.army.mil/cac2/call/docs/10-16/ch\\_6.asp](http://usacac.army.mil/cac2/call/docs/10-16/ch_6.asp) (accessed July 17, 2012), and Barnett, *Domestic Operational Law Handbook for Judge Advocates*.

much in doubt. JTF-CS looked solid on paper. Its leaders were engaged and experienced. But could the entire JTF-CS enterprise with all of its subordinate elements rapidly and effectively deploy into a CBRNE hot zone? Because such a deployment of JTF-CS had never been tried, there was simply no proof of its deliverable CBRNE capability.

With the creation of NORTHCOM in 2002, both CBIRF (430 personnel) and JTF-CS (task organized to approximately 2,700 personnel) were identified for potential domestic employment by NORTHCOM, although not placed under NORTHCOM command. In the spring of 2003, as Lieutenant General Honore and NORTHCOM prepared for possible attacks by Iraqi Special Forces within the United States, the 2,700 personnel of JTF-CS formed the core of NORTHCOM's domestic CBRNE response capability. Indeed, in terms of rapidly deployable forces, JTF-CS was the only CBRNE capability specifically identified for domestic employment by NORTHCOM. To deal with the challenge of three or more nearly simultaneous, geographically dispersed CBRNE attacks within the United States ("three plus three"), additional CBRNE consequence management forces needed to be found.

By the beginning of 2005, DOD had identified only two rapidly

deployable reservoirs of CBRNE consequence management expertise: JTF-CS (by then, approximately 3,000 personnel when fully task organized) and CBIRF (approximately 430 personnel).<sup>37</sup> These two units combined were the core CBRNE capability available to NORTHCOM, and it was almost beyond dispute that they would be insufficient to respond to the "multiple, simultaneous mass casualty CBRNE attacks against the U.S. homeland" referenced in the June 2005 *Strategy for Homeland Defense and Civil Support*.

Accordingly, in July 2005, Secretary Rumsfeld directed that a DOD briefing be prepared for President George W. Bush that would highlight the nation's lack of preparedness for a catastrophic event. Initially titled "Gaps and Seams," the briefing was scheduled for August at the President's ranch in Texas, but at the request of DHS Secretary Michael Chertoff, who asked for additional time to review the briefing material, the presentation was tentatively postponed until the fall. On Monday, August 29, 2005, at 6:10 a.m., Hurricane Katrina made landfall along the Gulf Coast.<sup>38</sup>

### **Katrina: Complex Catastrophes Change the Operating Environment**

Hurricane Katrina was the most

destructive natural disaster in U.S. history.<sup>39</sup> Rated a Category 3 (almost a Category 4) hurricane when it made landfall, it generated winds of approximately 125 miles per hour.<sup>40</sup> Its storm surge reached a height of 28 feet in Hancock County, Mississippi, and was powerful enough to pick up a 13,000-ton oil rig platform from dry dock along the Mobile River in Alabama and move it upstream, against the river's natural current, until it struck a highway bridge and came to a violent stop.<sup>41</sup>

The sheer size of Hurricane Katrina's destructive footprint was similarly unprecedented. The hurricane ultimately affected nearly 93,000 square miles of U.S. territory—an area roughly the size of Great Britain.<sup>42</sup> When the 350-mile New Orleans levee system failed, approximately 80 percent of the city was flooded with six to 20 feet of water. In all, Hurricane Katrina caused at least \$125 billion in property damage—twice as much as Hurricanes Ike and Andrew combined—and killed more than 1,300 Gulf Coast residents.<sup>43</sup>

When it quickly became clear that civilian first responders would be overwhelmed by Hurricane Katrina's devastation, the Department of Defense initiated the largest, fastest DSCA mission in U.S. military history. In 10 days, 72,000 active-duty military, Reserve, and National Guard personnel deployed to the Gulf

37. U.S. Department of Defense, "Timeline for DOD Domestic Consequence Management Resources."

38. Richard Stengel, ed., *Nature's Extremes: Earthquakes, Tsunamis and the Other Natural Disasters That Shape Life on Earth* (New York: Time Books, 2011).

39. The White House, *The Federal Response to Hurricane Katrina: Lessons Learned*, February 2006, <http://georgewbush-whitehouse.archives.gov/reports/katrina-lessons-learned/> (accessed July 17, 2012). See also Peter Miller, "Nature's Fury," *National Geographic*, special issue, 2011.

40. Stengel, *Nature's Extremes*.

41. Miller, *Nature's Fury*, and Stengel, *Nature's Extremes*.

42. The White House, *Hurricane Katrina: Lessons Learned*.

43. Ibid. See also Miller, *Nature's Fury*.

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Coast to assist.<sup>44</sup> Consistent with the recently published *Strategy for Homeland Defense and Civil Support*, approximately 70 percent of the deployed force—over 50,000 military personnel—came from the National Guard.<sup>45</sup> The remaining 22,000 came from NORTHCOM, although that number included approximately 10,000 sailors aboard ships positioned off the Gulf Coast.<sup>46</sup>

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**A DSCA MISSION EXECUTED IN A TRULY CATASTROPHIC ENVIRONMENT REQUIRES LARGE NUMBERS OF WELL-TRAINED AND PROPERLY EQUIPPED MILITARY PERSONNEL.**

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Catastrophic disasters, regardless of origin, produce a physically degraded operating environment. Roads are buried or destroyed, bridges are dropped, homes and commercial buildings are severely damaged. Deaths and casualties are numerous, the injured are often buried in rubble, local hospitals are unable to function, and special-needs patients (the elderly, the very young, and the disabled) are trapped. First responders are often among the first casualties.

Highway systems are clogged, and transportation nodes (airports, train stations, and port facilities) may be inoperable. Under such circumstances, the demand for unique military capabilities is almost limitless, including helicopters, high-wheeled vehicles, transport planes, aerial observation platforms, communications equipment, mobile medical personnel and emergency treatment facilities, veterinary care, firefighting equipment, search and rescue capabilities, mortuary services, CBRNE assessment and decontamination, and local security.

A DSCA mission executed in a truly catastrophic environment requires large numbers of well-trained and properly equipped military personnel. In this regard, Hurricane Katrina should be seen not as an isolated event. It is a case study that is consistent with the experience of other modern nations dealing with major disasters. Japan's recent experience of using military forces for disaster response is similar. On March 11, 2011, when a 9.0 earthquake occurred 80 miles off the coast of Japan, the related tsunami caused substantial loss of life

and property damage, most notably at the Fukushima Nuclear Power Plant. By the end of March, Japanese officials reported 11,000 dead and 17,000 missing. Waves reached a height of 30 feet and 110,000 homes were destroyed. In Otsuchi, almost 1,000 of the town's 16,000 residents had died, including the mayor and eight other officials, and some 6,000 were left homeless.<sup>47</sup> Under these circumstances, it is not surprising that more than 100,000 Japanese Self-Defense Force troops provided the backbone of the country's emergency response.<sup>48</sup>

Hurricane Katrina did more than simply test DOD's DSCA capabilities. It also shifted the paradigm of thought on DSCA missions. When judged in the context of foreseeable catastrophic events that might realistically confront the United States, it was clear that many catastrophic scenarios—including both natural disasters and CBRNE attacks—could substantially exceed the magnitude of disaster caused by Katrina.<sup>49</sup>

In March 2006—seven months after Hurricane Katrina—the Homeland Security Council prepared and published the final

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44. U.S. Department of Defense, "Help at Home: Military Tackles Relief Efforts in Gulf Coast Region," *2005 Year in Review*, <http://osd.dtic.mil/home/features/2006/2005yearinreview/article3.html> (accessed July 20, 2012); Defense Science Board Task Force, "Deployment of Members of the National Guard and Reserve in the Global War on Terrorism," U.S. Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, September 2007, <http://www.acq.osd.mil/dsb/reports/ADA478163.pdf> (accessed July 17, 2012); and Paul McHale, statement before the Committee on Homeland Security and Governmental Affairs, U.S. Senate, February 9, 2006, [http://policy.defense.gov/hdasa/refdocs/ASDHD\\_%20Statement\\_SHSGAC%20\\_9%20Feb%2006.pdf](http://policy.defense.gov/hdasa/refdocs/ASDHD_%20Statement_SHSGAC%20_9%20Feb%2006.pdf) (accessed July 17, 2012). On a "focused reliance" upon Reserve Component forces for DSCA missions, see U.S. Department of Defense, *Strategy for Homeland Defense*. See generally U.S. Government Accountability Office, *Hurricane Katrina: Better Plans and Exercises Need to Guide the Military's Response to Catastrophic Natural Disasters*, GAO-06-643, May 2006, <http://www.gao.gov/assets/90/82271.pdf> (accessed July 17, 2012).

