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The dual status command authority was initially authorized in the 2004 National Defense Authorization Act. The DOD's robust but uncoordinated response to Hurricane Katrina served as the catalyst for all parties to recognize the need to implement change to current military doctrine, regulations, and United State Code in relation to DSCA. Employing a dual status commander during a no-notice event provides a cooperative and best approach to achieving unity of effort through unity of command at the tactical level. However, as seen in the responses to Hurricanes Sandy, Harvey, and Maria there is still room for improvements.

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Executive Summary

Title: Dual Status Commander in Support of Defense Support of Civil Authorities (DSCA) Hurricane Katrina to Present.

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Thesis: The federal government and the Department of Defense (DOD) have made significant changes in consultation with the states, territories, and the District of Columbia. However, in order to maximize gains from lessons learned the stakeholders must ensure that large-scale planning events, and coordination at the state, federal, and local level is maintained to model unity of effort through a single commander in future DSCA operations.

Discussion: The dual status command authority was initially authorized in the 2004 National Defense Authorization Act. The DOD's robust but uncoordinated response to Hurricane Katrina served as the catalyst for all parties to recognize the need to implement change to current military doctrine, regulations, and United State Code in relation to DSCA. Employing a dual status commander during a no-notice event provides a cooperative and best approach to achieving unity of effort through unity of command at the tactical level. However, as seen in the responses to Hurricanes Sandy, Harvey, and Maria there is still room for improvements.

Conclusion: The DOD role in providing support to civilian authority during a domestic disaster is enduring, whether in response to a no-notice or planned event, employing the most effective coordinated use of military forces in support of domestic operations is paramount. Successful implementation of the dual status command construct is likely to provide the prerequisite for resolving an important gap in the law that limits DODs ability to bring the full force of our nation's military capacity.

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Preface

I would like to thank the Army National Guard Directorate for the honor and privilege to continue to serve and lead Soldiers in peace and in conflict. Throughout the past twenty-nine years, I have been blessed serving under superb professional leaders in both the Active Army and the Army National Guard. The topic of this paper is near and dear to my heart as a member of the Puerto Rico National Guard. The island experienced devastation when a category 5 hurricane made landfall in 2017 and the Dual Status Command authority was implemented. The successful integration of both the Federal and National Guard personnel was instrumental in the civil authorities proving much need assistance to inhabitants in affected areas.

I would also like to thank Mrs. Andrea Hameln for her unwavering support and assistance throughout this process, I'm grateful for Dr. James Joyner, Jr. for his patience, mentorship, guidance, and relentless editing. Most of all, I thank my family for graciously allowing me to spend countless hours researching, writing, and re-writing; they are my sunshine.

Introduction

During Hurricane Katrina, over 70,000 military troops supported civilian authorities. The aftermath of this natural disaster would reveal the large gap that existed between the military and civilian authorities. The federal military leadership responsible for providing military aid along with the state leaders responsible for relief efforts in New Orleans saw an unprecedented low morale and resorted to finger pointing rather than owning the responsibility, controlling the damage, and rebuilding what was broken.¹ Hurricane Katrina served as a catalyst in identifying significant gaps in the military's command and control application for use of Title 10 (Active Duty) and Title 32 (National Guard) forces for Defense Support to Civil Authorities (DSCA) in response to a natural disaster.

The dual status commander authority has been in existence since 2004. A dual status commander is an officer of the Army National Guard (ARNG) or Air National Guard (ANG) or a commissioned officer of the Regular Army or Regular Air Force who has completed specialized training and certification and is jointly managed by the Commander, U.S. Northern Command, and the Chief, National Guard Bureau, and who may by law, serve in both federal and state statuses simultaneously. The federal government and the Department of Defense (DOD) have made significant changes in DSCA application in consultation with the governors of all fifty states, and three territories. However, in order to maximize gains from lessons learned the stakeholders must ensure that iterative large-scale planning events, and coordination at the state, federal, and local level is maintained to model unity of effort through a single commander in future DSCA operations.

This research will primarily focus on the lessons identified after Hurricane Katrina and changes that were implemented by all relevant actors. It will provide an overview of DOD's use

of the dual status commander in response to hurricanes Sandy, Harvey and Maria and provide some recommendations that the federal government can implement to improve future DSCA operations. As such, this paper will demonstrate that timely implementation of the dual status commander with the appropriate authority can serve as the critical link in providing unity of command in support of future DSCA operations.

Figure one lays out the different statuses that military personnel might be in when participating in DSCA operations and the associated command relationships and potential mission employment.

