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AIR COMMAND AND STAFF COLLEGE

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THE ROLE OF THE NATIONAL GUARD IN
RESPONDING TO WEAPONS OF MASS DESTRUCTION
(WMD) ATTACKS IN THE U.S.: WHERE DO WE STAND?

by

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Preface

Terrorism has been, and continues to be, a critical problem for the United States. In 1998, the Department of Defense initiated a program that designated the National Guard (NG) as the first military responder to the use of weapons of mass destruction in the continental United States. This research paper identifies critical gaps and shortfalls encountered by the NG "WMD Civil-Support Teams" (WMD CSTs) and examines possible courses of action to correct them.

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Abstract

The potential for terrorists' use of weapons of mass destruction (WMD) threatens Americans every day. To many nations and groups, their only means to counter the United States (U.S.) is with nuclear, biological, or chemical weapons. According to most experts, terrorists' use of WMD is no longer a question of "if" they will be used, but "when." When domestic capabilities were found to be lacking in this regard, Congress enacted legislation, Public Law 104-201, and named the National Guard as the primary responder to domestic WMD events.

It is evident gaps and shortfalls remain in the National Guard's (NG) ability to respond to domestic WMD attacks. The purpose of this paper is to examine the critical gaps and shortfalls encountered by the CSTs since their activation. This is done by investigating any available materials concerning the NG involvement in the program, identifying the critical gaps and shortfalls encountered by the CSTs, and to coming up with recommendations to correct them.

This paper examines current U.S. policy and strategy to counter terrorist uses of weapons of mass destruction. The second section will examine the CSTs infrastructure. The third section identifies and discusses the predominant gaps and shortfalls encounter by the teams. The final section details current shortfalls and recommendations to improve the overall CST capability.

Chapter 1

Introduction

I believe the proliferation of weapons of mass destruction presents the greatest threat that the world has ever known. We are finding more and more countries who are acquiring technology – not only missile technology – and are developing chemical weapons and biological weapons capabilities to be used in theater and also on a long range basis. So I think that is perhaps the greatest threat that any of us will face in the coming years.

—Former Secretary of Defense William S. Cohen

The end of the Cold War, the break up and dissolution of the Soviet Empire, and the emergence of the information age and increasing technologies have raised the ominous specter of a global and uncontrolled proliferation of weapons of mass destruction (WMD).¹ This unrestrained and uncontrolled proliferation of nuclear, biological, and chemical weapons is a direct threat to the national security of the United States (U.S.). This threat in the hands of terrorists, working alone or state-sponsored, has become a central element of the U.S. national security planning in the post-Cold War era.

According to most experts, terrorists' use of WMD is no longer a question of "if" they will be used, but "when." When domestic capabilities were found to be lacking in this regard, Congress enacted legislation, Public Law (PL) 104-201, "The Defense Against Weapons of Mass Destruction Act of 1996," to enhance national preparedness (see Appendix A). Recent events have highlighted the unprecedented combination of terrorism with WMD to maximize the effect of such attacks. Several worldwide incidents demonstrated the capability of terrorist

organizations to manufacture and employ chemical and biological weapons. Nevertheless, state-sponsored terrorism represents an even more feasible threat today because their governments view the U.S. as pursuing policies contrary to their own.

State-sponsored terrorism provides governments with an indirect asymmetric strike capability that is difficult to trace. With the end of the “Cold War” and the emergence of cheap commercially available technological advances, the line between state and rogue state, and criminal enterprise has become increasingly blurred.

The proliferation of WMD, particularly chemical and biological weapons (CBW), threatens U.S. interests and personnel worldwide. The 1999 National Guard Bureau (NGB) Report to Congress stated that “... terrorist attacks with CBW pose an immediate domestic danger to the United States, Congress has given the highest priority to mitigating this threat.”² In case of a domestic CBW attack, Congress has tasked the Department of Defense (DOD) to develop capabilities to deal with this threat.

In 1998, DOD initiated a program that designated the National Guard (NG) as the military’s “first response” to the use of CBW in the continental United States. In addition, the U.S. Department of Energy was given the lead for responding to threats involving nuclear weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies.³

Since the activation of the NG Civil-Support Teams (CSTs), several predominant gaps and shortfalls have emerged due to the mission’s complexity and continuing evolution of the team responsibility. The 1999 NGB Report to Congress identified eleven critical need areas representing gaps or shortfalls in service. These problems were segregated into three principal phases associated with an attack: Pre-Attack, Attack Management, and Post Attack types.⁴

On 31 January 2001, the DOD Office of the Inspector General (IG) released an audit report concerning the “Management of National Guard Weapons of Mass Destruction Civil-Support Teams (Report No. D2001-043).” This report reemphasized the same critical need areas reported by the NGB in 1999. These findings are incorporated in the three phases originally reported by the NGB.

It is evident gaps and shortfalls remain in National Guard (NG) Civil-Support Teams (CSTs) ability to respond to domestic WMD attacks. The purpose of this paper is to examine the most critical gaps and shortfalls encountered by the CSTs since their activation. This is done by investigating any available materials concerning the NG involvement in the program, identifying the critical gaps and shortfalls encountered by the CSTs, and to coming up with recommendations to correct them.

This paper examines current U.S. policy and strategy to counter terrorist uses of weapons of mass destruction. The second section will examine the CSTs infrastructure. The third section identifies and discusses the predominant gaps and shortfalls encounter by the teams. The final section details current shortfalls and recommendations to improve the overall CST capability.

Notes

¹ Charles L. Cragin, Principal Deputy Assistant Secretary of Defense Reserve Affairs, Congressional Testimony, Hearing on *Federal Response to Domestic Terrorism Involving Weapons of Mass Destruction-Training for First Responders*, House National Security Subcommittee on Military Research and Development, 21 March 1998.

² National Guard Bureau, National Guard Bureau Report to Congress: Enhancing the National Guard’s Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense, Washington D.C., 20 July 1999, 2.

³ National Defense Authorization Act (Public Law 104-201, 104th Congress), Title XIV, “Defense Against Weapons of Mass Destruction, Subtitle-A, “Domestic Preparedness.” Commonly referred to as the Nunn-Lugar-Domenici (NLD) legislation.

⁴ National Guard Bureau, National Guard Bureau Report to Congress: Enhancing the National Guard’s Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense, Washington D.C., 20 July 1999, 5.

