

USAWC STRATEGY RESEARCH PROJECT

**NATIONAL EMERGENCY PREPAREDNESS AND RESPONSE:  
IMPROVING FOR INCIDENTS OF NATIONAL SIGNIFICANCE**

by

Colonel Christopher M. Clayton  
United States Marine Corps

Colonel Eugene Smith  
Project Adviser

This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013

# Report Documentation Page

Form Approved  
OMB No. 0704-0188

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE <b>15 MAR 2006</b>		2. REPORT TYPE		3. DATES COVERED	
4. TITLE AND SUBTITLE <b>National Emergency Preparedness and Response Improving for Incidents of National Significance</b>				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) <b>Christopher Clayton</b>				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>U.S. Army War College, Carlisle Barracks, Carlisle, PA, 17013-5050</b>				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited.</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT <b>See attached.</b>					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES <b>20</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			

## ABSTRACT

AUTHOR: Colonel Christopher M. Clayton

TITLE: National Emergency Preparedness and Response: Improving For Incidents of National Significance

FORMAT: Strategy Research Project

DATE: 25 April 2006      WORD COUNT: 5116      PAGES: 20

KEY TERMS: Department of Homeland Security, National Incident Management System (NIMS), National Response Plan (NRP), Defense Support of Civil Authorities (DSCA)

CLASSIFICATION: Unclassified

The national emergency management system has need of significant improvement in its contingency planning and early consolidation of effort and coordination between federal, state, and local agencies for Incidents of National Significance. This improvement should be supported with the understanding that "federalizing" a response is appropriate only under the direst of circumstances and that more appropriately, the Departments of Defense and Homeland Security and the states should better partnership in planning for, exercising for, and responding to Incidents of National Significance. Despite recent calls for the contrary in the aftermath of Hurricane Katrina, it would be antithetical to the U.S. system of governance and its philosophical underpinnings for local responsibilities and response to be "federalized" too early and for the DoD to assume the lead agency for responding to Incidents of National Significance. Legislating change and establishing specific requirements in law for cooperative DHS, DoD and state training and exercising would establish minimum requirements for regional planning and preparedness and, ultimately, better response. It is time to better shape the efforts and responsibilities of the federal agencies with reality and codify, train to, and exercise them so that the national response capability reflects the professionalism of the state and local.



## NATIONAL EMERGENCY PREPAREDNESS AND RESPONSE: IMPROVING FOR INCIDENTS OF NATIONAL SIGNIFICANCE

The necessity to improve the emergency management system is a melancholy business. It means that there is cause for increased awareness and a sense of urgency for improvement of the United States' processes and capabilities for dealing with destructive threats to the homeland and other catastrophic incidents.<sup>1</sup> It also means that the system has problems. The tragic circumstances of September 11, 2001 shocked the American people and government into understanding the reality that there will possibly be other large-scale terrorist events if they cannot be prevented. There is ostensibly a greater understanding of the scope and scale of destruction and pain an adversary can wreak upon American citizens. The Federal, state, and local systems of emergency preparedness and response have been, to a degree, the beneficiary of this shock in terms of reform. The relatively recent establishment of the Department of Homeland Security (DHS)<sup>2</sup> and the development of improved emergency response plans such as the National Incident Management System (NIMS) and the National Response Plan (NRP) are indicative of an effort to reform the national emergency management system to best prepare not only for large-scale man-made disasters like those terrorists would inflict, but improve preparedness and response for large-scale natural disasters as well. However, it is a system proven troubled through the trial and error of major natural disasters in recent years.<sup>3</sup> The national emergency management system has need of significant improvement in its contingency planning and early consolidation of effort and coordination between federal, state, and local agencies for Incidents of National Significance.<sup>4</sup> This improvement should be supported with the understanding that "federalizing" a response is appropriate only under the direst of circumstances and that more appropriately, the Departments of Defense (DoD) and Homeland Security and the states<sup>5</sup> should better partnership in planning for, exercising for, and responding to Incidents of National Significance. Despite recent calls for the contrary in the aftermath of Hurricane Katrina, it would be antithetical to the U.S. system of governance and its philosophical underpinnings for local responsibilities and response to be "federalized" too early and for the DoD to assume the lead agency for responding to Incidents of National Significance.