	State Active Duty (SAD)	Title 32	Title 10
Command & Control	Governor	Governor	President
Duty Location	State Borders	United States	Worldwide
Mission Types	IAW State Law (riot control, emergencies)	Training and other federally authorized missions	Overseas Training and other missions as assigned
Discipline	State Military Code	State Military Code	UCMJ
Support to Law Enforcement	Yes, within authority extended by state law	Yes, within authority extended by state law	In accordance with Posse Comitatus Act

Figure 1. DSCA military personnel duty status types and associated Chain of Command.

Federal Law & DSCA

The military's domestic response to natural disasters is covered in several laws, policies and regulations. The National Response Framework (NRF) is a national process that enables the whole of government response to a domestic emergency or incident.² It guides all stakeholders on how to conduct all hazard responses to domestic events. Once the President makes a major disaster, or emergency declaration, the Stafford Act authorizes the use of federal assistance and

the President can direct DOD to assist with relief efforts.³ National preparedness is the key to responding to emergency disasters. When an incident occurs that exceeds, or is anticipated to exceed state, local, or tribal resources, both neighboring states and the federal government may provide resources and capabilities to support the response (see Figure 2). After the President makes the emergency declaration, FEMA is the Department of Homeland Security agency that leads the federal response to managing natural and man-made disasters in a U.S. government relief effort. The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides the authority to FEMA to task other federal agencies to utilize resources in support of state and local assistance. The National Incident Management System (NIMS) is part of the national preparedness system and provides the templates for the unified management of incidents and operations in support of the NRF.⁴ NIMS provide the whole of government approach from that enables federal, state, and local government and nongovernmental (NGOs) to work together to mitigate the effects of incidents.

DSCA is a process by which the military personnel and resources are used in times of crisis as a response and in support of the civilian agencies. At times this support may be in conjunction with the civilian authority, while in other times the resources and personnel can fully replace the civilian counterparts.⁵ The DSCA mission is critical for DOD ability to provide effective liaison, coordination, and integration of military personnel as members of an emergency response effort supporting local, state, and federal civilian agencies.⁶ As such, it also provides the procedural steps that manage, and at times govern, the decisions of the military during employment into the disaster areas. At the state level before requesting assistance from the federal government, the affected governor can make a request to other states for assistance in dealing with the incident. The common way for states to gain military support is for the Office of

Emergency Management (OEM) to make a request for forces or support through the inter-agency Job-Order Contracting (JOC) process. Emergency Management Assistance Compact (EMAC) is a mutual aid agreement among states and territories in times of disaster.⁷ It enables states to share resources during natural and man-made disasters, including terrorism. The EMAC provides the governors of the affected states with additional National Guard forces under the tactical control of the supported state Adjutant General.