Chapter 2

United States Policy Regarding Weapons of Mass Destruction

DOD has not developed key strategy documents and management plans to aid in directing and managing its counterproliferation initiatives. Internal DOD reviews have identified the need for a comprehensive strategy for countering the proliferation of weapons of mass destruction and a military strategy for integrating offensive and defensive capabilities. There is also no management plan to guide, oversee, and integrate department wide initiatives, which would include a reporting and evaluation process with performance measures to allow for a continual assessment of the Department's progress in achieving goals and objectives.¹

— United States General Accounting Office
May 2000

In June 1995, President William J. Clinton issued Presidential Decision Directive 39 (PDD-39). PDD-39 was in direct response to the 1993 bombing of the New York World Trade center and the 1995 federal building bombing in Oklahoma City. This directive builds logically on policy outlined in each of the U.S. major strategy documents: the National Security Strategy, the Quadrennial Defense Review, the National Military Strategy, and others.

National Security Strategy

Under the provisions of the Goldwater Nichols Department of Defense Reorganization Act of 1986, the President of the United States is required to transmit to Congress an annual report concerning the status of the nation's security. This document, commonly referred to as the National Security Strategy (NSS) includes summaries of American national interests,

capabilities, and strategies for defense.² In 1998, President Clinton addressed the threat of terrorism saying, “The United States has made concerted efforts to deter and punish terrorists, and remains determined to apprehend and bring to justice those who terrorize American citizens.”³

Within the NSS section entitled, “Advancing U.S. National Interests” are listed five major threats to U.S. interests. Two of the five threats address terrorism (Transnational Threats) and WMD (Spread of Dangerous Technologies).⁴ The NSS spells out a policy, which requires American leaders to shape the international environment, respond to threats and crisis, and prepare now for an uncertain future.⁵ In order to respond to terrorist threats we have a policy based on four principals: “(1) make no concessions to terrorists; (2) bring all pressure to bear on all state sponsors of terrorism; (3) fully exploit all available legal mechanisms to punish international terrorists; and (4) help other governments improve their capabilities to combat terrorism.”⁶ This policy is directed specially against the transnational threat posed by international terrorists. However, threats to U.S. interests do not end there.

An additional threat exists at home in America due to our status as the world’s sole superpower. Access to dangerous technologies and the vulnerability of America’s borders could prompt our enemies to seek relatively inexpensive ways to strike directly at American citizens or our critical infrastructure. President Clinton’s NSS and Presidential Decision Directive 62 outlines the U.S. plan for managing the consequences of such as a WMD event. This section of the NSS further directs the development of DOD support forces responding to WMD incidents.

The Federal government will respond rapidly and decisively to any terrorist incident in the United States, working with state and local governments to restore order and deliver emergency assistance. The Department of Justice, acting through the FBI, has the overall lead in operational response to a WMD incident. The Federal Emergency Management Agency (FEMA) supports the FBI in preparing and responding to the consequences of a WMD incident.⁷

Specifically, the Army NG is tasked with the role to create and train special units to assist local and state authorities in the management of consequences of a WMD event. These special units are called WMD Civil-Support Teams (CSTs).⁸ Now, let us look at the Quadrennial Defense Review.

Quadrennial Defense Review

The Quadrennial Defense Review (QDR) is one of the primary Secretary of Defense (SecDef) reports to Congress and the President. It is a comprehensive review of the nation's military and, like the NSS, examines national security threats and strategy. It is the Defense Department plan for implementing the Presidents vision for national defense. The QDR focuses on strategy, force structure, vision, and fiscal concerns for developing military capabilities for the future. One highlight of the SecDef's 1997 QDR, was "... the danger to our nation and forces of asymmetric threats, ranging from nuclear, biological, and chemical weapons to attack via information warfare and terrorism. We will give increased focus and funding to countering such threats."⁹ The QDR notes the spread of nuclear, biological, and chemical weapons and their components and underscores the threat these weapons will have on the U.S. society; but, does the DOD need to change in order to respond to these asymmetric challenges?

It is apparent that the DOD recognizes its need to change in order to respond to asymmetric challenges in the future. Former SecDef Cohen stated that, "... among the response actions needed is nuclear, biological, and chemical (NBC) detection and survivability, counterproliferation efforts, counterterrorism training and technologies, force protection, antiterrorism capabilities, consequence management, and vulnerability assessment."¹⁰ Consequently, DOD aims to, "make U.S. forces as preeminent in combating terrorism as they are

in other forces of warfare.”¹¹ Lets now look at the National Military Strategy which aims to respond to these asymmetric threats.

National Military Strategy

The 1997 NMS is also based on the principals of shape the international environment, respond to threats and crisis, and prepare now for an uncertain future.¹² This document provides the advice of the Chairman of the Joint Chief of Staff to the American military on how to go about meeting the goals of the President and the SecDef. This document also addresses the asymmetric threats of terrorism and WMD, but further sets forth the strategic objectives, concepts, and resources needed in this fight by stating “U.S. forces will act unilaterally and in concert with security partners, using all means authorized by the President and the Congress, to counter terrorism at home and abroad.”¹³ It aims to do this through a program to counter WMD.

The SecDef has thus set the wheels in motion. These documents respond to PDD 39 by not only specifying our national objectives in regard to WMD and terrorism, but also further define how and with what means the nation shall battle these threats to U.S. citizens. Let us take a closer look at the Presidential Decision Directives which set the policy regarding, such acts of terrorism.

Presidential Decision Directives

As we have seen already, a Presidential Decision Directive is used to promulgate Presidential decisions on national security matters reflecting a public alert, which articulates current U.S. policy. Following the 1993 bombing of the World Trade Center in New York City and the 1995 Sarin gas attack in the Tokyo subway system, President Clinton issued PDD 39 which outlined the United States national policy on terrorism. PDD 39 stated that, “Terrorism is

both a threat to our national security as well as a criminal act. It further added, “It is the policy of the United States to deter, defeat and respond vigorously to all terrorist attacks on our territory and against our citizens, or facilities, whether they occur domestically, in international waters or airspace or on foreign territory.”¹⁴ In support of these efforts, the U.S. will: employ efforts to deter, preempt, apprehend and prosecute terrorists; work closely with other governments to carry our counterterrorism policy and combat terrorist threats against them; identify sponsors of terrorists, isolate them, and ensure they pay for their actions; and make no concessions to terrorists.¹⁵

To ensure the U.S. is prepared to combat terrorism in all its forms, a number of measures have been directed. These include reducing vulnerabilities to terrorism, deterring and responding to terrorist acts, and having capabilities to prevent and manage the consequences of terrorist use of NBC weapons, including those of mass destruction. President Clinton was determined that in the twenty-first century, we will be capable of deterring and preventing such terrorist attacks. He was convinced that we must also have the ability to limit the damage and manage the consequences should such an attack occur.¹⁶