45. McHale, statement before the Committee on Homeland Security and Governmental Affairs.

46. *Ibid.*

47. Stengel, *Nature's Extremes*.

48. Yuki Tatsumi, "The Role of Japanese Self-Defense Forces in the Great Eastern Japan Earthquake," Stimson Center *Spotlight*, March 17, 2011, <http://www.stimson.org/spotlight/the-role-of-the-japan-self-defense-forces-in-the-great-eastern-japan-earthquake/> (accessed July 17, 2012). See also Associated Press, "Self-Defense Forces Play Major Role in Earthquake-Tsunami Relief," *Manila Bulletin*, April 1, 2011, <http://www.mb.com.ph/articles/312360/selfdefense-forces-play-major-role-earthquakesunamireliefhad> (accessed July 17, 2012).

49. Lynn E. Davis, "Force of First Resort: Katrina Offers Lessons for Improving the National Guard Response to Catastrophic Domestic Emergencies," *RAND Review*, Summer 2007, <http://www.rand.org/publications/randreview/issues/summer2007/katrina.html> (accessed July 17, 2012).

TABLE 1

## 15 National Disaster Scenarios

	Scenario	Casualties	Displaced
1.	Nuclear Detonation—10 Kiloton Improvised Nuclear Device	Hundreds of thousands	350,000
2.	Biological Attack—Aerosol Anthrax	13,000	35,000
3.	Biological Disease Outbreak—Pandemic Influenza	1-10 million	n/a
4.	Biological Attack—Plague	40,000	n/a
5.	Chemical Attack—Blister Agent	70,000	100,000
6.	Chemical Attack—Toxic Industrial Chemicals	1,350	10,000
7.	Chemical Attack—Nerve Agent	6,000	n/a
8.	Chemical Attack—Chlorine Tank Explosion	127,000	50,000
9.	Natural Disaster—Major Earthquake	19,400	250,000
10.	Natural Disaster—Major Hurricane	6,000	1,000,000
11.	Radiological Attack—Radiological Dispersal Devices	20,000	10,000
12.	Explosives Attack—Bombing Using IEDs	550	5,000
13.	Biological Attack—Food Contamination	1,150	n/a
14.	Biological Attack—Foot and Mouth Disease	n/a	n/a
15.	Cyber Attack	n/a	n/a

**Source:** U.S. Department of Homeland Security, *National Planning Scenarios*, March 2006, <http://info.publicintelligence.net/DHS%20-%20National%20Planning%20Scenarios%20March%202006.pdf> (accessed July 19, 2012).

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version of the *15 National Planning Scenarios*.<sup>50</sup> This document had been in preparation since November 2003.<sup>51</sup> Its objective was to identify “the minimum number of representative scenarios required to develop and test the range of required prevention, protection, response, and recovery resources.”<sup>52</sup> These scenarios represent the anticipated scope of foreseeable catastrophic disasters within the U.S.

As noted in the *Domestic Operational Law Handbook*, “Two of the scenarios represent natural disasters, major earthquake and major hurricane; a third highlights economic and social complications resulting from a cyber attack; the remaining 12 scenarios focus on chemical, biological, radiological, nuclear or high-yield explosive (CBRNE) incidents.”<sup>53</sup> The scenarios were published with notional casualty figures. (See Table 1.)<sup>54</sup>

At the time of its publication, an in-depth analysis accompanied each of the 15 scenarios.<sup>55</sup> From the low end of terrorist use of improvised explosive devices (IEDs) to the high end of a 10-kiloton nuclear detonation, civilian authorities would almost certainly request DSCA assistance from the Department of Defense. In most cases, the specific missions would be labor intensive (e.g., evacuation of

50. Barnett, *Domestic Operational Law Handbook for Judge Advocates*, p. 25. See also Federal Emergency Management Agency, “National Planning Scenarios,” [http://www.fema.gov/txt/media/factsheets/2009/npd\\_natl\\_plan\\_scenario.txt](http://www.fema.gov/txt/media/factsheets/2009/npd_natl_plan_scenario.txt) (accessed July 27, 2012).

51. Federal Emergency Management Agency, “National Planning Scenarios.”

52. *Ibid.*

53. Barnett, *Domestic Operational Law Handbook for Judge Advocates*, p. 25, note 33 (emphasis added).

54. U.S. Department of Homeland Security, *National Planning Scenarios*, March 2006, <http://info.publicintelligence.net/DHS%20-%20National%20Planning%20Scenarios%20March%202006.pdf> (accessed July 19, 2012).

55. Barnett, *Domestic Operational Law Handbook for Judge Advocates*, p. 25, note 33.



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general population and special-needs patients, search and rescue, casualty extraction, mass medical care, mass decontamination, food and water distribution, local security, wide area damage assessment, and mortuary recovery). In the majority of scenarios, the missions would be conducted in a CBRNE-contaminated environment. Moreover, deployment speed would be crucial to success, especially in cases requiring distribution of pharmaceuticals, vaccines, or mass decontamination.<sup>56</sup> Tens of thousands—perhaps more than 100,000—military personnel would need to begin the force flow not in days, weeks, or months, but within hours. The question then (and now) is whether sufficient DSCA forces would be trained and available for NORTHCOM deployment.

**DSCA Post-Katrina: Three CCMRFs and the Promise of NORTHCOM Capability**

During 2005–2008, Title 10 DSCA capabilities continued to evolve, albeit slowly. In the aftermath of Hurricane Katrina, NORTHCOM's combatant commanders attempted—with moderate success—to increase the DSCA capacity of the command. Nonetheless, the “three plus three” approach faced continuing opposition within the department, especially from senior uniformed

leadership. The war in Iraq was then in its most intense period, requiring a substantial draw on all available forces, including the National Guard. Although the situation in Afghanistan reflected a shaky status quo, it also required a significant ongoing commitment. With stress on the force already at high levels, leaders at the Pentagon had little appetite to supply additional manpower, training, or equipment for the DSCA missions.

Over time, however, the broad outline of NORTHCOM's operational capability began to emerge. Because of persistent Joint Staff opposition, the “plus three” portion of the original concept of operations was dropped, and although the ability to respond to three separate events remained, it was also subject to vigorous debate. The questions raised in opposition were endless and esoteric—more philosophical than practical. Why three events? Why not four? Or five? Where was the “actionable intelligence” to justify one number, when compared to another? In the end, the questions were simply bureaucratic roadblocks intended to slow an unwanted domestic mission.

**Defense Readiness Reporting System Assessment.** Fortunately, during this same period the Department of Defense was designing and implementing the Defense

Readiness Reporting System (DRRS). Even more fortunate, NORTHCOM DSCA readiness was selected as the first DRRS assessment topic. The DRRS was created by statute in 1999.<sup>57</sup> In that year, the National Defense Authorization Act directed the Secretary of Defense to:

[E]stablish a comprehensive readiness reporting system for the Department of Defense. The readiness reporting system shall measure in an objective, accurate, and timely manner the capability of the armed forces to carry out—

- (1) the National Security Strategy prescribed by the President...;
- (2) the defense planning guidance provided by the Secretary of Defense...; and
- (3) the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.<sup>58</sup>

DRRS, once implemented, would measure and report “on the readiness of military forces and the supporting infrastructure to meet missions and goals assigned by the Secretary of Defense.”<sup>59</sup>

Major General Paul Sullivan, an Air National Guard officer on the staff at NORTHCOM, was given the

56. U.S. Government Accountability Office, *Planning, Resourcing, and Training Issues Challenge DOD's Response to Domestic Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive Incidents*, GAO-10-123, October 7, 2009, <http://www.gao.gov/products/GAO-10-123> (accessed July 17, 2012). See also Captain Jeffrey W. Timby, “Medical Operations in a Contaminated Environment: Medical Effects of Ionizing Radiation Scientific Update,” presentation in the Scientific Medical Effects of Ionizing Radiation Course, Armed Forces Radiobiology Research Institute, July 28, 2008, <http://www.usuhs.mil/afri/outreach/pdf/sci-update-Timby-July08.pdf> (accessed July 17, 2012). See generally National Center for Disaster Medicine and Public Health, *Report on the Domestic Natural Disaster Health Workforce*, November 30, 2011, [http://ncdmph.usuhs.edu/Site\\_n/Documents/Workforce2011/WorkforceProject2011-B.pdf](http://ncdmph.usuhs.edu/Site_n/Documents/Workforce2011/WorkforceProject2011-B.pdf) (accessed July 17, 2012).