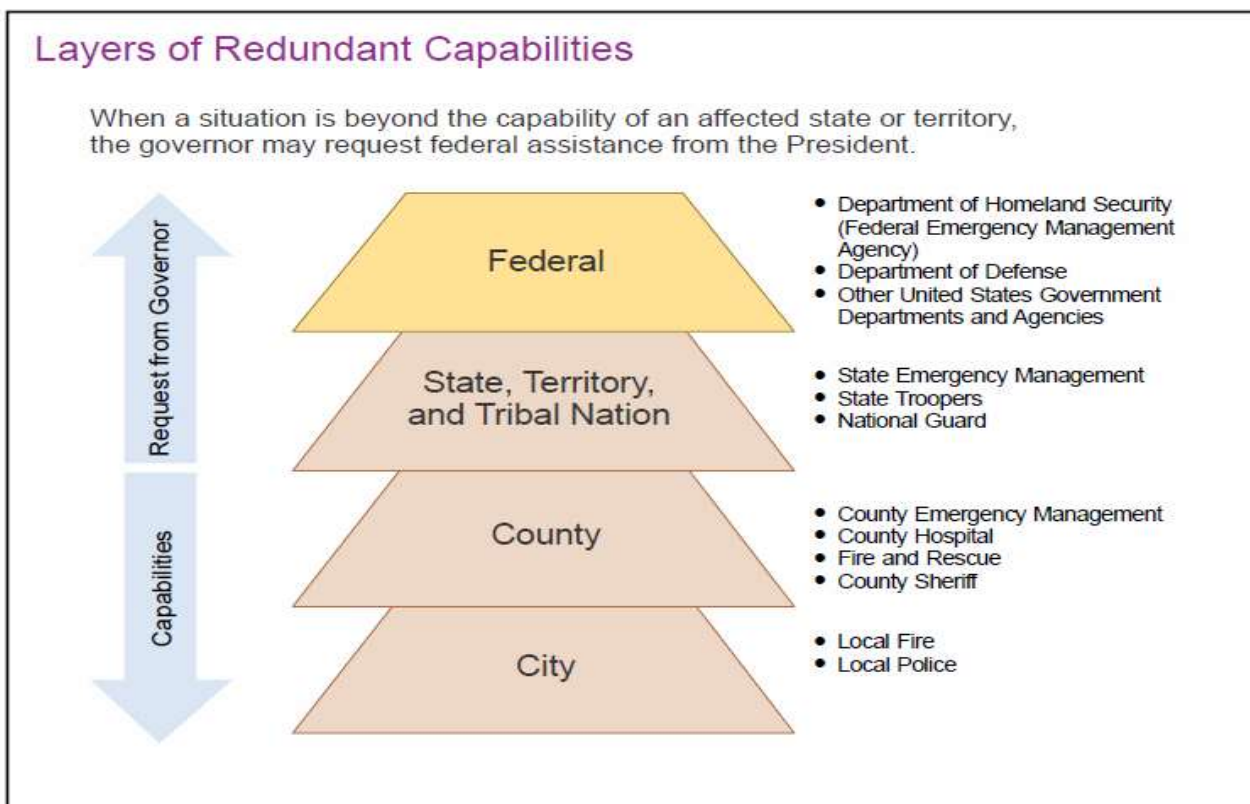


Figure 2. Layers of Redundant Capabilities

Source: ADRP 3-28, 2013, pp. 3-9 and 3-10.

Hurricane Katrina

DOD provided a massive response in support of Hurricane Katrina, in that there were approximately 50,000 National Guardsmen from forty-five different states and territories who

provided assistance after the EMAC was activated and over 20,000 federal Active Duty troops.⁸ Lieutenant General Russel Honoré, Commanding General of First Army, was appointed Joint Task Force Katrina mission commander and tasked with the mission to coordinate the Title 10 federal military response. President George W. Bush made the attempt to activate the dual status command authority by requesting that the governors of Louisiana and Mississippi grant Honoré a State commission in order to serve as senior commander over all forces both Title 10 and National Guard.⁹ However, both governors denied the request, not wanting to cede their constitutional authority as commander-in-chief for Title 32 National Guard forces in their respective states. This action effectively divided the military response to the crisis into three separate operations with three independent chains of command. One of the challenges with the dual status command authority is that it requires consent from both the President and the governor of the affected states. In most cases the governor usually makes the initial dual status command request and based on the recommendation of the Secretary of Defense, the President approves or disapproves the request.

The next section will demonstrate that regardless of the framework used to respond, none is perfect to sustain a large-scale disaster like Katrina. Legal problems were identified in: (1) the process of unified management of the national response, (2) command and control structure within the military, (3) state and federal government, knowledge of the level of preparedness and their plans to address emergencies, and (4) most crucially regional planning, collaboration, and coordination efforts.

Command and Control challenges

Military leadership had differing, problematic communication practices about the response to Katrina. Emergency response plans were not previously tested with a strong exercise

program which included a major deployment of DOD capabilities.¹⁰ As a result, lack of mutual understanding existed between federal, state, and local personnel responding to the situation at hand. During the initial phases of the response, the states did not have an adequate plan to provide life support for the large number of troops that would be aiding with the relief efforts. The lack of a robust Reception, Staging, and Onward Integration plan for the thousands of military personnel added unnecessary delays in their ability to be employed against mission assignments.¹¹

The failure of the senior military commander was found in not establishing and maintaining unity of effort. Unity of effort is defined as coordination and cooperation towards common objectives, regardless if the actors are part of the same unit or organization. This process is straightforward in concept; however, achieving this principle can be difficult to achieve, especially in large units with different chains of command. This poses a considerable challenge as goal and lines of effort for each stakeholder might not align. Senior military leaders of both Active Duty military and National Guard had difficulties with sharing responsibilities between varying emergency response requests, and the lines of effort were not synchronized or monitored. However, since the dual status command authority was not activated, the ability of the senior military leaders from both sides to collaborate, negotiate and build agreed upon decisions in order to establish and maintain unity of effort did not come to fruition. The success of emergency response relies on every member of the response to align to a unified approach, which is not dissimilar from the unity of effort approach. While it is true that the NIMS recognizes that each entity reports to their own authorities, the necessity for a unified approach is based on consensus, not a directive. The dual status command team has to process mission assignment orders from both state and federal authorities, their ability to rapidly conduct mission

analysis and subsequently task organize to the appropriate tactical force either National Guard or Active Duty is instrumental in ensuring that forces are employed appropriately. NIMS provides a common approach at all levels in managing incident responses. Therefore, understanding the doctrine concept is essential for the dual status command team to manage response operations at the tactical level.¹²

Post Hurricane Katrina Corrective Actions

Congress passed the Post-Katrina Emergency Management Response Act of 2006, which amended the Stafford Act to authorize the President, in a major disaster, to authorize precautionary evacuations and provide accelerated federal support in the absence of a specific request and expanded assistance to state and local governments in recovery.¹³ This change was directly related to the lessons identified on the timely response of the federal government to provide support. By decreasing the lag time between the formal requests from a governor to the President and allowing federal authorities to allocate resources in preparation for future response. FEMA will lead the Comprehensive Emergency Management (CEM) efforts that must include protection for all hazards, catastrophic incidents, partnership with multiagency agencies, and creation of multivariate management system that can not only inform but track the needs assessment and delivery of services.