To meet these challenges, President Clinton signed PDD 62. This Directive creates a new and more systematic approach to fighting the terrorist threat of the next century. It reinforces the mission of the many U.S. agencies charged with roles in defeating terrorism; it also codifies and clarifies their activities in the wide range of U.S. counter-terrorism programs, from apprehension and prosecution of terrorists to increasing transportation security, enhancing response capabilities and protecting the computer-based systems that lie at the heart of America's economy.¹⁷

The Combating Terrorism directive (PDD-62) highlights the growing threat of unconventional attacks against the United States. It details a new and more systematic approach to fighting terrorism by bringing a program management approach to U.S. counter-terrorism efforts.¹⁸ The directive also establishes the office of the National Coordinator for Security, Infrastructure Protection and Counter-Terrorism which will oversee a broad variety of relevant policies and programs including areas such as counter-terrorism, protection of critical infrastructure, preparedness and consequence management for WMD.¹⁹

The Critical Infrastructure Protection directive (PDD-63) calls for a national effort to assure the security of the increasingly vulnerable and interconnected infrastructures of the United States. Such infrastructures include telecommunications, banking and finance, energy, transportation, and essential government services. The directive requires immediate federal government action including risk assessment and planning to reduce exposure to attack. It stresses the critical importance of cooperation between the government and the private sector by linking designated agencies with private sector representatives.²⁰

This chapter familiarized us with the current U.S. policy and strategy for countering the WMD threat. Countering terrorist's use of WMD is not only a DOD responsibility, but involves all other federal agencies as well. The NSS, "requires that the DOD develop the capability to prevent, disrupt, and defeat terrorist operations before they can carry out a threat to use NBC weapons, as well as the capability to respond overwhelmingly if an actual NBC terrorist attack should occur."²¹ Prevention, disruption, and defeat of terrorist operations require a close coordination and working relationship with other agencies on nonproliferation and counterproliferation efforts... something that we are not doing very well today. In the next chapter I will discuss how the National Guard is optimized to perform their new mission.

Notes

¹ United States General Accounting Office, “Weapons of Mass Destruction; DOD’s Actions to Combat Weapons Use Should Be More Integrated and Focused,” May 2000, 6-7.

² Goldwater Nichols Department of Defense Reorganization Act of 1986, Public Law 99-433, sec 104 (1 October 1986).

³ William J. Clinton, *A National Security Strategy for a New Century*, 14.

⁴ *Ibid.*, 2.

⁵ *Ibid.*, 5.

⁶ *Ibid.*, 14.

⁷ *Ibid.*, 17.

⁸ Charles L. Cragin, “Defense Leaders Commentary: The Facts on WMD Civil Support Teams,” *Defense LINK*, March 31, 2000, 1.

⁹ William S. Cohen, Report of the Quadrennial Defense Review, viii.

¹⁰ *Ibid.*, 50.

¹¹ *Ibid.*

¹² William J. Clinton, *A National Security Strategy for a New Century*, 14.

¹³ John M. Shalikashvili, *National Military Strategy of the United States of America*, 17.

¹⁴ William J. Clinton, “Presidential Decision Directive 39; U.S. Policy on Counterterrorism,” 21 June 1995.

¹⁵ William J. Clinton, *A National Security Strategy for a New Century*, 14.

¹⁶ *Ibid.*, 16.

¹⁷ William J. Clinton, “Presidential Decision Directive 62; Combating Terrorism,” 22 May 1998.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ William J. Clinton, “Presidential Decision Directive 63; Protecting America’s Critical Infrastructures,” 22 May 1998.

²¹ Office of the Secretary of Defense. *Proliferation: Threat and Response*. Washington, DC: Government Printing Office, November 1997, 74.

Chapter 3

National Guard WMD Civil-Support Teams

There will always be threats to our well-being, to the peaceful community of nations to which we belong. Indeed, in the years ahead, we will see more and more threats that cross national borders--terrorism, weapons of mass destruction proliferating around the world, the growth of organized crime and drug trafficking. We will find new ways to meet these security threats.

—Former President William J. Clinton
November 1997

In a commencement address at the U.S. Naval Academy in May 1998, former President William J. Clinton announced that the U.S. would do more to protect its citizens against the growing threat of chemical and biological terrorism. As part of this effort, he said, the DOD would form 10 teams to support state and local authorities in case of an incident involving WMD.¹

At the direction of Congress, the DOD expanded this program to embrace 27 teams, now known as WMD Civil-Support Teams (CSTs). During this Fiscal Year (FY) 2001, Congress authorized another five teams.² These new team locations have not yet been determined. So, what can we expect from these 32 CSTs in response to a domestic WMD attack?

Purpose and Mission

The WMD CSTs were established to deploy rapidly to assist a local incident commander in determining the nature and extent of a chemical and/or a biological attack or incident; provide

expert technical advice on WMD response operations; and help identify and support the arrival of follow-on state and federal military response assets.³ These teams, composed of full-time members of the NG, are intended to assist the emergency first responder community (such as the local fire department or hazardous materiel response unit) under Title 32, or respond under Title 10 as a subordinate component of the Joint Task Force-Civil Support. These NG units operate under the command and control of the Governor and Adjutant General of their respective states (referred to as 32 U.S.C. [Title 32] authority).⁴ When the President federalizes a National Guard unit, the CST is placed under the command and control of a Federal military response headquarters (referred to as 10 U.S.C. [Title 10] authority).⁵

The first 10 teams are located in alignment with the 10 FEMA regions in Colorado, Georgia, Illinois, California, Massachusetts, Missouri, New York, Pennsylvania, Texas, and Washington (see Appendix B).⁶ In FY 2000, Congress authorized an additional 17 Civil-Support Teams. Those CSTs will be based in Alaska, Arizona, Arkansas, California, Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Maine, Minnesota, New Mexico, Ohio, Oklahoma, South Carolina, and Virginia.⁷ Each team location was carefully placed within one of the ten FEMA regions. These states were selected after an objective analysis that places the teams closest to the greatest number of people, minimizes response time within a geographical area, and reduces the overlap with other teams' areas of responsibility.⁸ The resulting team distribution of the teams provides optimum response coverage for the entire population of the United States. So what else makes this arrangement special?