57. 10 U.S. Code § 117 (added by Public Law 105–261, § 373(a)(1), October 17, 1998, and as amended by Public Law 106–65, § 361(d)(2), October 5, 1999). See generally Laura J. Junor, “The Defense Readiness Reporting System: A New Tool for Force Management,” *Joint Forces Quarterly*, No. 39 (2005), <http://www.dtic.mil/dtic/tr/fulltext/u2/a479857.pdf> (accessed July 17, 2012). See also U.S. Government Accountability Office, *New Reporting System Is Intended to Address Long-Standing Problems, but Better Planning Is Needed*, GAO-03-45, March 28, 2003, <http://www.gao.gov/products/GAO-03-456> (accessed July 17, 2012).

58. 10 U.S. Code § 117(a).

59. U.S. Department of Defense, “Department of Defense Readiness Reporting System (DRRS),” Directive No. 7730.65, June 3, 2002, <http://www.dtic.mil/whs/directives/corres/pdf/773065p.pdf> (accessed July 17, 2012).

assignment to brief Deputy Secretary of Defense Gordon England on the DRRS assessment of NORTHCOM's readiness, with an emphasis on DSCA and CBRNE response.<sup>60</sup> Major General Sullivan's classified briefing proved to be a watershed event.

In a Pentagon conference room, Major General Sullivan methodically presented the assessment's findings to the senior leadership of the department, led by Deputy Secretary England. In mission area after mission area, he noted significant challenges to NORTHCOM's civil support capability. DRRS had done its job—showing that NORTHCOM clearly was not ready to provide timely, capable, or sufficient forces to respond to a domestic catastrophic event. The assessment was worse when factoring in the operational requirements associated with a response to multiple, nearly simultaneous, geographically dispersed CBRNE attacks. In the context of the 15 national planning scenarios—or other events of similar magnitude—DRRS made it clear that a lack of training, equipment, and personnel would severely limit NORTHCOM. Deputy Secretary England was obviously sobered by what he heard.

At the conclusion of Major General Sullivan's briefing, vigorous discussion ensued around the conference table. The Pentagon's institutional resistance to the DSCA mission set, noted earlier, was once again

a dominant presence. Moreover, it was recognized that any corrective action would fall most heavily on the Department of the Army—an organization already under great manpower stress because of the ongoing conflicts in Iraq and Afghanistan. Providing additional forces for potential NORTHCOM employment was not an attractive option from the perspective of senior Army leadership. After many of the old arguments had been debated at some length, Deputy Secretary England broke the logjam: the logic of DRRS was irrefutable. In an area of critical domestic security, NORTHCOM could not at that time competently deliver the necessary, life-saving capabilities because the existing JTF-CS capacity simply was not enough. Deputy Secretary England, therefore, directed the Joint Staff to develop a solution.

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**DRRS MADE IT CLEAR THAT A LACK OF TRAINING, EQUIPMENT, AND PERSONNEL WOULD SEVERELY LIMIT NORTHCOM.**

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**Consequence Management Response Force Construct.** The subsequent Joint Staff analysis resulted in a new organizational paradigm that built on the CBRNE construct that Lieutenant General Honore and his staff had identified four years earlier. It called

for the creation of three CBRNE Consequence Management Response Forces (CCMRFs).<sup>61</sup> The first CCMRF would be an expanded version of the existing JTF-CS. It would consist of 4,200 active-duty personnel and would be joint in character, but built around an Army brigade combat team, heavily emphasizing the technical skill sets needed for CBRNE catastrophic response.<sup>62</sup> NORTHCOM's existing JTF-CS would evolve into a "command and control" element whose likely function would be to lead the operational forces of the first CCMRF.<sup>63</sup> The second and third CCMRFs would be mirror images of the first. The three CCMRFs would be phased in over time with the first becoming operationally capable on October 1, 2008, the second on October 1, 2009, and the third on October 1, 2010.<sup>64</sup>

As proposed by the Joint Staff (and in subsequent evolutions), the new CCMRF construct had a number of distinct advantages. Each of the three CCMRFs would be a national asset, under presidential command and control, assigned to NORTHCOM, and subject to the constraints of the 1878 Posse Comitatus Act. Each force would also be organized with sufficient mass and capability to allow for flexible deployment to multiple, near simultaneous CBRNE events.<sup>65</sup> Each of these CCMRF characteristics is worthy of more detailed consideration.

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60. The author attended and participated in this briefing.

61. U.S. Government Accountability Office, *Planning, Resourcing, and Training Issues*.

62. Barnett, *Domestic Operational Law Handbook for Judge Advocates*.

63. "On October 1, 2008, JTF-CS received operational control over various units assigned to the CCMRF. These units possess the military occupational specialties required to staff DOD's initial CBRNE CM [consequence management] entry force." *Ibid*.

64. U.S. Government Accountability Office, *Planning, Resourcing, and Training Issues*. See also U.S. Northern Command, *Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive (CBRNE) Consequence Management Response Force (CCMRF)*, partially released record.

65. For a discussion of the scope of authority and foreseeable missions associated with the "immediate response authority" of a CBRNE consequence management commander, see Barnett, *Domestic Operational Law Handbook for Judge Advocates*, p. 43, note 16, citing Joint Chiefs of Staff, *Civil Support*, Joint Publication 3-28, September 14, 2007, p. II-7.

- **National asset.** Very early in the development of the three CCMRF concept, it was determined that each CCMRF should be considered a national asset—readily available for deployment anywhere within the NORTHCOM area of responsibility upon the President's order. Initially, some thought had been given to assigning them regionally (CCMRF-East, CCMRF-Midwest, and CCMRF-West), but this would have had adverse operational and policy implications. As a practical matter, once a CCMRF was tied to a specific region, it would stay there under almost all circumstances, even during a national crisis in which it might be better employed elsewhere. The President could move the CCMRF outside its associated region, but not without great political difficulty, especially if the region being stripped of the unit saw itself as the next potential target for enemy activity. The regional approach was clearly problematic. By contrast to regionally assigned CCMRFs, treating each CCMRF as a national asset was seen as consistent with DOD's long-standing "global sourcing" and "Total Force" policies—that is, the belief that DOD assets should be drawn from all available sources and should be employed wherever and whenever they are needed.
- **Presidential command and control.** Hurricane Katrina taught many lessons, but none more fundamental than the recognition that no President of the

United States can risk the perception of indifference or indecisiveness following a catastrophic event, particularly if more than one state is adversely affected. As described earlier, from 2001 to 2007 the National Guard had shown considerable vision and leadership in developing an integrated system of CBRNE response capabilities by creating multiple Title 32 CSTs and CERFPs. However, these National Guard units were designed for mid-range CBRNE events, not the truly catastrophic events, and in almost every case, command of the deployed National Guard units would remain in the hands of the host governor. Indeed, prior to the Joint Staff's development of the CCMRF concept, the Title 10 JTF-CS was the only unit available for a rapid, presidentially ordered CBRNE response.<sup>66</sup> The nation's governors certainly required a timely, well-trained, well-equipped CBRNE response capability readily available for state duties, but not to the exclusion of federal CBRNE response forces, trained and equipped for a multistate catastrophic event, under ultimate command of the President.