The 2008 National Defense Authorization Act (NDAA) directed the creation of the Council of Governors, a bipartisan group of advisors to the Secretary of Defense, Secretary of Homeland Security, and White House Homeland Security Council on matters related to the National Guard and civil support missions.¹⁴ The executive order to create this council was signed in January 2010 by President Obama. It also consisted of federal representation to include the Secretary of Defense, Homeland Security, Commander, U.S. Northern Command

(USNORTHCOM), Commandant of the Coast Guard, and the Chief of the National Guard Bureau (NGB). In coordination with DOD, the Council of Governors developed the Joint Action Plan for “Developing Unity of Effort.” This plan places the governor of the affected state as the principal civil authority supported by the lead federal agency and its supporting staff. Furthermore, it directed the Adjutant General (TAG) of the affected state as the principal military authority supported by a duly appointed dual status commander.¹⁵

DOD understood that a disaster like Katrina was not a once in a lifetime mission. Prior to Katrina the First United States Army had responsibility for responding to hurricane and other disaster in Minnesota and states east of the Mississippi River while the Fifth United States Army had responsibility for responding to hurricanes and other disasters in the remaining states including Louisiana and Texas. After Katrina, DOD realigned this requirement to USNORTHCOM and delegated United States Army North as the single Land Component Commander for domestic disasters in the contiguous United States.¹⁶

DOD proposed legislation to allow the President to federalize the National Guard in domestic emergency without the consent of the affected governor. This legislation was objected to by fifty-one out of fifty-three governors of states and territories that have a National Guard force. However, the 2007 NDAA amended the federal Insurrection Act granting the President the authority to federalize the National Guard and mobilize all other military services to respond to any catastrophic emergency.¹⁷ This change disregarded the primacy and sovereign obligation of each governor to prepare his or her state for crisis within their borders.

Based on the recommendation from the Commission on National Guard and Reserve Affairs and the National Governors Association, the Secretary of Defense concurred with the process of allowing governors to direct federal forces as part of its efforts to develop plans for

consequence management and support to civil authorities.¹⁸ DOD has assigned military liaisons in FEMA's regions in order to more effectively coordinate with local, state and military/federal officials what needs to be done. DOD implemented efforts that allowed for better coordination between NGB and active forces during crisis response.

After outrage from several governors and working with the Commission on the National Guard and Reserve, the change to the Insurrection Act was repealed in the 2008 NDAA and DOD was back to square one on providing a way ahead for its DSCA policy.¹⁹ After three years of intense working groups, a compromise was achieved by all stakeholders including FEMA, DOD, NGB, and Council of Governors. This agreement would employ the dual status commander concept, equipping the DSC with the appropriate federal and state authority to synchronize both lines of effort while maintaining unity of command for both Active Duty military and National Guard forces. The 2012 NDAA built upon previous legislation to enable states and DOD to coordinate efforts through a single commander, usually a National Guard officer, who is given tactical control of both state-controlled National Guard forces and DOD military forces. Both forces maintain separate and distinct chains of command. The dual status commander can direct all military and their response to requested mission support, ultimately achieving unity of effort that proved difficult in prior DOD use in DSCA operations. The NDAA also amended the Stafford Act, authorizing the DOD access to the Reserve forces of the Marines, Navy, and Air Force, that were not included in the relief efforts during Hurricane Katrina due to statutory limitations. Like the National Guard, the Reserves have readiness centers located through the country with direct ties to the local communities. This change to the law allows for the total force employment to respond to incidents on the homeland, DOD would need to modify doctrine and policy that would facilitate rapid deployment and employment of the Reserve

forces. To support the dual status command during a no-notice event involving both National Guard and Active Duty forces, USNORTHCOM is appointing officers in advance to serve as the federal deputy commander. This officer will establish close habitual relationships with the pre-designated dual status commanders and other relevant actors.²⁰

The Secretary of Defense directed the Chief of NGB to work with state leadership and develop and maintain a list of capabilities that are inherent with the National Guard that can be used in response to future national disaster. After coordination with the governors and TAGs of the states, territories and the District of Columbia, NGB established the Joint Information Exchange Environment (JIEE) as the system of record for facilitating information sharing, collaboration, and situational awareness between NGB, state Joint Force Headquarters (JFHQs), and federal mission partners during DSCA operations.²¹ This improvement allows for situational awareness of the common operating picture for all involved elements, tracking requests for assistance, requests for forces, and requests for information.