The WMD CSTs are unique because of their federal-state relationship. The CSTs "... are federally resourced, federally trained and evaluated, and they operate under federal doctrine. However, they will perform their mission primarily under the command and control of the

governors of the states in which they are located. They will be, first and foremost, state assets. Operationally, they fall under the command and control of the adjutant generals of those states.”⁹ This arrangement should significantly reduce reaction time because they will be available to respond to an incident as part of a state response, well before federal response assets would be called upon to provide assistance. This arrangement makes sense for “small” incidents, but what about a major disaster?

If the situation were to evolve into an event that overwhelmed state and local response assets, the governor could request the President issue a national disaster declaration and provide federal assistance.¹⁰ Ms. Leslie Rodriguez, policy analyst with Science Applications International Corporation (SAIC), stated that, “The federal government provides assistance to an affected state when the governor indicates that its local capability is overwhelmed and requests federal assistance.”¹¹ At that point, the team would continue to support local officials in their state status, but would also assist in channeling additional military and other federal assets in support of the local commander.

It is essential to note that these teams are in no way connected with counterterrorism activities. Numerous press reports have erroneously suggested that the teams have a mission in this arena. However they, in fact, have no counterterrorism capability or mandate. Instead, they are involved exclusively in consequence management activities.¹² The CSTs will link with the regional FEMA managers, also called consequence managers, in their jurisdictions. When called to Federal service by the President, the NG responds to federal requirements as directed by the National Command Authority (NCA).¹³

During an interview for Defense LINK magazine, the Hon. Charles L. Cragin clarified some misunderstandings about the Civil-Support Teams. He stated that, “If federalized, the CSTs

would fall under the operational command and control of the recently established Joint Task Force Civil-Support (JTFCs), based in Norfolk, Va., and led by a NG brigadier general. Although it has no standing forces, the task force will respond to requests for assistance from FEMA for the purpose of domestic WMD consequence management support. The JTFCs has robust planning, command and control capabilities, and the ability to mobilize a military task force quickly in support of FEMA requests. It also has rapid access to military forces and quick communications reachback capability to subject matter experts, labs, and medical support.”¹⁴

Critics of this program have frequently complained about duplication of efforts, asserting that the teams are unnecessary because the U.S. military already has several rapid response units that can perform a civil-support mission for consequence management.¹⁵ However, these arguments completely miss the point by overlooking the unique state-based nature of WMD CSTs. The active duty military response teams were primarily developed to support active duty force protection requirements associated with overseas warfighting missions.¹⁶ When considering their use domestically, the department must carefully weigh such use in light of potential threats against U.S. interests abroad. Furthermore, even if available for domestic use, these other response units would be available only as part of the federal response effort initiated by the President after state and local resources become overwhelmed.¹⁷

If terrorists release deadly bacteria, chemicals, or viruses here in the U.S., we must have the ability to identify the pathogens or substances with speed and certainty so that they can be quickly dealt with.¹⁸ The technology to accomplish that is still evolving, and current technology is very expensive, technically challenging to maintain, and largely unaffordable to most states and localities. In the event we should be the victims of a WMD attack, the solution is to use NG CSTs to support America's emergency infrastructure as quickly as possible with capabilities and

tools that complement and enhance their response, not duplicate it. Let us take a closer look at the NG organization which will respond.

Organization

National Guard Civil-Support Teams are made up of 22 full-time NG soldiers and airmen, encompassing 14 specialties (see Figure 1).¹⁹ These consist of six functional areas: command, operations, administration and logistics, communications, medical, and survey teams. Of the 22 personnel, 10, including all survey team members, require a military occupational specialty (MOS) for nuclear, biological, and chemical warfare (see Appendix C).²⁰

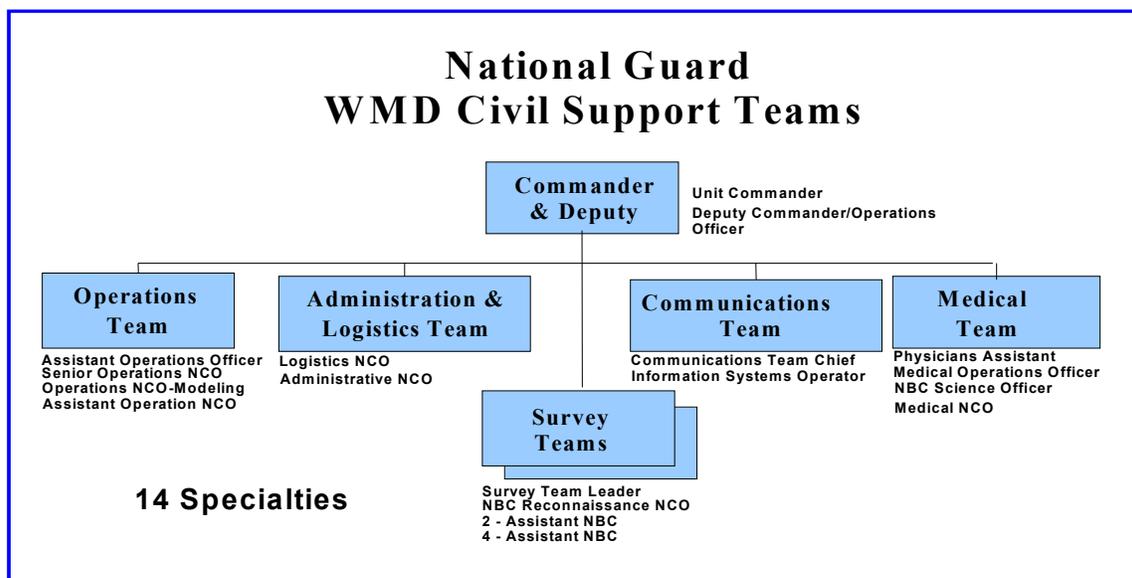


Figure 1 Civil-Support Team Organizational Structure

These assessment elements are formed specifically to provide advice to incident commanders, make assessments of the requirements for follow-on forces needed to supplement the response operation, and to help the incident commander make accurate, expedited requests for that assistance through the emergency response system (local, state, and federal). The CST commander represents the full professionalism, expertise, and support of the United States

military when integrated into the civilian Incident Command System (ICS). These teams provide significant capabilities for WMD incident response.

Capabilities

Civil-Support Teams provide expeditious capabilities for WMD attack assessment advice, and facilitation of requests for assistance. The team is designed for rapid response, using commercial truck chassis, as the primary transportation method. Most of the equipment is stored in the vehicles for rapid deployment, but is designed to be removable for maximum flexibility. The vehicles and equipment have been certified for air transport, including two essential vehicles specially designed for each team. The first vehicle is the Unified Command Suite (UCS).²¹

The UCS is built by the U.S. Navy and provides communication interface across various frequencies allocated to first emergency responders; permitting communications to command and control agencies and technical support.²² Through the UCS and communication centers maintained by the Defense Threat Reduction Agency (DTRA), the detachment can reachback to experts in NBC response at a number of agencies and can connect to key modeling and simulation capabilities at laboratories throughout the United States.²³ This reachback to technical support adds tremendous capabilities for the incident commander to access expert advise on nuclear, biological, chemical, and radiological data.