- **Assigned to NORTHCOM.** Command relationships are important. They ultimately determine the impact of a commander's priorities, the focus of effort in unit training, the identification of operational requirements, the frequency of field training, and the assignment of

qualified leaders throughout the command. For a variety of reasons, including the Hamiltonian concerns about the excessive dependence on the military for internal security, NORTHCOM was created largely as a command element without assigned forces—heavy in rank, light in deployable capability. By 2007, this model was widely recognized as operationally ineffective. Since its creation, NORTHCOM had been hamstrung by its inability to confidently assess the mission preparedness of those service component forces that might be assigned to NORTHCOM in the immediate aftermath of an unanticipated disaster. For that reason, in 2008, Deputy Secretary England approved the formal assignment of the first CCMRF to NORTHCOM. This gave NORTHCOM both the authority and accountability for the mission readiness of its assigned forces.<sup>67</sup> The second and third CCMRFs were expected to be similarly assigned, once they became operational in 2009 and 2010. This decision greatly enhanced NORTHCOM's readiness to effectively perform its DSCA missions.

- **Subject to the Posse Comitatus Act.** The Joint Staff and the Office of the Assistant Secretary of Defense for Homeland Defense recognized that an enhanced federal CBRNE response capability would inevitably raise the corresponding concern of inappropriate federal intrusion, particularly in local security matters.

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66. On the JTF-CS's role in planning and force integration, see Barnett, *Domestic Operational Law Handbook for Judge Advocates*.

67. Lieutenant General Charles H. Jacoby, answers to "Advance Questions for LTG Charles H. Jacoby, Jr., USA Nominee for Commander, U. S. Northern Command, and Commander, NORAD," pp. 7-8, [http://dmna.ny.gov/plans\\_training/j5/General%20Interest/Messages%20from%20Top%20Leaders/LTG%20Charles%20H%20Jacoby%20Jr/Jacoby%2007-28-11.pdf](http://dmna.ny.gov/plans_training/j5/General%20Interest/Messages%20from%20Top%20Leaders/LTG%20Charles%20H%20Jacoby%20Jr/Jacoby%2007-28-11.pdf) (accessed July 17, 2012).

For this reason, the assigned missions of the CCMRF did not include the maintenance or restoration of civil order. Rather, NORTHCOM's CCMRF forces were oriented toward the technical requirements associated with lifesaving missions in a CBRNE-contaminated environment. Security would remain a matter of civilian law enforcement. Accordingly, the CCMRFs would be fully subject to the constraints of the 1878 Posse Comitatus Act, which forbids under penalty of criminal law the use of federal military forces to "execute the law." As noted in the *Domestic Operational Law Handbook*, "The intent of the [Posse Comitatus Act] was to limit direct military involvement with civilian law enforcement, absent Congressional or Constitutional authorization."<sup>68</sup> While each CCMRF would be capable of providing its own force protection, the CCMRF would not be organized to execute local law enforcement responsibilities.

- **Sufficient operational mass and capability.** With an initial force structure of approximately 4,200 total personnel (later expanded to 4,500), each CCMRF was designed to be both larger and more capable than the task organization previously associated with JTF-CS. A single CCMRF was significantly larger than a National Guard CST (22 personnel), a National Guard CERFP

(200), the Marine Corps CBIRF (400), and a task organized JTF-CS (2,700). In short, each CCMRF would be bigger and better than any previous federal capability, and most significantly, there would be three of them.

Early in the development process, it was also recognized that the three CCMRFs should not be event-driven, but rather task organized and scalable. Three CCMRFs did not mean the capacity to respond to three separate events. Instead, the three CCMRFs were designed to provide a collection of CBRNE response capabilities that could be tailored and combined as needed. For instance, a major CBRNE event (a large industrial accident) might require the resources of two CCMRFs, while a localized terrorist attack (a subway explosion with limited CBRNE release) might require the capability of less than one CCMRF. This recognition brought considerable flexibility to the CCMRF concept of operations.

However, the single most important characteristic of the CCMRF concept—at least from an operational standpoint—was the robust and unprecedented collection of technical CBRNE skills, incorporated for the first time into a rapidly deployable unit. As described by NORTHCOM:

CCMRF capabilities include event assessment, robust command and control, comprehensive decontamination of personnel and equipment, HAZMAT

handling and disposal, air and land transportation, aerial evacuation, mortuary affairs, and general logistical support operations. The CCMRF augments the consequence management efforts of state and local first responders, National Guard forces, and federal agencies by providing complementary and unique capabilities when the effects of a CBRNE event exceed their [state, local, and National Guard] capabilities.<sup>69</sup>

*Army Field Manual 3-28: Civil Support Operations* notes additional CCMRF capabilities including:

- CBRNE assessment,
- Medical evacuation and medical treatment,
- Some rescue support,
- Incident support,
- All terrain mobility,
- Rotary-wing air support,
- Infrastructure protection,
- Advanced command and control, and
- Flexible task organization.<sup>70</sup>

Finally, each CCMRF would possess technical search and rescue as well as explosive ordinance expertise.<sup>71</sup>

68. Barnett, *Domestic Operational Law Handbook for Judge Advocates*, p. 59.

69. General Victor E. Renuart Jr., statement before the Committee on Armed Services, U.S. Senate, March 11, 2010, p. 13, <http://www.armed-services.senate.gov/statemnt/2010/03%20March/Renuart%2003-11-10.pdf> (accessed July 17, 2012).

70. Headquarters of the Army, *Civil Support Operations*. Regarding the incorporation of JTF-CS into the first CCMRF as its command element, see *ibid.*, note 2.

71. U.S. Department of Defense, "Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive Consequence Management Response Force (CCMRF)." A copy is available from the author.

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To achieve these missions each CCMRF—likely commanded by a major general—would be organized into three colonel-level operational task forces:

**1. Task Force Operations.** Built around an Army brigade combat team, Task Force Operations would provide the CCMRF with substantial planning, assessment, communications, and logistical capability. These competencies would in turn enable search and rescue, heavy extraction, radiation assessment, decontamination, engineering, and heavy movement missions.<sup>72</sup>

**2. Task Force Medical.** Built around the capabilities of an Army medical brigade, Task Force Medical would provide the CCMRF with the ability to conduct patient treatment and evacuation, blood storage and distribution, environmental assessment, epidemiology, and stress management missions.<sup>73</sup>

**3. Task Force Aviation.** Built around the assets of an Army aviation brigade, Task Force Aviation would provide the CCMRF with essential mobility and airlift capability. One of the characteristics of a catastrophic event is a substantially degraded physical environment: mounds of rubble,

destroyed bridges, fractured roads, flooded residential areas, and dysfunctional ports of entry. Under these conditions, ground transportation of personnel and equipment is, at best, problematic. As one Task Force Aviation commander noted, “We’re not encumbered by roads or terrain, and we move vertically around obstacles that restrict vehicular movement. If a bridge is out, we can move people or large equipment rapidly.”<sup>74</sup> Each of the unit’s CH-47 helicopters can move 30 people or large pieces of equipment. Each of its UH-60 Black Hawk utility helicopters “can transport 11 people or 8,000 pounds of cargo—perfect for transporting search teams, dogs, high-priority equipment and radiological survey teams.”<sup>75</sup>

When brought together to form a CCMRF, these three task forces would have the capacity to deliver the most effective and technologically advanced CBRNE response capabilities available in the U.S. military.

Yet as the first and second CCMRFs moved toward operational readiness in 2008 and 2009, there were noted deficiencies—some of them substantial. Because the subordinate CCMRF units were spread across the country, there was little unit cohesion. The necessary CBRNE units were not fully sourced to NORTHCOM.<sup>76</sup> Indeed,

a full CCMRF was never deployed in a realistic training environment. It was also doubtful that a CCMRF could respond rapidly enough during certain types of catastrophes—most notably, those requiring mass radiological decontamination, CBRNE search and rescue, post-incident transportation, mass care support, mortuary affairs, and pharmaceutical distribution.<sup>77</sup> In addition, the integration of CCMRF capabilities into a larger national CBRNE response was in its earliest stage of coordination, and tactical coordination with the National Guard CSTs and CERFPs was embryonic.<sup>78</sup> Nonetheless, these deficiencies were subject to effective remediation, and the core concept of the three CCMRFs remained sound.