Heavy reliance on a concerted multi-agency effort for Incidents of National Significance, independent of cause, is a matter of inescapability. The DoD will be involved with virtually every Incident of National Significance due to its inherent expeditionary, communications, and logistical capabilities. As designed for in the NIMS and NRP, local first responders, as they do thousands of times a year, will be on-scene for emergencies providing "first hour" response. But

once approaching culmination of local capability in a large-scale disaster, they will request Federal assistance and DoD will in all likelihood be a major initial stabilizing and supporting force. History illustrates that in the aftermath of major natural disasters, the DoD usually takes a highly active role. This is accomplished by DoD providing state and/or Federal authorities Defense Support of Civil Authorities (DSCA).<sup>6</sup> U.S. Northern Command (NORTHCOM) is DoD's newly formed combatant commander for the continental United States, Alaska and surrounding waters and is assigned the mission of Homeland Defense and DSCA.<sup>7</sup> NORTHCOM, once assigned forces by the President and Secretary of Defense, will provide whatever augmentation may be requested by state authorities and the Federal Emergency Management Agency (FEMA – now a directorate of DHS) to develop initial command and control, logistical, or other required capabilities that might be available for the effort. (Pacific Command or PACOM provides the same support to Hawaii and U.S. Pacific territories). The NRP has established procedures for coordinating DoD and other Federal agency support in this kind of scenario.

The aftermath of Hurricane Katrina can be best described as a time of confusion in defining direction for the emergency management system. Proposals for further reform have surfaced that put into question the most basic foundational concepts of the system. Quicker "federalization" and significantly increasing the role of DoD, perhaps even as lead agency for Incidents of National Significance, have been proposed. But these suggestions illustrate only an ignorance of the system and the agencies and organizations that are involved. The better solution is for DHS, the states, and DoD to cooperate more fully in improving interagency planning, training, exercising and response for major disasters. DHS and the states must do so because they will continue to fall short of public expectations if they do not. DoD must do so because it has the experience, capabilities, resources, and - now with the Global War on terrorism – the clear duty to do so.

#### The National Incident Management System (NIMS) and the National Response Plan (NRP)

Published by DHS in 2004, the NIMS was established as a national guideline for integrating "existing best practices into a consistent, nationwide approach to domestic incident management that is applicable at all jurisdictional levels and across functional disciplines in an all-hazards context."<sup>8</sup> Additionally, "built on the template of the NIMS,"<sup>9</sup> the NRP provides:

...a consistent doctrinal framework for incident management at all jurisdictional levels, regardless of the cause, size, or complexity of the incident. The activation of the NRP and its coordinating structures and protocols - either partially or fully - for specific Incidents of National Significance provides mechanisms for the coordination and implementation of a wide variety of incident management and emergency assistance activities. Included in these activities is Federal support to

state, local, and tribal authorities; interaction with nongovernmental, private donor, and private-sector organizations; and the coordinated, direct exercise of Federal authorities, when appropriate.<sup>10</sup>

These plans are built upon the basic premise that as an incident surpasses a locality's ability to manage it, the local or state authority requests support either laterally through pre-arranged agreements<sup>11</sup> with partner jurisdictions or from higher authority. The premise is fixed in the concept of federalism, which is the constitutional basis for governance in the United States and supports the idea of dealing with crisis at the lowest level possible.

This premise was the basis for emergency management planning even before DHS, the NIMS, and the NRP and it works well in most cases. However, as the incident management requirements grow in complexity and scope, the management of it tends to become increasingly "ad hoc" even with the improved structures of organization called for in the NRP. That is because personal and professional relationships and processes built and relied upon at local and state levels are simply not resident when complex requirements exist and there are uncoordinated cross-jurisdictional issues and issues of competing or unclear authorities with higher echelons of government. This is especially true when Federal authorities such as DHS and DoD are requested and begin to participate in the management of an incident. Smooth transition from local and/or state control of an incident to a partnered or complete handover to Federal authority/agencies assumes a working knowledge of the processes and systems as well as adequate preparation at all levels which in reality have been found to be deficient.<sup>12</sup>

Excepting the Homeland Security Operations Center (HSOC), the organizational structures of the NRP must "stand-up" or be "activated" in time of need. Existing instruments and processes of emergency preparedness and response must evolve and mature to take into account Incidents of National Significance that are regional or national in scope and complex by nature. Also, the role of the military (both Federal and State) and its coordinating relationships with other agencies must be clarified and improved to best achieve preparedness and timely and adequate response. The baseline structure of the emergency management system as delineated in the NRP would likely prove adequate with added preparedness collaboration of DoD, DHS, and the states if the system were periodically exercised at the regional level.

#### Lead Agency for Incidents of National Significance

The recent experience with Hurricane Katrina has once again highlighted the necessity to prepare for and respond to large-scale disasters, whether they are natural or man-made. The NRP provides for improved structure for preparedness and response over past plans, even in

the large scale; however, the national response to Hurricane Katrina will be written into history as a failure. In fact, in his speech of September 16, 2005 in New Orleans, Louisiana, President Bush stated:

Many of the men and women of the Coast Guard, the Federal Emergency Management Agency, the United States military, the National Guard, Homeland Security, and state and local governments performed skillfully under the worst conditions. Yet the system, at every level of government, was not well coordinated and was overwhelmed in the first few days.<sup>13</sup>

The question is, with the apparent clear guidance and structure called for in the NRP, why did coordination fail so badly?