The second vehicle used by the CSTs is the Mobile Analytical Laboratory System (MALS). The MALS is based upon a similar unit used by the Marine Corps Chemical Biological Incident Response Force (CBIRF), but is enhanced for biological detection capability.²⁴ Using these critical assets, the detachment acts as the on-site observers for experts from around the country and can take the samples, readings, and observations those experts need to provide invaluable assistance to the incident commander.

To maintain the “value added” to the civilian emergency response community and to ensure the viability of the CST mission, the Department of Defense is committed to maintaining a technological edge for CST units. As new and emerging detection and assessment technologies are identified, the DOD will pursue procurement of these items to maintain the high level capabilities of the unit.²⁵ However, even with current technology, these teams bring to the fight a unique set of equipment.

Equipment

The CSTs are equipped with specialized systems designed to perform assigned mission in support of local, state, and federal response officials. This equipment is documented in the units’ table of distribution and allowance (TDA).²⁶ These TDA units are nondeployable units organized to fulfill missions, functions, and workload obligations of a fixed support establishment in the continental United States or overseas.²⁷ To ensure standardization of these units, while recognizing they support non-standardized emergency response systems throughout the nation, changes to the TDA must be requested through the Chief of the National Guard Bureau and approved by the Consequence Management Program (CoMPIO).²⁸ The units’ equipment includes:

- Personal Protective Equipment provided for the detachment Level A, B and C Protective Ensembles, M40 Series Protective Masks and self-contained breathing apparatus (SCBA).²⁹
- Sampling equipment with immunoassay tickets, chemical, and biological sampling kits, and radiation detection equipment.³⁰
- The Unified Command System (UCS) provides an enhanced architecture ensuring communications and data connectivity between federal, state and local response forces and the ability to reachback to experts throughout the United States. It is a self-contained, air transportable (via C-130, C-141, C-5, and C-17) system, capable of continuous fixed and mobile operations. Its systems include High Frequency (HF), Ultra High Frequency (UHF), Very High Frequency (VHF) Tactical Frequency

Modulated (FM) radios, Satellite Communications (SATCOM) equipment, Communications Security (COMSEC) equipment, Secure Phone, FAX, Tele-computer, and Printer, Teleconference/Video, Global Positioning System (GPS), and a 15 Kilowatt (KW) power generator.³¹

- The Mobile Analytical Laboratory System (MALS) provides the capability to further analyze and observe survey team samples. Information derived from survey and sampling operations can be used to influence or add confidence to the consequence management decision(s) made by the Incident Commander. The air conditioned lab includes two work stations, internal and external lighting, a 7 KW generator, refrigerator, a fluorescent microscope, a gamma spectrometer, a Hapsite Gas Chromatograph/Mass Spectrometer, a glove box and filter system, and an interface to the Unified Command Suite for transmission of digital sample information.³²

As you can see, CST equipment requirements are considerable and offer stringent interoperability, providing a quick and robust response to domestic WMD attacks. As we have seen, in response to the identified need to be able to quickly and decisively respond to a devastating domestic WMD attack a system and organization has been established -- one well equipped to respond to such a crisis. However, significant problems remain. Now that we have an understanding of the basic composition and capabilities of the CSTs, let us move on to examine the predominant gaps and shortfalls encountered since the activation of the teams.

Notes

¹ United States Air Force, FDCH Regulatory Intelligence Military Library Database, Commentary: The Facts on WMD Civil-Support Teams, 31 March 2000, 1.

² United States Air Force, FDCH Regulatory Intelligence Military Library Database, Congress Funds Five More DOD Civil-Support Teams, 8 December 2000.

³ United States Air Force, FDCH Regulatory Intelligence Military Library Database, Commentary: The Facts on WMD Civil-Support Teams 31 March 2000, 1.

⁴ Department of Defense, Office of the Inspector General, Management of National Guard Weapons of Mass Destruction Civil-Support Teams, 31 January 2001, 9.

⁵ Ibid., 9.

⁶ In May 1998, the former Secretary of Defense announced the stationing of ten Military Support Detachments (MSD) Rapid Assessment and Initial Detection (RAID) teams to be stationed in the United States. The MSD RAID teams are now called WMD Civil-Support Teams.

⁷ Department of Defense, FDCH Regulatory Intelligence Military Library Database, DOD Announces Plans for 17 New WMD Civil-Support Teams, 13 January 2000.

Notes

⁸ Department of Defense, Office of the Assistant Secretary of Defense (Public Affairs), Weapons of Mass Destruction Response Team Locations Announced, 1 October 1998, 1.

⁹ Charles L. Cragin, Subcommittee Hearing on Oversight, Investigations, and Emergency Management, U.S. House of Representatives, 4 May 2000, 2.

¹⁰ Charles L. Cragin, "Defense Leaders Commentary: The Fact on WMD Civil-Support Teams," Defense Link, 31 March 2000, 2.

¹¹ Leslie A. Rodrigues, *The Chem/Bio Terrorist Threat*. National Interagency Civil-Military Institute (NICI), NICI Information Paper 98-1.

¹² WMD-CST Frequently Asked Questions (FAQ) Pamphlet, 5.

¹³ National Guard Bureau, National Guard Bureau Report to Congress: Enhancing the National Guard's Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense, Washington D.C., 20 July 1999, 2.

¹⁴ Charles L. Cragin, "Defense Leaders Commentary: The Fact on WMD Civil-Support Teams," Defense Link, 31 March 2000, 2.

¹⁵ *Ibid.*, 2.

¹⁶ *Ibid.*, 2.

¹⁷ *Ibid.*, 2.

¹⁸ *Ibid.*, 2.

¹⁹ Military Support Detachment (Rapid Assessment and Initial Detection) Doctrine, Draft Copy, 19 March 2001, 13.

²⁰ Department of Defense, Office of the Inspector General, Management of National Guard Weapons of Mass Destruction Civil-Support Teams, 31 January 2001, 2.

²¹ Military Support Detachment (Rapid Assessment and Initial Detection) Doctrine, Draft Copy, 19 March 2001, 13.

²² *Ibid.*, 13.

²³ *Ibid.*, 13.

²⁴ *Ibid.*, 14.