The Joint Staff had capably followed Deputy Secretary England’s guidance, and the CCMRF concept was approaching operational reality. As the Government Accountability Office (GAO) noted, “In the spring of 2008, sourcing priority for the CCMRF mission increased substantially within the department.”<sup>79</sup> In early 2008, General Gene Renuart, then commander of NORTHCOM, captured the situation well:

Today, we have notionally filled one of these forces. We call it the CBRNE Consequence Management Response Force, or CCMRF. We have notional

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72. Patti Bielling, “Units Assigned to CCMRF Gain Insights for New Response Mission,” U.S. Northern Command, September 19, 2008, [http://www.northcom.mil/News/2008/091908\\_a.html](http://www.northcom.mil/News/2008/091908_a.html) (accessed July 17, 2012). It notes the incorporation of CBIRF elements into CCMRF 1.

73. Ibid.

74. Ibid.

75. Ibid. Several weeks after Hurricane Katrina, the Secretary of Defense called the author to ask what advice he might give his Pakistani counterpart. (Pakistan had just been rocked by a catastrophic earthquake.) The reply was: “Tell them to find every helicopter they can. There won’t be enough.”

76. U.S. Government Accountability Office, *Planning, Resourcing and Training Issues*.

77. Ibid. See generally Timby, “Medical Operations in a Contaminated Environment.”

78. U.S. Government Accountability Office, *Planning, Resourcing and Training Issues*.

79. Ibid., p. 6.

sourcing to fill one of those. *We do not have sourcing to fill the other two forces that we've been tasked to build, and as a result, multiple near-simultaneous attacks today would be a challenge; we don't have the size force necessary. The Department of Defense has made a commitment to build those, and so we hope that through fiscal 2008, we'll begin to see the funding and the identification of forces so we can do that. The key to this is that these forces cannot be on a two week recall. They have to be accessible because if the event occurs today, the American public will expect a response tomorrow. And*

*so, these are forces that have unique skills, they have to be trained, they have to be mobile enough so that we can get them to the site, and they have to be ready enough to move on a relatively short notice so that they can come in to fill the void that will come from CST to CERFP to something larger. I think we're on a good track to have all the forces certified by the January 1 [2009] time frame.<sup>80</sup>*

What General Renuart did not know in 2008 was that DOD would soon break its commitment to source three CCMRFs and that the 2010 Quadrennial Defense Review would

cut NORTHCOM's proposed CBRNE response capability by two-thirds of its required technical skills—terminating two CCMRFs and leaving only one intact. After nearly a decade of bureaucratic deliberation and debate, the department's progress in achieving a rapid and effective CBRNE response capability under NORTHCOM command and control would be significantly degraded. Driven by misguided departmental policy, overseas stress on the force, and a continuing prejudice toward the entire DSCA mission set, DOD would soon go back to “one gold plate.”

80. Victor E. Renuart Jr., “An Interview with Victor E. Renuart, Jr.,” *Joint Forces Quarterly* (Winter 2008), p. 41 (emphasis added).

## The Growing Mismatch Between Missions and Capabilities

### The 2010 Quadrennial Defense Review: Defeat Becomes an Option

Every four years the Department of Defense is required by law to review its threats, challenges, defense strategy, and priorities in order to identify the military capabilities and initiatives needed to defend the nation effectively. Building on previous Quadrennial Defense Reviews in 1997, 2001, and 2006, the senior civilian and military leadership of the Pentagon began the preliminary work for the 2010 QDR in the spring of 2009.<sup>81</sup>

The first step was the January 2009 publication of the *Quadrennial Roles and Missions Review Report* to set the stage for the QDR in the following year. Encouragingly, the report listed “Homeland Defense and Civil Support” as the first of six core DOD mission areas:

**Homeland Defense and Civil Support (HD/CS)** operations help ensure the integrity and security of the homeland by detecting, deterring, preventing, or, if necessary, defeating threats and aggression against the United States as early and as far from its borders as possible so as to minimize their effects on U.S. society and interests. The Department also may be directed to assist civilian authorities in order to save lives, protect property, enhance public health and safety, or to lessen or avert

the threat of catastrophe. *The Department provides many unique capabilities that can be used to mitigate and manage the consequences of natural and man-made disasters and must be prepared to provide support to federal, state, and local authorities.*<sup>82</sup>

Three months later, DOD published the 2010 QDR Terms of Reference, which similarly gave little hint of a fundamental revision to the CCMRF concept.<sup>83</sup> Other than some general references to “strengthening DOD support to civilian-led operations and activities,” “addressing threats posed from the use of advanced technology and WMD,” and a brief recognition that the QDR would be informed by “similar reviews being conducted by the Department of Homeland Security,” the Terms of Reference were largely silent on homeland defense and the DSCA mission set.<sup>84</sup> Thus, for a time, the NORTHCOM CCMRF force structure—as proposed by the Joint Staff and directed by the Deputy Secretary of Defense—seemed to be moving smoothly into execution. The first two CCMRFs were deemed operational in 2008 and 2009. The third was scheduled to join them in 2010.

**Two CCMRFs on the Chopping Block.** When the Obama Administration entered office in January 2009, the Department of Defense had developed a detailed concept of operations for domestic

CBRNE response. NORTHCOM would have three CCMRFs available for domestic employment. Each CCMRF would have 4,500 personnel, most of them technically trained in CBRNE operations. The first CCMRF would be on active duty and assigned to NORTHCOM. The second and third CCMRFs would be mirror images of the first and would be drawn mostly from the Reserve Component—approximately 70 percent from the National Guard—and would be under the ultimate command and control of the President when employed in federal status. Moreover, these federal CBRNE forces would train and deploy in close coordination with the National Guard 57 CSTs and 17 CERFPs, which would be funded, equipped, and certified by DOD, but commanded by their respective governors. The Title 32 National Guard CBRNE response capabilities would be lighter and faster, while the heavier NORTHCOM Title 10 capabilities would be oriented toward truly catastrophic CBRNE events as described by the 15 National Planning Scenarios.

Although the birthing process was not pretty, an integrated system of approximately 20,000 military personnel who were technically trained in CBRNE response had evolved and would soon be available to assist civilian authorities during a domestic crisis. At least, this was the state of affairs when President Obama brought his new leadership

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81. 10 U.S. Code § 118(a). See also U.S. Department of Defense, “2010 QDR Terms of Reference Fact Sheet,” April 27, 2009, <http://www.defense.gov/news/d20090429qdr.pdf> (accessed July 17, 2012).

82. U.S. Department of Defense, “Quadrennial Roles and Missions Review Report,” January 2009, [http://www.defense.gov/news/Jan2009/QRMFinalReport\\_v26Jan.pdf](http://www.defense.gov/news/Jan2009/QRMFinalReport_v26Jan.pdf) (accessed July 17, 2012) (emphasis added).

83. *Ibid.*

84. *Ibid.*

team to the Department of Defense in January 2009. However, this transition in combination with the 2010 QDR gave those within the Pentagon who saw DSCA as a lesser mission one more chance to quietly marginalize DOD's role in civil support.

Consistent with modern military tactics, what followed was not a frontal assault on the CCMRF concept, but rather a bureaucratic envelopment. With the three CCMRFs already in the NORTHCOM pipeline, outright termination of the CCMRF concept was not a realistic option. Therefore, the department's DSCA opponents took an indirect approach.

In June 2008, the Center for Strategic and International Studies had published *Managing the Next Domestic Catastrophe: Ready (or Not)?*—a comprehensive and well-regarded homeland defense study.<sup>85</sup> The CSIS report suggested a number of innovative reforms to strengthen and speed DOD's ability to provide prompt, effective DSCA support to civilian authorities, including CBRNE response. One of the report's recommendations was to:

**Create regional homeland security task forces, drawn largely from existing National Guard units, to complement the regional homeland security hubs.**

Creating regional homeland security task forces from existing National Guard units would provide a military complement to the FEMA regional offices. The next Secretary of Defense and Chief of the National Guard Bureau should work closely with the governors and U.S. Northern Command (NORTHCOM) to organize National Guard-led homeland security task forces in each region. Not only would these task forces create a focal point for regional military planning, exercising, and training, they would ensure that each region of the country has a rapid response force able to help bridge the three-to-five-day gap between the immediate aftermath of the event, when local first responders are the only capabilities on the scene, and the arrival of most federal capabilities.<sup>86</sup>

It was a good idea, undiminished by the fact that such units already existed within the National Guard in the form of the 17 CERFPs created by Lieutenant General Blum. Significantly, the report contained no suggestion that this new mid-range CBRNE capability should replace the already approved CCMRFs. However, when the report's primary author became the Principal Deputy

Assistant Secretary for Homeland Defense and Americas' Security Affairs, DSCA opponents recognized an opportunity to quietly kill the CCMRF concept during the 2010 QDR.