When the American public witnesses an international catastrophic incident, it sees the U.S. responding with its military and multi-agency support rapidly and decisively. Under the heading of Humanitarian Assistance, quite often the U.S. brings into play its military and other elements of national power as responders to these kinds of international catastrophic incidents. However, when an event such as Hurricane Katrina occurs in the U.S. homeland, response is seemingly "complicated" by the necessary sorting out of authorities and responsibilities of local, state, and Federal organizations further exacerbated by the inherent confusion created in the early days of "standing up" or "activating" necessary NRP organizations. No matter the reason for the complications, public perceptions of success or failure of the response tend to be caste by how quickly and thoroughly help is proffered and the degree and speed that human suffering is relieved, and rightfully so. In the case of Hurricane Katrina, public perceptions were not good.

Homeland Security Presidential Directive/HSPD-5 establishes Secretary of Homeland Security as the principal Federal official for domestic incident management. There have been and are those who suggest that the DoD should become the lead Federal agency for Incidents of National Significance, presumably because DoD seems to do it so well internationally and has the budget, expeditionary mindset, and the command and control and logistical structures to react and respond quickly. But the DoD takes a narrower view of its role. Joint publication (JP) 3-26, *Homeland Security*, defines DoD's role:

Homeland Security related military operations inside the U.S. and its territories, though limited in many respects, fall into two mission areas: Homeland Defense (HD) — for which DoD serves as the Leading Federal Agency and military forces are used to conduct military operations in defense of the homeland; and Civil Support (CS) — for which DoD normally serves in a supporting role to other agencies by providing military assistance to civil authorities at the Federal, state, and local levels. The President and Secretary of Defense define the circumstances under which DoD would be involved in the HD and CS missions.<sup>14</sup>



Further, in its *Strategy for Homeland Defense and Civil Support*, DoD provides key definitions that clarifies its role further.

Homeland security as defined in the National Strategy for Homeland Security, is "a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur." The Department of Homeland Security is the lead Federal agency for homeland security. In addition, its responsibilities extend beyond terrorism to preventing, preparing for, responding to, and recovering from a wide range of major domestic disasters and other emergencies.

Homeland defense is the protection of US sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President. The Department of Defense is responsible for homeland defense.

Defense support of civil authorities, often referred to as civil support, 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 of Defense provides defense support of civil authorities when directed to do so by the President or Secretary of Defense.<sup>15</sup>

Post-Hurricane Katrina, there has been a lot of public discussion for the possibility of earlier "federalization" of responses for Incidents of National Significance and DoD as lead agency. In his September 2005 speech in New Orleans regarding issues with Hurricane Katrina preparedness and response, President Bush stated, "it is now clear that a challenge on this scale requires greater federal authority and a broader role for the armed forces, the institution of our government most capable of massive logistical operations on a moment's notice..."<sup>16</sup> This is at odds with his earlier statement faulting the lack of coordination in the system as the cause. He seems to be suggesting that in removing variables for coordination requirements by further federalizing and increasing military roles that coordination would be smoother. The difficulty with this is that the organizations at the lower levels of the emergency management system are the ones that train and respond to emergencies on a daily basis, not the federal authorities. The true solution may be to improve federal preparedness and response by means of improved DHS, DoD and state planning, collaboration, and well orchestrated regional training and exercising.

What leads one to the conclusion that DoD should take the lead when there already exists an emergency management system framework and a Federal agency to provide oversight and manage the system? Part of the issue may stem from some inadvertent blurring of DoD responsibilities for Homeland Security and Homeland Defense.<sup>17</sup> The following illustration taken

from JP 3-26 shows the relationship of these missions with emergency preparedness and DSCA. As it illustrates, DoD has responsibilities that fall within all of the mission areas.



Figure 1.

The confusion rests in a lack of understanding that DoD focus for emergency preparations are much narrower than that of DHS and the states in satisfying its mission as lead agency for homeland defense. Emergency preparedness in the DoD context is very focused towards establishing conditions for protecting and ensuring the continuity of critical defense and political infrastructures - not in the general context of emergency preparedness that the NIMS and NRP convey. Its role in preparedness in today's doctrine is an integral, yet lesser contributing partner to DHS and state emergency preparedness. However, couple this with the reality that DoD routinely provides major civil support for Incidents of National Significance and one could, with the misunderstanding described above, conclude that DoD would be the best lead agency for preparing for and responding to domestic natural or man-made disasters.

Following Hurricane Andrew's destructive foray through Florida and Louisiana in August 1992, the National Academy of Public Administration (NAPA) published a report called *Coping With Catastrophe*. In this report for the U.S. Congress and FEMA, a panel of experts recommended strongly against the federal government becoming the nation's "911 first responder" and for maintaining the nation's federalist underpinnings.