²⁵ *Ibid.*, 14.

²⁶ Department of Defense, Office of the Inspector General, Management of National Guard Weapons of Mass Destruction Civil-Support Teams, 31 January 2001, 4.

²⁷ *Ibid.*, 4.

²⁸ Military Support Detachment (Rapid Assessment and Initial Detection) Doctrine, Draft Copy, 19 March 2001, 14.

²⁹ *Ibid.*, 14.

³⁰ *Ibid.*, 14.

³¹ *Ibid.*, 14.

³² *Ibid.*, 14.

Chapter 4

Predominant Gaps and Shortfalls

With few exceptions, the United States is not prepared today to adequately respond to a C/B WMD attack. Although members of the emergency response community throughout our Nation are working diligently to be prepared for a C/B WMD incident, the lack of resources, equipment, and training significantly limit their readiness. There is a widespread lack of understanding of the threat and of the capabilities needed to prepare for and cope with WMD incidents nationwide. This is especially true for biological incidents.¹

—The National Guard Bureau
National Guard Bureau Report to Congress

Since the activation of the WMD CSTs, several predominant gaps and shortfalls have emerged due to the mission's complexity and continuing evolution of the team responsibility. The 1999 National Guard Bureau (NGB) Report to Congress identified eleven critical need areas representing gaps or shortfalls in service. These problems were segregated into three principal phases associated with an attack: Pre-Attack, Attack Management, and Post Attack types.²

On 31 January 2001, the Department of Defense Office of the Inspector General (IG) released an audit report concerning the "Management of NG Weapons of Mass Destruction Civil-Support Teams (Report No. D2001-043)." This report reemphasized the same critical need areas reported by the NGB in 1999. These findings are incorporated in the three phases originally reported by the NGB. Lets first examine the four areas lacking in the Pre-Attack phase.

Pre-Attack

In this phase, four distinctive gaps or shortfalls are evident. Inadequate WMD planning is the first shortfall discussed on the 1999 NGB report to Congress. Since the activation of the CSTs, there has been considerable variation in the degree to which local and state emergency plans address WMD emergencies. A significant lack of emergency planning for WMD incidents is obvious.³ Inadequate and inconsistent WMD training is the second distinct problem.

There is a considerable variation in the level of emergency responder training for WMD incidents.⁴ In the absence of common training or universal training standards, responders from different jurisdictions are having difficulty operating in concert when faced by a common emergency. The DOD IG report also noted this shortcoming, stating, “Training programs and materials for WMD CST personnel were not sufficiently identified, developed, and approved. Further, the training was inadequate.”⁵ Insufficient WMD equipment is the third unresolved problem.

There is little consistency in the equipment currently utilized or planned to meet WMD response requirements.⁶ While existing military equipment has limited utility for civilian responders for instance, it may not meet civilian regulations, such as those promulgated by the Occupational Safety and Health Administration (OSHA), National Institute for Occupational Safety and Health (NIOSH) and the Food and Drug Administration (FDA). Emergency responders have little formal opportunity to insert their needs into Federal equipment development processes.⁷

Additionally, the Consequence Management Program Integration Office (CoMPIO) processes for developing the TDA and acquiring equipment, unnecessarily circumvented the normal DOD acquisition channels, excluded consideration of available DOD assets, and incurred

increased cost and risk.⁸ The fourth problem found in the pre-attack phase was the inadequate sharing and dissemination of threat information.

There appears to be inadequate sharing of threat information outside of law enforcement agencies.⁹ There is very little consistency in the degree to which emergency responders are made aware of potential threats. This is particularly true in small towns and rural jurisdictions, where there is little understanding of the threat and little opportunity to improve that situation. Finally, at State and local levels vulnerability assessments appear to be neither consistently nor systematically conducted.¹⁰

These critical need areas reemerged on the DOD IG Audit Report. The report stated that “... CoMPIO did not manage the WMD CST program effectively. Specifically, CoMPIO failed to provide adequate guidance, training, and equipment for the 10 CSTs.¹¹ Lets now quickly examine the five critical need areas lacking in the Attack Management phase.

Attack Management

Five gaps or shortfalls were evident during this phase of my research. The first shortfall identified by the 1999 NGB report was the inadequate chemical/biological (C/B) response capabilities – with biological deficiencies most pronounced. Insufficient capability in determining that a biological attack has occurred; making timely identification of biological agents; providing treatment to mass casualties; and ensuring containment.¹² The second shortfall identified was the inadequate WMD response operations capabilities.

The report stated that, “There is a considerable variance in response capability from jurisdiction to jurisdiction.”¹³ Most communities, especially those in rural areas, are not adequately prepared to respond to a WMD incident, particularly a biological incident. The third

shortfall identified during my research was the lack of medical preparedness and awareness nationwide.

There is limited understanding of the magnitude of casualties that could result from a WMD incident, particularly one involving biological agents.¹⁴ Inadequate attention has been paid to the medical problems that could result from a WMD incident and there is limited awareness of how quickly local medical resources could be overwhelmed, should an incident occur. The fourth shortfall recognized was an inadequacy in reconnaissance and sampling tool capabilities.

Most reconnaissance and sampling capabilities currently reside in the Active or Reserve Components.¹⁵ These assets are considered to be marginal for military operations and represent a small fraction of that needed for civilian WMD response. The introduction of 10 CST Teams and 44 CST Light Teams is expected to improve the situation; however, substantially more capacity will be required.

The fifth, and last shortfall identified on this phase was the inadequacy in communications interoperability. While interoperability within a particular jurisdiction is typically adequate, communications systems interoperability among local, state, and federal emergency responders is problematic at best.¹⁶

In sum, the United States is ill prepared to respond to an attack involving biological agents. These deficiencies require immediate attention. Though greater capability exists for response to chemical agent attacks, numerous shortfalls remain, including capabilities for timely identification, effective treatment protocols, mass casualty care, and containment/decontamination procedures. Post-Attack is the last phase that would be associated with an attack. This phase is lacking in two critical need areas.

Post-Attack

The two gaps or shortfalls evident during this phase are the limited availability of mass decontamination facilities and the inadequacy of quarantine operation plans. Most of the military operational decontamination assets reside with the Active and Reserve Components. As stated in the 1999 NGB Report to Congress, “Military doctrine does not sufficiently address decontamination of buildings in a civilian context.” Moreover, military capabilities and techniques are often not applicable to civilian personnel and private sector critical infrastructure decontamination.¹⁷ The current quarantine operations plan is inadequate. Doctrine, planning, and training for quarantine operations resulting from WMD incidents were severely lacking or nonexistent.¹⁸ Are the critical need areas valid? What is being done to correct them?