**Homeland Response Forces.**

Those who wanted to diminish DOD's role in CBRNE catastrophic response—and minimize the corresponding commitment of resources to NORTHCOM—readily embraced the concept of Homeland Response Forces (HRFs). The concept called for creating one HRF in each of FEMA's 10 geographic regions.<sup>87</sup> However, even a cursory review of the proposed HRF task organization revealed that each “new” HRF unit was simply a CERFP (same size, training, and equipment) with an 200-person security force attached, reinforced by a small command and control element.<sup>88</sup> In fact, an HRF contained no technical CBRNE capability not already found within a CERFP. Quite simply, its value added was security, not CBRNE expertise. As a complement to the 17 CERFPs, the 10 HRFs were a welcome addition. Like the CERFPs already in place within the 10 FEMA regions, the new HRFs—under command of the affected state's governor—would be very valuable assets in responding to a mid-level CBRNE event. Precisely because it possessed relatively light CBRNE capabilities and

85. Christine E. Wormuth, *Managing the Next Domestic Catastrophe: Ready (or Not)?* Center for Strategic and International Studies, June 6, 2008, <http://csis.org/publication/managing-next-domestic-catastrophe> (accessed July 18, 2012).

86. *Ibid.*, p. xii.

87. *Ibid.*

88. U.S. Department of Defense, “Homeland Response Force (HRF) Fact Sheet,” <http://www.defense.gov/news/d20100603HRF.pdf> (accessed July 18, 2012). See also Army News Service, “Guard Adds Homeland Response Force,” October 6, 2010. See generally Jim Garamone, “DoD, Guard Establish Eight Homeland Response Force Units,” U.S. Army, July 12, 2010, <http://www.army.mil/article/42221/> (accessed July 18, 2012), and Lisa Daniel, “Ohio, Washington Guard to Start Homeland Response Forces,” U.S. Department of Defense, June 3, 2010, <http://www.defense.gov/news/newsarticle.aspx?id=59473> (accessed July 18, 2012).



little organic capacity for sustained operations, an HRF could respond quickly,—as long as adequate transportation and access to the disaster site could be achieved.

Regrettably, during the QDR process, senior Pentagon leaders not only embraced the HRFs, but viewed them as an alternative to the much larger and technologically superior CCMRFs. Their stated rationale ultimately prevailed and was incorporated into the final language of the 2010 QDR:

First, the Department will begin restructuring the original CBRNE Consequence Management Response Force (CCMRF), to increase its ability to respond more rapidly to an event here at home. To address the potential for multiple, simultaneous disasters, *the second and third CCMRFs will be replaced with smaller units* focused on providing command and control and communications capabilities for Title 10 follow-on forces. Complementing the evolution of the first CCMRF, the Department will also draw on existing National Guard forces to build a Homeland Response Force (HRF) in each of the ten Federal Emergency Management Agency (FEMA) regions. *These ten HRFs will provide a regional response capability; focus on planning, training and exercising; and forge strong links between the federal and state and local authorities.*<sup>89</sup>

Never has reassuring rhetoric more artfully masked the loss of essential operational capability.

In terms of strengthening NORTHCOM's DSCA capabilities and remediating the federal deficiencies noted by the GAO, the QDR paradigm moved in precisely the wrong direction. The CBRNE capabilities created by the QDR would:

- Be tied to specific geographic regions,
- Be placed under command of the governor,
- Not be assigned to NORTHCOM,
- Be exempt from the Posse Comitatus Act, and
- Possess far less operational capacity than the two terminated CCMRFs that they replaced.

In short, from an operational perspective, NORTHCOM emerged from the QDR as a hollow force, with the QDR deliberations having terminated two-thirds of its CBRNE response capability.

In many ways the 2010 QDR ignored the most fundamental lessons of Hurricane Katrina. In the U.S. federal system of government, it is essential that the individual governors have well-trained, well-equipped military forces, subject to their immediate command and available for rapid and effective response to any major disaster which might occur within their state borders. Thanks to visionary leadership

within the National Guard, the 57 CSTs, 17 CERFPs, and now the 10 HRFs, will provide that capability to the states. However, the President also needs to be able to order DSCA missions—including CBRNE response—in support of the governors and their states whenever such assistance is requested or the widespread devastation impacts multiple state jurisdictions.

Unless the errors of the 2010 QDR are promptly rectified, some future President will confront a national crisis that will painfully expose the obvious gap between NORTHCOM's important mission and its assigned resources.

### **Current NORTHCOM Capability Gaps and Seams**

Since publication of the QDR in February 2010, operational commanders have tried to wring the best capability they can from a very flawed QDR policy. As one National Guard major general stated, "Look, the National Guard didn't come up with the QDR construct—it was handed to us by Office of the Secretary of Defense and the Joint Staff. Our job now is to make it work as best we can."<sup>90</sup> For the National Guard, this means the continuing improvement of the CSTs, CERFPs, and HRFs, but what are the strategic and operational implications for NORTHCOM? How far can the command stretch its limited resources, and what is the attendant risk to the country's security? After due diligence in the risk analysis, can it be reasonably concluded that the current level of operational

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89. U.S. Department of Defense, *Quadrennial Defense Review Report*, February 2010, p. 19, [http://www.defense.gov/qdr/images/QDR\\_as\\_of\\_12Feb10\\_1000.pdf](http://www.defense.gov/qdr/images/QDR_as_of_12Feb10_1000.pdf) (accessed July 18, 2012) (emphasis added).

90. Comment to the author by a currently serving National Guard general officer.

risk is acceptable to the President, Congress, and—most importantly—the American people?

When the Department of the Army published its field manual *Civil Support Operations* in June 2010, a few months after the QDR was released, the sole remaining CCMRF was given a new name (Defense CBRN Response Force or DCRF), a modest increase in size (from 5,000 to 5,200), and some additional capability.<sup>91</sup> Just as the task organized JTF-CS once morphed into a CCMRF, the remaining CCMRF became a DCRF. Despite this dizzying array of evolving acronyms, a central truth remains: The 2010 QDR left NORTHCOM with just one brigade-size unit for rapid CBRNE response. The ultimate question presents itself: Is the DCRF large enough and capable enough to effectively address the DSCA requirements of NORTHCOM's foreseeable missions?

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**THE 2010 QDR LEFT NORTHCOM WITH JUST ONE BRIGADE-SIZE UNIT FOR RAPID CBRNE RESPONSE.**

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In terms of NORTHCOM's mission readiness, early assessments of the QDR construct have been uniformly critical. The 20-member Quadrennial Defense Review Independent Panel, co-chaired by former National Security Advisor Steve Hadley and former Secretary of Defense Bill Perry, reached a sobering conclusion:

[T]he Panel is concerned the QDR force structure provides insufficient capacity to defend the homeland during a period of ongoing contingency operations abroad. The Department of Defense must maintain a robust participation in the coordinated response with state and local officials in the event of a WMD attack against the homeland....

...the Department of Defense is often the only agency with the mission, structure, organization, experience, and capability necessary to meet the challenges associated with a catastrophe.<sup>92</sup>

Similarly, the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents, chaired by retired Admiral Steve Abbott and vice chaired by former Governor Frank Keating, was exceptionally blunt when it issued its statutorily mandated report seven months after the QDR release:

Insufficient forces have been allocated or apportioned to USNORTHCOM, especially for potentially catastrophic CBRNE incidents. Despite the advent of the new National Guard Homeland Response Forces (HRFs), given the potential magnitude of a catastrophic CBRNE incident, general purpose Title 10 forces that may be required

for DSCA should be identified, at least by type.