Hurricane Sandy

Hurricane Sandy made landfall in New Jersey on October 29, 2012. At the onset, the National Guard and Active Duty military had over 61,000 troops ready to respond to the disaster.²² By October 30, U.S. military support was sought in ten states.²³ Subsequently, nearly 7,500 National Guard troops responded to the orders and stood in line with the civilian responders in the mission of establishing and maintaining disaster shelters, traffic operations and motor vehicle operations, intense rescues and searches of residents in high-risk localities, and dispatch of basic resources and supplies. President Obama signed the Stafford Act emergency declaration prior to the storm making landfall.

This swift action allowed the DOD to issue its response. DOD's response to Hurricane Sandy was historical, as it marks the first time that the dual status command authority was activated in response to a natural disaster.²⁴ Six states were authorized the use of the dual status command authority; however, only New York and New Jersey decided to employ it.

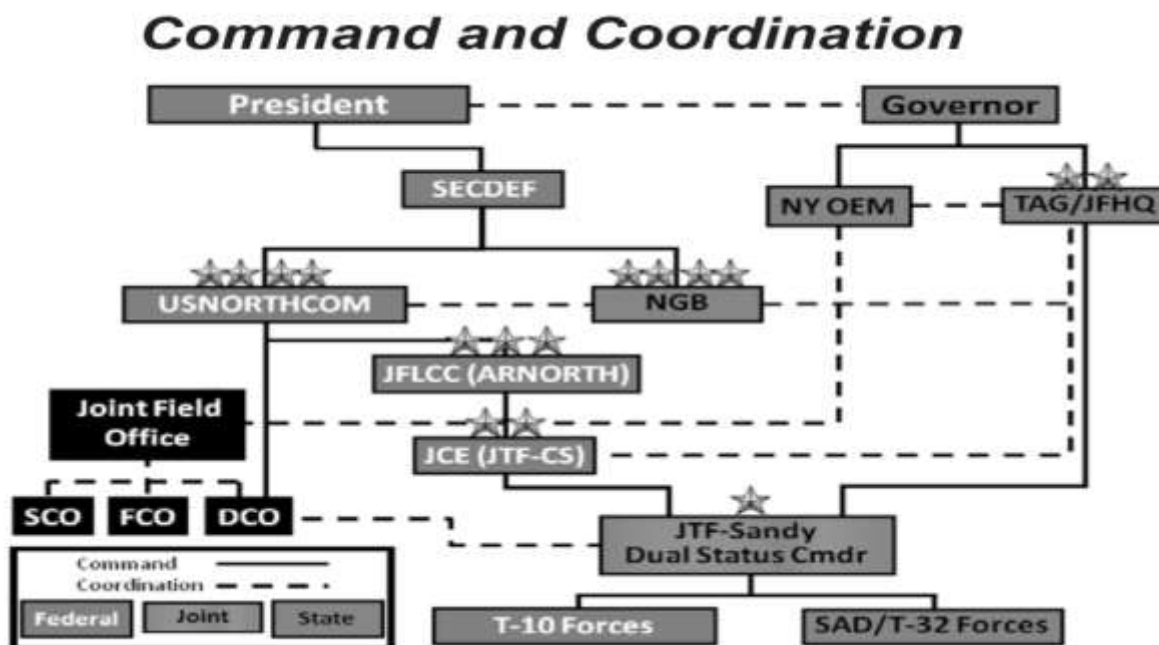


Figure 3. Hurricane Sandy DSC Command Structure

Source: Ryan: Burke- Towards a Unified Military Response

As laid out in figure 3, Brigadier General Michael Swezey, the dual status commander for JTF-Sandy, received guidance and mission orders from both federal and state military leaders. As the damage from the storm increased and news coverage sparked outrage, pressure from the national command authority pushed DOD to issue new guidance to federal forces. The integration of the federal forces compromised the unity of effort because the local authorities had not officially requested the additional resources or forces.²⁵

The flexing of the authority came to pass under the clear misconception of the Title 10 and Title 32 force utilization. The NRF dictates how, when, and why the forces were to be used. The case of Hurricane Sandy saw pervasive problems with synchronizing missions and taskings for the Title 32 and Title 10 forces. Moreover, it swiftly conducted the mission analysis based upon the request for support that can be delegated to the Title 10 and Title 32 personnel. While the state governors have an option to activate the EMAC in times of need, such options are removed and become mandated when the appropriate disaster trigger is activated. A dual status commander must balance the delicate relationship between political and strategic factors of the response in order to avoid rendering the National Guard response and use ineffective in times of disaster. As a result of state sovereignty retained during DSCA response, dual status commanders must comply with all state and federal laws within the boundaries of the affected area and apply the appropriate military forces based on each request for assistance received from the appropriate civil authorities.