The critical need areas mentioned throughout this chapter are still valid and no provisions to correct them are currently in the works. These gaps and shortfalls represent the primary critical need areas requiring immediate attention, however little effort has been expended relative to their perceived importance. If the threat of WMD attacks is so serious, why is nothing being done to correct these serious shortcomings in the established system to respond to them? In the final chapter I will offer some of my own conclusions and recommendations about what can and must be done to immediately redress these critical shortcomings.

Notes

¹ National Guard Bureau, National Guard Bureau Report to Congress: Enhancing the National Guard’s Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense, Washington D.C., 20 July 1999.

² Ibid., 5.

³ Ibid., 5.

⁴ Ibid., 5.

⁵ Department of Defense, Office of the Inspector General, Management of National Guard Weapons of Mass Destruction Civil-Support Teams, 31 January 2001, 10.

Notes

⁶ National Guard Bureau, National Guard Bureau Report to Congress: Enhancing the National Guard's Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense, Washington D.C., 20 July 1999, 5.

⁷ Ibid., 5.

⁸ Department of Defense, Office of the Inspector General, Management of National Guard Weapons of Mass Destruction Civil-Support Teams, 31 January 2001, 4.

⁹ National Guard Bureau, National Guard Bureau Report to Congress: Enhancing the National Guard's Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense, Washington D.C., 20 July 1999, 5.

¹⁰ Ibid., 5.

¹¹ Department of Defense, Office of the Inspector General, Management of National Guard Weapons of Mass Destruction Civil-Support Teams, 31 January 2001, 4.

¹² National Guard Bureau, National Guard Bureau Report to Congress: Enhancing the National Guard's Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense, Washington D.C., 20 July 1999, 5.

¹³ Ibid., 6.

¹⁴ Ibid., 6.

¹⁵ Ibid., 6.

¹⁶ Ibid., 6.

¹⁷ Ibid., 6.

¹⁸ Ibid., 6.

Chapter 5

Conclusions

The United States lacks adequate planning and countermeasures to address the threat of nuclear, radiological, biological and chemical terrorism...State and local emergency response personnel are not adequately prepared or trained...Exercises of the Federal, State, and local response to nuclear, radiological, biological, or chemical terrorism have revealed serious deficiencies in preparedness and severe problems of coordination ... Sharing of the expertise and capabilities of the Department of Defense can be a vital contribution to the development and deployment of countermeasure against nuclear, biological and chemical weapons of mass destruction.

—The Congress of the United States
“The Defense Against Weapons of Mass Destruction Act of 1996”

Unfortunately, the United States is not prepared today to adequately respond to a C/B WMD attack. Although members of the emergency response community throughout the U.S. are working to be prepared for a C/B WMD incident, the lack of resources, equipment, and training significantly limit their readiness. In addition, there is a general lack of understanding of the threat and of the capabilities needed to prepare for and cope with WMD incidents nationwide.

At this moment, the U.S. has no coherent, functional national strategy for combating terrorism. A national strategy to address the issues of domestic preparedness and response to terrorist incidents involving WMD and other types of weapons is urgently needed.

The nation has a loosely coupled set of plans and specific programs that aim, individually, to achieve certain specific preparedness objectives. Many programs have resulted from specific

Congressional earmarks in various appropriations bills and did not originate in Executive Branch budget requests. Instead, they are independent, non-coordinated initiatives of activist legislators.

A clear and concise doctrine should have been promulgated before the establishment and fielding of any WMD Civil-Support Teams. Doctrine for the WMD CSTs was not developed in coordination with the Joint Staff or with the Army's Doctrine, Training, Leader Development, Organization, Materiel, and Soldier process.¹ That situation occurred because of insufficient CoMPIO coordination with existing organizations and overly centralized decision making. Training is another area in need of immediate attention.²

There is a considerable variation in the level of training for WMD incidents. The absence of a standardized training for first incident responders is obvious, jeopardizing daily operations of emergency responders from different jurisdictions when faced by a common emergency.

Recommendations

First, the U.S. urgently requires a coherent, functional national strategy to address the issues of domestic preparedness and response to terrorist incidents involving WMD and other types of weapons. Synchronization of existing programs and future program priorities is urgently needed to achieve national objectives for domestic preparedness for terrorism.

Second, the U.S. needs to produce a concise doctrine promulgated before the initial team certification. Doctrine for the WMD CSTs needs to be developed in coordination with the Joint Staff or with the Army's Doctrine, Training, Leader Development, Organization, Materiel, and Soldier process. This doctrine needs to identify the mission, the employment concepts, and the expected capabilities of the WMD Civil Support Teams.

Third, the roles and missions of the WMD CSTs need to be clearly defined in the doctrine. These roles and missions need to be coordinated among all agencies with likely involvement in

WMD incidents. If this problem is overcome, the Federal response to a WMD incident will be improved significantly.

Fourth, all the agencies, likely involved in a WMD incident, should immediately standardize the level of specialized WMD training given to their personnel. This standardization of procedures will minimize the difficulty when operating in concert when faced by a common emergency.

Finally, the equipment used by WMD incident responders need to be standardized throughout the emergency response community. This specialized equipment should be interchangeable and should meet both military and civilian regulation standards unilaterally. This will increase our WMD incident success percentage rate immensely.

Irrational actors will not hesitate to use WMD against U.S. citizens and/or soldiers. The emergency response community needs to be ready to respond to that challenge. In the future, we need to work to prevent attacks from happening and be able to survive and operate during and quickly recover after an attack. Improvements in this regard will require a combined interagency approach, combining all available military and civilian emergency response resources. Political and military leaders need to highlight the terrorist WMD threat in future policy, planning, training, and exercises. As former President Clinton stated, “Weapons of mass destruction pose the greatest potential threat to global stability and security.”³

Notes

¹ Department of Defense, Office of the Inspector General, Management of National Guard Weapons of Mass Destruction Civil-Support Teams, 31 January 2001, 4.

² Ibid., 4.

³ William J. Clinton, A National Security Strategy for a New Century, 6.

Appendix A

Title XIV—Defense

Defense Against Weapons of Mass Destruction Act of 1996¹

Subtitle A--Domestic Preparedness

Sec. 1411. Response to threats of terrorist use of weapons of mass destruction.

Sec. 1412. Emergency response assistance program.

Sec. 1413. Nuclear, chemical, and biological emergency response.

Sec. 1414. Chemical-biological emergency response team.