The nation's constitutional structure, rooted in the values of federalism, is fundamentally "bottom-heavy." Although the federal role has expanded over two centuries, governing in America generally occurs within the broad, general "police" powers reserved to the states by the Constitution and delegated, in turn, to local governments. There are tens of thousands of emergencies each year. Most emergencies - even most disasters - are met by state and local governments. This layered system of disaster response can be improved without altering federalism.<sup>18</sup>

The NAPA panel further recommended against the transfer of disaster response to the DoD:

Making this function a routine part of the defense mission would further complicate larger issues of the Armed Forces' peacetime roles. Their primary mission is to prepare for war and to fight if necessary. The panel recognizes that the Armed Forces have repeatedly demonstrated valuable capabilities in responding to major disasters - promptly when necessary - in the case of domestic catastrophe. The problem should be addressed by improving procedures that enable civilian authorities to call upon the capabilities of the Armed Forces in a timely fashion in those relatively rare circumstances that require response capabilities of a magnitude only they can provide.<sup>19</sup>

While the considerations of the previous quotes are dated and the country is now at war with terrorists, the main point holds true – the primary mission of DoD is to prepare for war and fight if necessary and, therefore, DoD should be neither America's "911 first responder" nor the lead agency for emergency management. However, since the country is at war, the resultant consequences of domestic terrorist attack may fall within the realm of DoD's daily operations and so it follows that DoD should be prepared to respond accordingly. Addressing improvement to "procedures to enable civilian authorities to better call upon the capabilities of the Armed Forces" becomes ever more important. One could say that the development of DHS and subsequent NIMS and NRP are those improvements. But, are they enough? The experience with Hurricane Katrina would suggest no. It may be that it is the inherent "rarity of the circumstances" that inhibits adequate execution due to complacent planning, coordination, and organization amongst the states and federal agencies for these significant incidents, even with the "new" terrorist threat. Or, it may be that while the emergency management system has been improved, the DHS and its emergency management directives have failed to capture the realities of preparedness and response with regard to DoD's necessary participation. While it is clear that DoD has finite responsibilities in preparedness and response as described in the text above and in current doctrine, the reality is that even natural disasters may cause conditions that put national security at risk. Therefore, DoD should recognize that its role in emergency preparedness is greater than as it is illustrated in the figure above and as described in its strategies and doctrine.

In his primer, *The Role of the National Guard in National Defense and Homeland Security*, Major General Timothy Lowenberg, Adjutant General for Washington, postulates that the separate mission areas of Homeland Security and Homeland Defense for the preparedness and response to Incidents of National Significance creates a chasm. This chasm establishes "bright lines between national defense and homeland security" producing "unintended gaps and

unacceptable risks.” He also states, “neither (DoD nor DHS) wants to pay for or encroach upon the mission prerogatives of the other.”<sup>20</sup> The apparent reticence to collaborate that he suggests is illustrated in the documents that govern actions in the mission areas of emergency preparedness and response. The NIMS and NRP underplay the major role that DoD will take in Incidents of National Significance. The NIMS is written in generalities and in terms of “interagency actions.” The NRP addresses DoD’s potential contributions in a section entitled *Defense Support of Civil Authorities* whereby procedures are set forth for requesting DoD support “when local, State, and Federal resources are overwhelmed, provided that it does not interfere with the Department’s military readiness or operations.”<sup>21</sup> However, there is a significant problem with this section in the NRP. It provides for DoD support when requested and approved by the Secretary of Defense once local, State, and Federal resources *are overwhelmed*; normally one would consider that point to be very late for satisfying the number one priority of the NRP – “save lives and protect the health and safety of the public, responders, and recovery workers.”<sup>22</sup> While DoD usually “leans forward” anticipating the requirement for support in the event of a major incident, it has no charter to do so. It also assumes that an Incident of National Significance would not be part of the DoD’s military operations. DoD, as the lead agency for Homeland Defense, shoulders the sub-task of consequence management<sup>23</sup>, which fits within its narrow focus of emergency preparedness.

JP 3-26 recognizes better the necessity for DoD to coordinate with DHS in terms of response.

To orchestrate the myriad of capabilities associated with the National Strategy for Homeland Security, DoD must closely coordinate efforts with DHS, and other Federal, state, and local government agencies, and the private sector, and facilitate information/intelligence sharing to ensure unity of effort. Since many Homeland Security objectives are best accomplished by building upon existing capabilities, the Federal government’s role is to support and enhance those capabilities already at the state and local level. To do this, DHS coordinates federal activities, integrates national preparedness and response systems, and encourages development and enhancement of state and local capabilities.<sup>24</sup>