Following intense media coverage, the federal government reacted under pressure which resulted in the USNORTHCOM commander issuing guidance through the Active Duty channels bypassing the dual status commander and the governors of the affected states. The guidance directed tactical commanders to get missions, execute them swiftly, and take care of the associated paperwork when the mission was complete.²⁶ Following the issuance of USNORTHCOM's guidance, the commander of the 26th Marine Expeditionary Unit (MEU) sent Active Duty military personnel ashore in New York in support of local authority without a formal request coming from the dual status commander.²⁷ This breakdown in communication and process undermined the dual status commander's authority, infringed on state sovereignty, and potentially violated the Stafford Act. The dilemma that military commanders might find

themselves in after receiving a request from a local authority that's not an emergency should not supersede the correct process of seeking clarification from senior military headquarters to deconflict duplication of efforts and situations awareness at all levels.

The initial response from the 26th MEU commander was that his actions were authorized under the Immediate Response Authority established by the DOD to allow temporary support to civil authorities when formal requests through administrative channels are unrealistic.

Department of Defense Directive 3025.18 allows military commanders to respond to a direct civil request under very dire or serious circumstances when time does not permit the request to move through appropriate channels.²⁸ The law allows military commanders to respond to direct civil requests under extreme or grave circumstances when time is of the essence and the request moving through official channels might cause grave danger. This authority allows for military employment, but not to exceed 72 hours in duration. The examples are life saving measures that prevent human suffering and mitigating substantial loss due to property damage. The New York Port Authority officially requested support directly from the Marine Corps commander without going through the local incident commander or state or federal coordinating official.

Corrective Actions with Military Response to Sandy-like Scenarios

The lessons learned prompted the DOD, Reserve and National Guard, to establish a clear chain of command that guarantees operational cohesion that would establish and maintain timeliness and proper respect for the civilian authority. It was during Hurricane Sandy that for the first time all tactical controls of the National Guard (New York and New Jersey) and Active Duty personnel were assigned to the dual status commander. While this example was not perfect, it laid the springboard for opportunities to improve the dual status command matrix to be implemented for all future use. To help speed up the access to federal forces during a no-notice

event, the Secretary of Defense issued a standing executive order (EXORD) for DSCA operations authorizing USNORTHCOM to place assigned forces on prepare-to deploy (PTDO) status and to deploy and employ them as initial forces.²⁹ He also directed the department to expedite access to reserve component, leverage immediate response authority, enable effective access and use of all defense capabilities, update DOD planning doctrine to include preparedness for complex catastrophes, integrate and synchronize DOD planning with federal, regional, and state stakeholders, and strengthen DOD preparedness through improvements to doctrine, exercise training, and education.³⁰

The lessons learned from Sandy prompted the legislative and executive branches of the government to expand the borrowing power to FEMA as a requirement. It provided allowance for the agency to pay claims for flood insurance, rebuild the areas that were impacted by the hurricane, and create a Disaster Relief Appropriations Act that would use Hurricane Task Force for reconstruction of the affected area. These improvements notwithstanding, the concept of dual status command spearheaded DOD's ability to provide a coordinated response in support of civil authorities. It reinforced the dual status commander ability to successfully provide unified efforts for both federal and state stakeholders. General Charles Jacoby, USNORTHCOM commander, and General Frank Grass, Chief of NGB, indicated that the dual status commander in the Sandy's scenario was the best possible foundation to build upon that would allow interagency collaboration and cooperation.³¹

During DOD's response to Sandy there was no standing operational headquarters command between USNORTHCOM and the dual status commander. USNORTHCOM directed the regional joint coordinating element to assume the intermediate command role. The lack of clear roles and command relationship between the joint coordinating element and the assigned

federal forces resulted in degraded situational awareness and impacted unity of command.³²

Based on the subpar performance of the joint coordinating element's ability to effectively identify and execute mission requirements and coordinate efforts not assigned to the dual status commander, USNORTHCOM recognized the need to provide an operational level command headquarters between them and the dual status commander for future DSCA operations.³³ This command would aid in the coordination, integration, and synchronization of the Active Duty and Reserve forces sourced to support the DSCA event prior to them arriving in the operation area.