*Finding: Sufficient military forces have not been identified for DSCA....*

*Recommendations: That the Secretary of Defense—*

1. Allocate or apportion additional Title 10 forces to U.S. Northern Command for CBRNE response.
2. *Direct that the Joint Staff and U.S. Northern Command develop Time-Phased Force Deployment Data for additional forces for domestic military deployments based on specific CBRNE Defense Support of Civil Authorities plans.*<sup>93</sup>

Senator Joseph Lieberman (I-CT), chairman of the Senate Homeland Security and Government Affairs Committee, worried that the 10 smaller Homeland Response Forces would be less effective during a catastrophic attack than two CCMRF brigade-size forces, while the Heritage Foundation's James Carafano summarized the QDR deficiencies by concluding, "The Pentagon argues that less is actually more, because it has split the troops into smaller force packages that can get to a disaster area faster. But while smaller may be OK for small disasters, it won't work for big ones."<sup>94</sup>

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91. Headquarters of the Army, *Civil Support Operations*. See also Jacoby, answers to "Advance Questions," p. 21.

92. Quadrennial Defense Review Independent Panel, *The QDR in Perspective: Meeting America's National Security Needs in the 21st Century*, July 2010, p. 60, <http://www.usip.org/quadrennial-defense-review-independent-panel-/view-the-report> (accessed July 18, 2012).

93. Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents, "Before Disaster Strikes: Imperatives for Enhancing Defense Support of Civil Authorities," September 15, 2010, p. x, <http://www.rand.org/content/dam/rand/www/external/nsrd/DoD-CBRNE-Panel/Report-Advisory-Panel.pdf> (accessed July 18, 2012) (original italics).

94. James Jay Carafano, "Obama's U.S. Is Unprepared for Disaster," *The Examiner*, March 29, 2010 (accessed July 18, 2012). See also Chris Castelli, "McHale, Lieberman Slam Plan to Shrink Certain Homeland Defense Forces," *Inside Defense*, April 1, 2010.

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There is irrefutable logic associated with these concerns: The DSCA missions that NORTHCOM would be called on to execute during a catastrophic response (e.g., medical assistance, search and rescue, decontamination, patient transport, heavy logistics, interoperable communications, and engineer operations) are precisely the same capabilities that the QDR cut.<sup>95</sup>

Nonetheless, on April 26, 2010, the Secretary of Defense issued a memorandum entitled “Restructure of DoD Domestic Chemical, Biological, Radiological, Nuclear and High-Explosive (CBRNE) Consequence Management (CM) Response Forces (CCMRF),” which stated:

In Resource Management Decision (RMD) 700, I directed

implementation of a new construct for domestic CCMRFs, including the establishment of ten regional Homeland Response Forces (HRFs).... USNORTHCOM, in conjunction with the Joint Staff, NGB, the Military Departments, USPACOM, USJFCOM, and USTRANSCOM, will lead development of a detailed implementation plan for the new construct.<sup>96</sup>

In effect, this document instructed NORTHCOM to plan its own funeral—the desired outcome for those in the Pentagon who had long resisted the DSCA missions.

The men and women of NORTHCOM—at all levels of rank—have worked hard during the two years since publication of the 2010 QDR to maximize the operational

capability of the limited resources available to them. Lieutenant General Guy Swan, the recently retired commander of U.S. Army North, a component of NORTHCOM, brought considerable energy and professional insight to the continuing development of the DCRF. He consistently advocated better training, equipment, and planning for the deployment of NORTHCOM's only remaining CBRNE response force.<sup>97</sup> Interagency coordination has improved, deployment timelines have been tightened, and realistic field exercises have been significantly increased.<sup>98</sup> But the sobering fact remains: despite this limited progress, NORTHCOM still lacks many of the core capabilities it requires to fulfill its DSCA mission.

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95. Headquarters of the Army, *Civil Support Operations*. See also U.S. Department of Health and Human Services, “ESF #8 Pre-Scripted Mission Assignments (PSMAs),” <http://www.phe.gov/Preparedness/planning/playbooks/rdd/Pages/subtask.aspx> (accessed July 18, 2012), and U.S. Department of Defense, Office of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, “19 DoD Planning Tasks,” unpublished document.

96. U.S. Department of Defense, Secretary of Defense Memorandum, “Restructure of DoD Domestic Chemical, Biological, Radiological, Nuclear and High-Explosive (CBRNE) Consequence Management (CM) Response Forces (CCMRF),” April 26, 2010.

97. Lieutenant General Guy Swan, “Notes from Army North,” Nos. 1-10, February 1, 2010–December 1, 2011.

98. *Ibid.* See generally *ARNorth Monthly*, October 2010, [http://www.arnorth.army.mil/Newsletters/2010/201010\\_ARNORTH\\_Monthly.aspx](http://www.arnorth.army.mil/Newsletters/2010/201010_ARNORTH_Monthly.aspx) (accessed July 30, 2012).

## Empowering NORTHCOM: What Needs to be Done

NORTHCOM's current operational deficiencies are the direct result of flawed policies that trace directly back to the 2010 QDR. The command simply does not have sufficient well-trained, well-equipped forces to execute its foreseeable DSCA missions successfully, especially missions in a CBRNE-contaminated environment. Paul Stockton, Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, accurately described this situation in an October 2011 memorandum to the senior leadership of the department: "The Department of Defense is well prepared to support civil authorities in normal disasters; however, when it comes to supporting complex catastrophes, there is more work to be done."<sup>99</sup> NORTHCOM, of course, was not created to better address the requirements associated with "normal disasters." Its reason for creation was the "complex catastrophe" which occurred on September 11, 2001. However, more than a decade later, NORTHCOM still lacks the resources to properly assist civilian authorities in the next complex catastrophe. Indeed, there is much more work to be done.

To strengthen DOD's DSCA capabilities, Congress and the next Administration should implement the following five recommendations.

### **Recommendation #1: Elevate homeland defense and civil support to a first- tier priority within DOD**

### **and resource DSCA as a primary mission.**

In the 2009 *Quadrennial Roles and Missions Review Report*, "Homeland Defense and Civil Support" was listed *first* among the department's core mission areas.<sup>100</sup> However, by 2012, when DOD published *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*, "Defend the Homeland and Provide Support to Civil Authorities" had dropped to *seventh* on the department's list of primary missions.<sup>101</sup>

*This shift in emphasis was not inadvertent. It reflected a deliberate and deeply disturbing shift in DOD policy.* The fundamental principles of war rarely, if ever, change. However, war is subject to constant shifts in technology and its application. In the 21st century, the increasing power, miniaturization, and easy transportability of CBRNE weapons has fundamentally changed the character of conflict, making asymmetric warfare employing such weapons a threat for many decades to come. Associating this asymmetric CBRNE threat with any particular terrorist organization (e.g., al-Qaeda) or nation-state (e.g., Iran) would be a serious mistake. This form of warfare is available to all of America's potential adversaries, and it is intended to produce strategic political—not tactical battlefield—results. Some senior U.S. military leaders understand the fundamental nature of this change, but many do not. Some believe that homeland defense and civil support should be

at the top of DOD's priority list, while others are comfortable listing it seventh. Those in the latter category should retire.

Going forward, it is essential to understand homeland defense and civil support as integrated elements of DOD's larger operational framework—inseparable, in fact, from the even larger framework of national security. If senior leaders at the Pentagon continue to view homeland defense and civil support as a secondary mission set, they will place the safety of the American people at great risk. A holistic approach to 21st-century security will require changes in professional military education, sustained engagement by senior civilian officials at the Pentagon, close congressional oversight, blunt statutory direction, and, ultimately, informed presidential leadership.

### **Recommendation #2: Strengthen NORTHCOM's force structure to ensure that DOD has a robust and reliable DSCA capacity that can rapidly and effectively respond to domestic catastrophic disasters.**

DOD laid down the marker in its Strategy for Homeland Defense and Civil Support:

The Department of Defense will be prepared to provide forces and capabilities in support of domestic CBRNE consequence

99. Paul N. Stockton, "Working Groups for Defense Support in Complex Catastrophes," memorandum, U.S. Department of Defense, October 11, 2011.

100. U.S. Department of Defense, "Quadrennial Roles and Missions Review Report," January 2009, p. 5, [http://www.defense.gov/news/jan2009/qrmfinalreport\\_v26jan.pdf](http://www.defense.gov/news/jan2009/qrmfinalreport_v26jan.pdf) (accessed July 30, 2012).