JP 3-26 is a somewhat recent document, published in August 2005 and the language illustrated above shows recognition of the need for DoD to “closely coordinate efforts with DHS.” However, the tenor of doctrine for DoD still rings to the tune of support and coordination when requested and approved with very little mention of pre-coordinated training and exercising aside from the quote above. JP 3-26 provides little discussion of emergency preparedness apart from the normal preparedness activities resident in “DoD’s overall preparedness activities.” “Within DoD, it (emergency preparedness) is not considered a stand-alone activity, but an integral part

of training and preparation.”<sup>25</sup> Additionally, in the realm of emergency preparedness for Homeland Defense (DoD is the lead agency), JP 3-26 discusses strategic activities associated with continuity of government and continuity of operations and operational activities such as “joint and interagency interoperability and coordination preparation, joint training exercises, and experimentation and development of information and intelligence architectures.”<sup>26</sup> This, once again, is very descriptive of its narrow focus to emergency preparedness. Perhaps it is this reticence to collaborate the efforts of preparedness due to separate but related mission sets that is a significant contributor to the problem of national response for Incidents of National Significance.

The recurrent desire to consider DoD for the role of lead federal agency for Incidents of National Significance may also partly be caused by ignorance of the statutes governing the use of and limitations of military forces for domestic purposes. In his primer, Major General Lowenberg provides clarity to the often-misunderstood relationships of National Guard forces, Reserve forces, and Active forces for domestic use. Echoing the NAPA panel in his primer, he reinforces the concept of federalism by illustrating through historical context, the valuable role of the National Guard forces to the states and their availability for use by the President and federal government. He provides a superb summarization of considerations that, for the purposes of this paper, will provide a baseline of understanding.

- Federal and state constitutions and statutes provide the primary authority for use of military force by federal and state governments.
- National Guard forces are unique in that they may be used in one of three legally distinct ways:
  - By the Governor for a state purpose authorized by state law (State Active Duty)
  - By the Governor, with the concurrence of the President or Secretary of State (as designated) for shared/federal purposes or for a primary federal purpose (Title 32 Duty)
  - By the President for a federal purpose authorized by federal law (Title 10 Duty)
- When on State Active Duty or Title 32 Duty, National Guard forces remain under operational, tactical, and administrative control of the governor and are not subject to restrictions of the Posse Comitatus Act.

- When on Title 10 Duty, National Guard forces are under exclusive control of the President and federal government – like Active and Reserve forces – and are subject to restrictions of the Posse Comitatus Act.<sup>27</sup>

These distinctions are important to understand when discussing the use of the military for domestic purposes. Those who do not understand the relationship of National Guard forces to DoD might mistakenly assume that DoD would present a “best lead agency” for emergency response simply because they already “own” the national guard. That is just not the case, unless the President directs it. It also illustrates that there is already inherent and significant military involvement available in the emergency management system for use even prior to requesting federal support. To consider “federalizing” the National Guard for all Incidents of National Significance would be antithetical to federalism. In the words of Major General Lowenberg, the National Guard is “a unique state-based military force” and...“is a ready and reliable force accessible to the states for both state and combined state and Federal purposes and to the Federal government for Federal purposes.”<sup>28</sup> Unless in the most extreme situation where federalization makes sense, as in a “time of national emergency,” it would otherwise be most advantageous to maintain National Guard unity of command within a state rather than instituting “Title 10” status for that state’s National Guard forces. In this way the “local emergency conditions” remain local, the guard forces are not subject to restrictions of the Posse Comitatus Act, and state authorities can pull resources from Federal providers as required while the Federal authorities provide oversight of the greater region. DoD in this instance is a supporting agency, invaluable in its ability to respond to need yet unobtrusive and subordinate in its impact on local and state control. In fact, there may be conditions where it would be best to provide Title 10 forces to a state appointed National Guard task force commander under combined Title 10/32 authority with approval of the President and consent of the state’s governor.<sup>29</sup>

#### NORTHCOM

As previously illustrated, NORTHCOM is DoD’s combatant command for the continental U.S., Alaska and surrounding waters. Its mission is to “conduct operations to deter, prevent and defeat threats and aggression aimed at the United States, its territories, and interests within the assigned area of responsibility and, as directed by the President or Secretary of Defense, provide defense support of civil authorities including incident management operations.”<sup>30</sup> This mission statement maintains the tenor described earlier, however, in its list of *Principle Means to Fulfill Responsibilities and Implement Vision* NORTHCOM clearly recognizes the necessity to

be prepared and lean forward to provide civil support. Provided below are the three applicable means to this end.