Hurricane Harvey

Hurricane Harvey was a category 4 storm that made landfall in Texas and Louisiana on August 29, 2017. Maj. Gen. James Witham, domestic operations and force development chief at NGB stated that "Our response to this hurricane has been different than anything we've experienced before and we expect it to be much longer in terms of a response phase in what we would normally see during a hurricane just due to the nature of the storm".³⁴ Governor Greg Abbot made an official request to Secretary of Defense James Mattis to authorize the activation of the dual status command authority in Texas. After Mattis's approval, Brigadier General Pat Hamilton was appointed the dual status commander. Within days, the total federal response included over 30,000 responders. Federal and state leadership capitalized on some of the lessons learned from Katrina and Sandy dealing with the delays in response times from receipt of mission requests to support personnel providing actions on objectives/affected areas. The expedited action taken by President Trump making the emergency declaration in advance of the hurricane making landfall allowed FEMA to preposition supplies and personnel in Texas to speed recovery efforts.³⁵ Senior federal leaders reinforcement of decreasing the time delay in the federal response was more evident when General Lori Robinson, USNORTHCOM commander

relayed a message from Mattis directing her to provide Texas with whatever assistance it requests to aid in the federal response to Hurricane Harvey.³⁶

Hurricane Maria

Hurricane Maria, a category 5 storm, made landfall on the island of Puerto Rico on September 20, 2017. The lethal winds of over 155 mph ravaged the island and eventually overwhelmed the Puerto Rico Emergency Management Agency (PREMA). This destruction caused the relay of information from local affected municipalities to the relevant state and federal authorities to be delayed. In response to the governor's requests for assistance, President Donald Trump authorized DOD to employ the dual status command construct, and the initial DSCA force would grow to exceed over 15,000 National Guard and federal personnel.³⁷

Supplemental rains and saturated topography added hazards to the military land zones and naval ports. In consequence, the Joint Forces worked together to overcome this obstacle to ensure that the vessels and planes could deliver the emergency goods. FEMA in conjunction with local authorities assisted by the military forces worked diligently to reinstate normality of life in Puerto Rico. The element of power outage was one of biggest impacts on the island. The previously installed electrical infrastructures on the island was in suboptimal conditions. The sporadic communication contributed to the sluggish movement of the response, as the true needs for different areas of the island were communicated by word-of-mouth, rather than through pre-established emergency response systems that would not succumb to the constraints of the crisis.

While the dual status commander and FEMA worked in tandem to bring about rescue, the military had to augment most of the support. Most notably, the Joint Operations Area (JOA) units most used were aviation, logistics, and medical. Review of the JOA indicated that the troops felt unprepared for the complexity of the mission assignment and lacked resources. The

supporting units deployed with their Army Modified Table of Organization and Equipment (MTOE) and it did not account for all DSCA communication systems in Puerto Rico, thus the updated and redundant communication systems would have been useful in ensuring that all parts on the island and mainland had clear, accurate information that could have improved the recovery efforts.³⁸ After assuming control of all federal forces from the Joint Maritime Component Commander, Lieutenant General Jeffrey Buchanan decided to deviate from the normal dual status command construct by maintaining operation control of all federal forces and not attaching them to the dual status commander.³⁹ The JFLCC made this decision initially based on the incapacitation of the JTF-PR dual status commands ability to provide satisfactory command and control of the Active Duty personnel.⁴⁰ The dual status commander requires a staff capable of planning and executing mission assignments during DSCA operations. The damage sustained to the existing PRNG command structure coupled with their inability to muster the appropriate staff impeded this process. The decision to maintain parallel chains of command at the tactical mission assignment level contributed to duplication of effort and lack of shared understanding of the operational environment between the dual status commander, and the JFLCC.⁴¹ The decision to use this C2 structure results in no single tactical-level commander, which effectively neutralizes the governor's requests to activate the dual status command.

DOD's Lesson after Harvey and Maria

USARNORTH realized that small states or territories may lack the required organizational staff to operate and staff a dual status command during a large or disastrous event.⁴² USNORTHCOM DSCA's plan for Puerto Rico was not all inclusive of the disaster-response capabilities that resided in both the Puerto Rico National Guard and the US Army Reserve forces located on the island. The ability to immediately mobilize key capabilities prior

to the hurricane landfall and improving procedures for establishing situational awareness and maintaining a common operating picture are vital to mission success. Many of the personnel had issues mustering because of personal constraint either from the hurricane itself or having to respond to their civilian employers. USNORTHCOM identified the need to evaluate its DSCA plan as it pertains to the capabilities and infrastructure of U.S. overseas territories within its area of responsibility.

The JTF-PR dual status command staff consisted of National Guard Soldiers from other states. A significant number of the personnel assigned to the staff had limited training in DSCA operations and it was their first time working together as a team.⁴³ All personnel assigned to USNORTHCOM are required to take phase one of the DSCA training. This is not a requirement for National Guard personnel assigned to support the dual status commander.⁴⁴ USNORTHCOM should improve its training by including quick-reference material about DSCA operations and make it available so more personnel have access to it just in case they are assigned to support a dual status command in the future.