101. U.S. Department of Defense, "Sustaining U.S. Global Leadership: Priorities for 21st Century Defense," January 2012, p. 5, [http://www.defense.gov/news/Defense\\_Strategic\\_Guidance.pdf](http://www.defense.gov/news/Defense_Strategic_Guidance.pdf) (accessed July 18, 2012).

**CRITICAL MISMATCH:  
THE DANGEROUS GAP BETWEEN RHETORIC AND READINESS  
IN DOD'S CIVIL SUPPORT MISSIONS**

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management, with an emphasis on preparing for multiple, simultaneous mass casualty incidents. DoD's responses will be planned, practiced, and carefully integrated into the national response.<sup>102</sup>

Seven years later DOD still cannot deliver on that promise. NORTHCOM has too few troops with too little equipment and insufficient field training. The necessary corrections should be implemented within a framework that ensures the identified Title 10 CBRNE response forces are:

- Considered national assets,
- Under presidential command and control,
- Assigned to NORTHCOM,
- Subject to the Posse Comitatus Act, and
- Trained and equipped with sufficient operational mass and capability.

Thanks to the consistent leadership of the National Guard, the governors now possess robust Title 32 CBRNE response capabilities, sufficient to address any foreseeable mid-range CBRNE event. However, due to misguided DOD policies, the President has been stripped of his options. If a complex catastrophe were to occur—especially a series of simultaneous mass casualty CBRNE attacks—the most likely course of action would also be the most dangerous. NORTHCOM's only standing DCRF would be fully committed to

the first CBRNE event. Thereafter, poorly trained general utility forces would roll in under DCRFs 2 and 3, subject to the authority and direction of operational command elements that still exist largely on paper. For DCRFs 2 and 3, a lack of training and equipment and complete lack of unit cohesion would almost certainly result in unnecessary loss of life.

**Recommendation #3:  
Ensure NORTHCOM has the necessary DSCA resources by assigning the following force structure:**

- DCRF 1 should remain an active-duty capability and should again be assigned to NORTHCOM. This would give NORTHCOM the requisite command authority to ensure proper training, equipment, and quality of leadership within all subordinate DCRF units. The NORTHCOM commander should be held strictly accountable for ensuring that these units receive proper training, equipment, and leadership.
- DCRF 2 and DCRF 3 should be established within the Reserve Component, drawing personnel primarily from the National Guard. Generally, these forces should replicate the capabilities of DCRF 1 and, like DCRF 1, be assigned to NORTHCOM.
- JTF-CS should be identified as the command element for DCRF 1 and should exercise appropriate administrative, resourcing, and training authority over all DCRF 1 subordinate assigned units.

- The Marines' CBIRF should be assigned to NORTHCOM. The Deputy Secretary of Defense, with appropriate notice to the House and Senate Armed Services Committees, should cancel Marine Corps plans to terminate CBIRF by 2017.
- National Guard major generals should routinely command DCRFs 1, 2, and 3.
- DCRF 1 subordinate units should be assigned to NORTHCOM for a period of not less than two years and during that period be subjected to at least one no-notice field exercise of the entire DCRF, with all units deployed and co-located in a realistic CBRNE training environment.
- DCRFs 2 and 3 should be subject to at least one no-notice mobilization every two years. Upon mobilization notice, all DCRF Reserve Component personnel should be required to report to their designated readiness and reserve centers for possible follow-on deployment to a field training environment.
- As rapidly as possible, the Army brigade combat team should be replaced as the standard core element of a DCRF. Rather, each DCRF should be task organized from units and individual personnel, drawn from all service components (active and reserve), who possesses appropriate military occupation specialty (MOS) training and experience. In short, Army North needs to carefully

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102. U.S. Department of Defense, *Strategy for Homeland Defense*, p. 3. See also U.S. Northern Command, *Department of Defense Homeland Defense and Civil Support Joint Operating Concept*, version 2.0, October 2007, and U.S. Government Accountability Office, *Planning, Resourcing, and Training Issues*.

match MOS capabilities and the DSCA mission requirements.

- The Emergency Preparedness Liaison Officer program should be assigned to NORTHCOM.
- As recommended by the Abbott Commission, the Secretary of Defense should direct the “Joint Staff and U.S. Northern Command [to] develop Time-Phased Force Development Deployment Data for additional forces for domestic military deployments based on specific CBRNE Defense Support of Civil Authorities plans.”<sup>103</sup>
- U.S. Transportation Command, in coordination with NORTHCOM and the Joint Staff, should develop a series of transportation contingency plans for the rapid movement of DCRFs 1, 2, and 3 from home stations to tactical assembly areas.
- The security personnel assigned to the 10 National Guard HRFs should be intensively cross-trained in CBRNE decontamination, including the use of field expedient decontamination capabilities.

**Recommendation #4:  
Require the NORTHCOM**

**commander, deputy commander, all principal deputies, the Army North commander, and the three DCRF commanders to be experienced in planning and executing DSCA missions.**

NORTHCOM is not the place for on-the-job training. The Senate Armed Services Committee should make it clear that in the future no officer nominated for command of NORTHCOM will be deemed qualified for confirmation unless that officer has a demonstrated history of significant experience and superior professional performance in the execution of civil support or humanitarian assistance operations. The selection of qualified National Guard and Reserve Component officers for active-duty command and principal staff assignments at all levels of NORTHCOM’s force structure should become routine.

**Recommendation #5: When assessing NORTHCOM’s identified requirements, the Secretary of Defense should consistently emphasize the improvement of operational capabilities.**

To achieve this goal, the Secretary of Defense’s guidance must be unequivocal. All future homeland defense and DSCA activities of the

department must directly relate to a demonstrated and positive impact upon the effective delivery of operational capabilities in a crisis environment. No more working groups, pilot programs, or similar delaying tactics should be tolerated. With a renewed sense of urgency, DOD must prepare the necessary CBRNE response forces for operational deployment—because that day is surely approaching.

In the aftermath of a domestic catastrophic event, DOD’s ability to quickly and competently execute its DSCA missions in support of civil authorities could mean the difference between a contained situation and massive casualties. The anticipated casualties associated with the 15 National Planning Scenarios make it clear that this is especially true in the event of a CBRNE attack. To respond to such an event, NORTHCOM needs the right people in sufficient numbers, properly trained with the necessary equipment, ready to rapidly execute operational plans that have already been rigorously tested in a realistic field training environment. With the safety of the American people hanging in the balance, it must be recognized that these conditions do not yet exist.

103. Advisory Panel on Department of Defense Capabilities, *Before Disaster Strikes*, p. x.

## Conclusion

The flawed policies of the 2010 QDR have significantly degraded NORTHCOM's operational capability. The prompt revision of these policies is essential to U.S. national security.

When the former Deputy Secretary of Defense asked, "Does NORTHCOM really bring any value added to our country's

security?"—my reply came without hesitation, "Absolutely, but not nearly what we need." The imperative is clear: homeland defense and civil support must be recognized as fundamental missions of the Department of Defense.

It is time for America's leaders to recognize the role that U.S.

armed forces will inevitably play in response to future catastrophic disasters and to ensure that NORTHCOM has the necessary capabilities—people, training, and equipment—to protect and defend the U.S. homeland.

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## Acronyms

CBIRF .....	Chemical, Biological Incident Response Force
CBRNE .....	chemical, biological, radiological, nuclear, and explosive
CCMRF .....	CBRNE Consequence Management Response Force
CERFP .....	CBRNE Enhanced Response Force Package
CM .....	consequence management
CST .....	See WMD-CSTs
DSCA .....	defense support of civil authorities
DCRF .....	Defense CBRN Response Force
DHS .....	Department of Homeland Security
DOD or DoD .....	Department of Defense
DRRS .....	Defense Readiness Reporting System
DSCA .....	Defense Support to Civil Authorities
FEMA .....	Federal Emergency Management Agency
GAO .....	Government Accountability Office
HAZMAT .....	hazardous material
HRF .....	Homeland Response Force
JTF-CS .....	Joint Task Forces–Civil Support
JFHQ-HLS .....	Joint Force Head Quarters–Homeland Security
NORAD .....	North American Aerospace Defense Command
NORTHCOM .....	U.S. Northern Command
QDR .....	Quadrennial Defense Review
WMD-CST .....	WMD Civil Support Team
WMD .....	weapon of mass destruction





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