- Maintain flexible, executable, and regularly-exercised plans to defend our nation and provide civil support.
- Help shape the Department of Defense's efforts to synchronize national, state, local, tribal, and non-governmental efforts for homeland defense, homeland security, and civil support.
- Anticipate requests for civil support and provide required military capabilities at the right place and time.<sup>31</sup>

NORTHCOM's commander, Admiral Timothy J. Keating, apparently based on the experiences of Hurricane Katrina understands that his mission is growing, even if he has not stated it explicitly. In a 15 March 2006 article by the American Forces Press Service, Admiral Keating put forth plans to improve DoD's collaboration and interface with the emergency management system. Of note, he described contingency plans in development for civil support (DSCA) that should be approved by the Secretary of Defense in 2006. Additionally, NORTHCOM will require, at a minimum, five "large-scale" and thirty "smaller-scale" exercises each year to test these plans. He also stated that "Northern Command has begun collaborative planning and preparation efforts with the (National Guard) adjutants general of all states and is integrating 'defense coordinating officers' into each Federal Emergency Management Association region." And finally, as a result of lessons-learned from the Hurricane Katrina experience, "Northern Command and the Department of Homeland Security are deploying cellular-based communication systems and working with FEMA and the National Guard Bureau to develop common data sets that will allow them to communicate quickly and more accurately."<sup>32</sup> These initiatives are clearly setting NORTHCOM on a positive course of collaboration with DHS and other agencies within the emergency management system. Stated or not, NORTHCOM's mission has evolved to include a more proactive role in developing readiness for domestic emergency support.

These are positive steps toward an integrated DHS, DoD, and states' solution to many of the shortfalls of planning and collaboration for national preparedness and response to Incidents of National Significance. However, the collaborative relationship of DHS, DoD, and the states should be codified in the directives and documents that govern the implementation of the national emergency response system. As the Summary of Findings noted in the U.S. House Final Report, *A Failure of Initiative*, the "NRP did not adequately provide a way for Federal assets to quickly supplement or, if necessary, supplant first responders."<sup>33</sup> Perhaps it was that

the NRP was insufficient in detail, or that it did not provide the direction for a collaborative relationship between agencies that would *require* interagency exercises on a scale large enough to provide training in preparation for events such as Hurricane Katrina.

### Conclusion

Cooperation is a difficult thing to require. It is a condition that exists through mutual benefit and is difficult to enforce - as anyone who knows the interagency process would profess. However, in this case cooperation may be burgeoning by duty, but it is still difficult to enforce and rely upon over time. Legislating change and establishing specific requirements in law for cooperative DHS, DoD and state training and exercising would at least establish minimum requirements for regional planning and preparedness and, ultimately, better response.

Recognize the major supporting role of DoD and adjust the NIMS and NRP accordingly. Address specific DoD actions in plans, preparedness, and response. Preparedness and response for Incidents of National Significance should be coordinated by DHS (lead), DoD and the states through contingency plans and authority agreements with solid oversight, training, and exercising of regional plans by the respective NRP organizational structures.<sup>34</sup> Regional plans for DoD contingency support should be developed and maintained at NORTHCOM and exercised regularly in partnership with expected participating State and Federal agencies. (Additionally, NORTHCOM should closely coordinate with PACOM for the same domestic preparedness and response responsibilities in that combatant command region.) NORTHCOM should also take a proactive role in assisting DHS (FEMA) with regional exercise support and expertise. These regions should closely approximate the existing regions already established by FEMA. These efforts should be tempered with an appreciation and recognition of the federalist values of local and state emergency management organizations retaining authorities for their localities while coordinating and cooperating with federal authorities under federal oversight during an Incident of National Significance.

The authors of the post-Andrew report *Coping With Catastrophe* noted in their conclusion that what may be required to establish greater momentum for serious emergency management reform may be a "galvanizing event." They chose to suggest that the galvanizing event be a meeting, commission, or summit of governors designed to harden resolve for reform.<sup>35</sup> Little did they know in 1993 that reform might require two galvanizing events of the most unfortunate kind - the terrorism events of September 11, 2001 and Hurricane Katrina.

In this post-Hurricane Katrina time, there is still confusion as to the correct direction to take emergency preparedness and response reform. However, visionaries such as Admiral



Keating at NORTHCOM are coming forward with ideas and actions to assist in rectifying the chasm described by Major General Lowenberg. It is time to better shape the efforts and responsibilities of the federal agencies with reality and codify, train to, and exercise them so that the national response capability reflects the professionalism of the state and local.

#### Endnotes

<sup>1</sup> U.S. Department of Homeland Security, *National Incident Management System*, March 1, 2004, 1. These processes and capabilities are organized by the Department of Homeland Security (DHS) as prevention, preparedness, response, recovery, mitigation, and coordination.

<sup>2</sup> Endnote here describing HSPD-5 establishing directive for DHS.

<sup>3</sup> U.S. House of Representatives, Final Report of Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, February 15, 2006, conclusion and National Academy of Public Administration, *Coping With Catastrophe*, A Report for the U.S. Congress and Federal Emergency Management Agency, February 1993.