Recommendations

The Department of Defense must reevaluate the priority of DSCA as it relates to other mission requirements and apply the appropriate resources to support planning, exercises, and training for all supporting military components. Additional funding must be allocated to ensure that National Guard and Reserve personnel from company to brigade level are able to attend DSCA training events and participate in large-scale exercise. DOD in conjunction with DHS must develop an operational concept and related planning for possible future cases of shattered state infrastructure and local emergency preparedness and disaster-response capabilities are shattered or severely inoperable.⁴⁵

DOD needs to petition Congress to restore the deputy commander at USNORTHCOM position to be filled by a National Guard officer versus Reserve officer. In the 2008 NDAA, the position of the deputy commander for USNORTHCOM specified the individual nominated would be “a qualified officer of the National Guard”- the language that was removed in 2017.⁴⁶ The previous establishment of a senior National Guard leader in USNORTHCOM served well for the purposes of maintaining positive linkage between senior National Guard and senior Active Duty leaders. This proved particularly important in maintain USNORTHCOM visibility and contextual understanding for readiness issues and activities of the non-federalized National Guard forces. This position provided understanding drawn from experience and training of the working relationships between DOD, states, and territories.

USNORTHCOM should augment the current Defense Coordinating Element staff with a General officer and the associated personnel to assume the role as the dual status commander in response to either a multistate complex disaster or event in state or territory with a degraded NIMS infrastructure. Utilizing an Active Duty dual status command element would decrease the response time for DOD to adequality coordinate with the appropriate civil authorities at both federal and state level resulting in the military forces providing timely relief efforts to the local population in the affected areas. This construct would require the governors of the affected areas to consent in advance and approve the state commission of the Active Duty officer to serve in the dual capacity.

Conclusion

The Department of Defense’s role in proving support to civilian authority during domestic disaster is enduring, whether it is in response to a no-notice or planned event,

employing the most effective coordinated use of military forces in support domestic operations is paramount. Unifying effort of the military and civilian intellect, sound funding, personnel allocation and distribution, as well as clear and non-condemning communication that avoids pointing fingers are just a few steps the military and civilian authorities can take to avoid the mismanagement that was observed during Hurricanes Katrina, Sandy, Harvey and Maria, to mention a few.

This unifying support between the military and civilian entities will undoubtedly pay greatest dividends when both entities employ the intelligence properties of the scientific research, pragmatic planning and execution, and humanitarian approach to crisis management. The various approaches to disaster relief management are centered around a fine balance of local, state, and federal collaborating leadership that is cognizant of one another's unique role.

Just as it is important for the state to realize that it has an option to call upon its own forces to ameliorate natural disasters, it is evenly as integral for the dual commander(s) to know when such calls are not no longer optional but mandatory. In most cases, especially in the case of Harvey and Sandy, the dual commanders' gaps in leadership was directly related to the rapidity of the decision making cycle rather than the wide-range information gathering that would have helped informed the commanders decision making process to guide the relief efforts. When it is adequately trained, manned, and equipped the dual status command construct is an innovative tool for DOD to employ by providing a unified coordinated response at the tactical level while assisting civil authorities during a disaster relief effort.

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- ⁵ Chairman of the Joint Chiefs of Staff. Defense Support of Civil Authorities, I-7.
- ⁶ Department of the Army, ADRP 3-28, 1-10.
- ⁷ Chairman of the Joint Chiefs of Staff. Defense Support of Civil Authorities, I-7.
- ⁸ ⁸ Lynn Davis, Jill Rough. "Hurricane Katrina: Lessons for Army Planning and Operations," Rand Arroyo Center, 2007. DAPRR06017, 5.
- ⁹ James A. Wombwell, "Army Support During the Hurricane Katrina Disaster", 146.
- ¹⁰ Government Accountability Office. *2010 Homeland Defense Report*. Washington, DC, March 2010, 4.
- ¹¹ Government Accountability Office. *2006 Hurricane Katrina*. Washington, DC, May 2006, 6.
- ¹² Department of Homeland Security. "National Response Framework." Department of Homeland Security, Fourth Edition, October 2019.
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- ¹⁹ Matthew Rothschild. "The Pentagon Wants Authority to Post almost 400,000 Military Personnel in U.S.," Accessed March 10, 2020. <https://progressive.org/dispatches/pentagon-wants-authority-post-almost-400-000-military-personnel-u.s./>.
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- ²³ Ryan Burke and Sue McNeil. *Toward a Unified Military Response*, 23-24.
- ²⁴ Ryan Burke and Sue McNeil. *Toward a Unified Military Response*, 1-2.
- ²⁵ Ryan Burke and Sue McNeil. *Toward a Unified Military Response*, 35.
- ²⁶ Ryan Burke and Sue McNeil. *Toward a Unified Military Response*, 33.
- ²⁷ Ryan Burke and Sue McNeil. *Toward a Unified Military Response*, 40.
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⁴⁶ National Defense Authorization Act, Public Law 114-328, § 516, *U.S. Statutes at Large 810* (2016): 2113.

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