<sup>4</sup> U.S. Department of Homeland Security, *National Response Plan*, December 2004, Appendix 1, 67. "Based on criteria established in HSPD-5 (para 4), an actual or potential high-impact event that requires a coordinated and effective response by and appropriate combination of Federal, State, local, tribal, nongovernmental, and/or private-sector entities in order to save lives and minimize damage, and provide for long-term community recovery and mitigation activities." The Secretary of Homeland Security declares Incidents of National Significance (in consultation with other departments and agencies as appropriate) and provides coordination for Federal operations and/or resources, establishes reporting requirements, and conducts ongoing communication with Federal, state, local, tribal, private-sector, and non-governmental organizations to maintain situational awareness, analyze threats, assess national implications of threat and operational response activities, and coordinate threat or incident response activities. Homeland Security Presidential Directive/HSPD-5 criteria are that "the Secretary (DHS) shall coordinate the Federal Government's resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any one of the following four conditions applies: (1) a Federal department or agency acting under its own authority has requested the assistance of the Secretary; (2) the resources of State and local authorities are overwhelmed and Federal assistance has been requested by the appropriate State and local authorities; (3) more than one Federal department or agency has become substantially involved in responding to the incident; or (4) the Secretary has been directed to assume responsibility for managing the domestic incident by the President."

<sup>5</sup> Term "state" or "states" will be used throughout the document in reference to all of the states within the greater United States as well as the emergency agencies and organizations they control, to include National Guard forces.

<sup>6</sup> DoD Strategy for Homeland Defense and Civil Support, June 2005, 5.

<sup>7</sup> [Http://www.northcom.mil/about\\_us/about\\_us.htm](http://www.northcom.mil/about_us/about_us.htm). U.S. Northern Command began operations in 2002, its AOR includes air, land and sea approaches and encompasses the

continental United States, Alaska and the surrounding water out to approximately 500 nautical miles. It also includes the Gulf of Mexico, Puerto Rico and the U.S. Virgin Islands. The commander of USNORTHCOM is responsible for theater security cooperation within his AOR, notably with Canada and Mexico. The defense of Hawaii and our territories and possessions in the Pacific remain the responsibility of U.S. Pacific Command. USNORTHCOM's civil support mission includes domestic disaster relief operations that occur during fires, hurricanes, floods and earthquakes. Support also includes counter-drug operations and managing the consequences of a terrorist event employing a weapon of mass destruction. The command provides assistance to a primary federal agency when tasked by DoD. Per the Posse Comitatus Act, military forces can provide civil support, but cannot become directly involved in law enforcement. In providing civil support, USNORTHCOM generally operates through established Joint Task Forces subordinate to the command. An emergency must exceed the capabilities of local, state and federal agencies before USNORTHCOM becomes involved. In most cases, support will be limited, localized and specific. When the scope of the disaster is reduced to the point that the primary federal agency can again assume full control and management without military assistance, USNORTHCOM will exit, leaving the on-scene experts to finish the job.

<sup>8</sup> U.S. Department of Homeland Security, *National Incident Management System*, March 1, 2004, 3.

<sup>9</sup> U.S. Department of Homeland Security, *National Response Plan*, December 2004, preface.

<sup>10</sup> U.S. Department of Homeland Security, *National Response Plan*, December 2004, preface.

<sup>11</sup> WWW.EMACWEB.ORG, Emergency Management Assistance Compact (EMAC) is a congressionally ratified organization that provides form and structure to interstate mutual aid. Through EMAC, a disaster impacted state can request and receive assistance from other member states quickly and efficiently, resolving two key issues up front: liability and reimbursement. EMAC is an agreement among member states that outlines the legal agreements and procedures for providing assistance to other member states in the event of an emergency or disaster. EMAC is defined by its Articles, which constitutes the agreement on how emergency assistance will be exchanged among the member states. Each state's legislature must enact EMAC legislation and the governor must sign articles into law to become a member state.

<sup>12</sup> U.S. House of Representatives, Final Report of Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, February 15, 2006, conclusion. Among the conclusions for the problems identified during the Hurricane Katrina response were the following selected findings as quoted from the document: (1) Tardy and ineffective execution of the National Response Plan (2) An under-trained and under-staffed Federal Emergency Management Agency (3) A Catastrophic Incident Annex that was never invoked (4) An incomplete evacuation that led to deaths and tremendous suffering (5) A complete breakdown in communications that paralyzed command and control and made situational awareness murky at best (6) Haphazard and incomplete emergency shelter and housing plans (7) An overwhelmed FEMA logistics and contracting system that could not support the effective provision of urgently needed supplies.

<sup>13</sup> President George W. Bush, Whitehouse.gov, Speech of September 16, 2005 in New Orleans, LA.

<sup>14</sup> Joint Publication 3-26, *Homeland Security*, 2 August 2005, II-1.

<sup>15</sup> DoD Strategy for Homeland Defense and Civil Support, June 2005, 5-6.

<sup>16</sup> Bush, Speech of September 16, 2005.

<sup>17</sup> Joint Publication 3-26, *Homeland Security*, 2 August 2005, GL-9. Glossary definitions: Homeland Defense (HD). The protection of United States sovereignty, territory, domestic population, and critical infrastructure against external threats and aggression or other threats as directed by the President. The Department of Defense is responsible for homeland defense. Homeland defense includes missions such as domestic air defense. The Department recognizes that threats planned or inspired by "external" actors may materialize internally. The reference to "external threats" does not limit where or how attacks could be planned and executed. The Department is prepared to conduct homeland defense missions whenever the President, exercising his constitutional authority as Commander in Chief, authorizes military actions. Also called HD. (Approved for inclusion in the next edition of JP 1-02.) Homeland Security (HS). Homeland security, as defined in the National Strategy for Homeland Security, is a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur. The Department of Defense contributes to homeland security through its military missions overseas, homeland defense, and support to civil authorities. Also called HS. (Approved for inclusion in the next edition of JP 1-02.)

<sup>18</sup> National Academy of Public Administration, *Coping With Catastrophe*, A Report for the U.S. Congress and Federal Emergency Management Agency, February 1993, xi.

<sup>19</sup> National Academy of Public Administration, *Coping With Catastrophe*, A Report for the U.S. Congress and Federal Emergency Management Agency, February 1993, x-xi.

<sup>20</sup> Major General Timothy J. Lowenberg, *The Role of the National Guard in National Defense and Homeland Security*, National Guard Association of the United States, 5-6.

<sup>21</sup> U.S. Department of Homeland Security, *National Response Plan*, December 2004, 42.

<sup>22</sup> U.S. Department of Homeland Security, *National Response Plan*, December 2004, 6.

<sup>23</sup> Joint Publication 3-26, *Homeland Security*, 2 August 2005, GL-6. Consequence management. Actions taken to maintain or restore essential services and manage and mitigate problems resulting from disasters and catastrophes, including natural, manmade, or terrorist incidents

<sup>24</sup> Joint Publication 3-26, *Homeland Security*, 2 August 2005, I-5.

<sup>25</sup> Joint Publication 3-26, *Homeland Security*, 2 August 2005, I-4.

<sup>26</sup> Joint Publication 3-26, *Homeland Security*, 2 August 2005, III-3.

<sup>27</sup> Major General Timothy J. Lowenberg, *The Role of the National Guard in National Defense and Homeland Security*, National Guard Association of the United States,

<sup>28</sup> Major General Timothy J. Lowenberg, *The Role of the National Guard in National Defense and Homeland Security*, National Guard Association of the United States, 1.

<sup>29</sup> U.S. Code, Title 32, section 325 (a)(2).

<sup>30</sup> [Http://www.northcom.mil/about\\_us/about\\_us.htm](http://www.northcom.mil/about_us/about_us.htm). About Us. U.S. Northern Command Vision. Our Mission.

<sup>31</sup> [Http://www.northcom.mil/about\\_us/about\\_us.htm](http://www.northcom.mil/about_us/about_us.htm). About Us. U.S. Northern Command Vision. Our Mission.

<sup>32</sup> [Http://www.northcom.mil/about\\_us/about\\_us.htm](http://www.northcom.mil/about_us/about_us.htm). Newsroom. *Northern Command Integrating Lessons Learned from Katrina*. Sgt. Sara Wood, USA, American Forces Press Service.

<sup>33</sup> U.S. House of Representatives, Final Report of Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, February 15, 2006, summary of findings.

<sup>34</sup> U.S. Department of Homeland Security, *National Response Plan*, December 2004, fact sheet. Coordinating features in the NRP: (1) Homeland Security Operations Center (HSOC) – serves as the primary national-level multiagency hub for domestic situational awareness and operational coordination. (2) National Response Coordination Center (NRCC) – a functional component of the HSOC, is a multiagency center that provides overall federal response coordination. (3) Regional Response Coordination Center (RRCC) – coordinates regional response efforts and implements local federal program support until a Joint Field Office is established. (4) Interagency Incident Management Group (IIMG) – tailored group of senior federal interagency experts who provide strategic advice to the Secretary of Homeland Security during an actual or potential Incident of National Significance.

<sup>35</sup> National Academy of Public Administration, *Coping With Catastrophe*, A Report for the U.S. Congress and Federal Emergency Management Agency, February 1993, xiii. Full quote, "The panel is making numerous recommendations to strengthen the nation's emergency management system. Changes of the magnitude outlined in this report will require strong, sustained White house and congressional attention and support. Given the nation's economic and social problems, and the foreign policy challenges likely to occupy its political leadership, the panel believes a galvanizing event may be needed before the states can reach a new agreement with the federal government on how the nation will prepare for and respond to emergencies, and who will pay the cost. Such an event could be a White house or governors' conference on emergency management, a summit meeting between the President and the governors, or a national commission chartered by Congress or appointed by the President. *Without bold action, America's frustration with the timeliness and quality of the governmental response to natural disasters will very likely continue.*