Sec. 1415. Testing of preparedness for emergencies involving nuclear, radiological, chemical, and biological weapons.

Sec. 1416. Military assistance to civilian law enforcement officials in emergency situations involving biological or chemical weapons.

Sec. 1417. Rapid response information system.

SEC. 1411. RESPONSE TO THREATS OF TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.

(a) Enhanced Response Capability.— In light of the potential for terrorist use of weapons of mass destruction against the United States, the President shall take immediate action—

(1) to enhance the capability of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction; and

(2) to provide enhanced support to improve the capabilities of State and local emergency response agencies to prevent and respond to such incidents at both the national and the local level.

(b) Report Required.— Not later than January 31, 1997, the President shall transmit to Congress a report containing –

(1) an assessment of the capabilities of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction and to support State and local prevention and response efforts;

(2) requirements for improvements in those capabilities; and

(3) the measures that should be taken to achieve such improvements, including additional resources and legislative authorities that would be required.

SEC. 1412. EMERGENCY RESPONSE ASSISTANCE PROGRAM.

(a) Program Required.—

(1) The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(2) The President may designate the head of an agency other than the Department of Defense to assume the responsibility for carrying out the program on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(3) In this section, the official responsible for carrying out the program is referred to as the “lead official.”

(b) Coordination.— In carrying out the program, the lead official shall coordinate with each of the following officials who is not serving as the lead official:

(1) The Director of the Federal Emergency Management Agency.

(2) The Secretary of Energy.

(3) The Secretary of Defense.

(4) The heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergency responses described in subsection (a)(1).

(c) Eligible Participants. — The civilian personnel eligible to receive assistance under the program are civilian personnel of Federal, State, and local agencies who have emergency preparedness responsibilities.

(d) Involvement of Other Federal Agencies.—

(1) The lead official may use personnel and capabilities of Federal agencies outside the agency of the lead official to provide training and expert advice under the program.

(2)(A) Personnel used under paragraph (1) shall be personnel who have special skills relevant to the particular assistance that the personnel are to provide.

(B) Capabilities used under paragraph (1) shall be capabilities that are especially relevant to the particular assistance for which the capabilities are used.

(3) If the lead official is not the Secretary of Defense, and requests assistance from the Department of Defense that, in the judgment of the Secretary of Defense would affect military readiness or adversely affect national security, the Secretary of Defense may appeal the request for Department of Defense assistance by the lead official to the President.

(e) Available Assistance.— Assistance available under this program shall include the following:

(1) Training in the use, operation, and maintenance of equipment for—

(A) detecting a chemical or biological agent or nuclear radiation;

(B) monitoring the presence of such an agent or radiation;

(C) protecting emergency personnel and the public; and

(D) decontamination.

(2) Establishment of a designated telephonic link (commonly referred to as a “hot line”) to a designated source of relevant data and expert advice for the use of State or local officials responding to emergencies involving a weapon of mass destruction or related materials.

(3) Use of the National Guard and other reserve components for purposes authorized under this section that are specified by the lead official (with the concurrence of the Secretary of Defense if the Secretary is not the lead official).

(4) Loan of appropriate equipment.

(f) Limitations on Department of Defense Assistance to Law Enforcement Agencies.

— Assistance provided by the Department of Defense to law enforcement agencies under this section shall be provided under the authority of, and subject to the restrictions provided in, chapter 18 of title 10, United States Code.

(g) Administration of Department of Defense Assistance.— The Secretary of Defense shall designate an official within the Department of Defense to serve as the executive agent of the Secretary for the coordination of the provision of Department of Defense assistance under this section.

(h) Funding.—

(1) Of the total amount authorized to be appropriated under section 301, \$35,000,000 is available for the program required under this section.

(2) Of the amount available for the program pursuant to paragraph (1), \$10,500,000 is available for use by the Secretary of Defense to assist the Secretary of Health and Human Services in the establishment of metropolitan emergency medical response teams (commonly referred to as "Metropolitan Medical Strike Force Teams") to provide medical services that are necessary or potentially necessary by reason of a use or threatened use of a weapon of mass destruction.

(3) The amount available for the program under paragraph (1) is in addition to any other amounts authorized to be appropriated for the program under section 301.

SEC. 1413. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

(a) Department of Defense—The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for—

(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department's responsibilities under subsection (b).

(b) Department of Energy. — The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear, chemical, and biological weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under subsection (a).

(c) Funding. — Of the total amount authorized to be appropriated under section 301, \$15,000,000 is available for providing assistance described in subsection (a).

SEC. 1414. CHEMICAL-BIOLOGICAL EMERGENCY RESPONSE TEAM.

(a) Department of Defense Rapid Response Team. — The Secretary of Defense shall develop and maintain at least one domestic terrorism rapid response team composed of members of the Armed Forces and employees of the Department of Defense who are capable of aiding Federal, State, and local officials in the detection, neutralization, containment, dismantlement, and disposal of weapons of mass destruction containing chemical, biological, or related materials.

(b) Addition to Federal Response Plan. — Not later than December 31, 1997, the Director of the Federal Emergency Management Agency shall develop and incorporate into existing Federal emergency response plans and programs prepared under section 611(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(b)) guidance on the use and deployment of the rapid response teams established under this section to respond to emergencies involving weapons of mass destruction. The Director shall carry out this subsection in consultation with the Secretary of Defense and the heads of other Federal agencies involved with the emergency response plans.

SEC. 1415. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.

(a) Emergencies Involving Chemical or Biological Weapons.—

(1) The Secretary of Defense shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving

biological weapons and related materials and emergencies involving chemical weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Energy, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(b) Emergencies Involving Nuclear and Radiological Weapons.—

(1) The Secretary of Energy shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving nuclear and radiological weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Defense, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(c) Annual Revisions of Programs. — The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program not later than June 1 in each fiscal year covered by the program. The revisions shall include adjustments that the official

determines necessary or appropriate on the basis of the lessons learned from the exercise or exercises carried out under the program in the fiscal year, including lessons learned regarding coordination problems and equipment deficiencies.

(d) Option To Transfer Responsibility.—

(1) The President may designate the head of an agency outside the Department of Defense to assume the responsibility for carrying out the program developed under subsection (a) beginning on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(2) The President may designate the head of an agency outside the Department of Energy to assume the responsibility for carrying out the program developed under subsection (b) beginning on or after October 1, 1999, and relieve the Secretary of Energy of that responsibility upon the assumption of the responsibility by the designated official.

(e) Funding. — Of the total amount authorized to be appropriated under section 301, \$15,000,000 is available for the development and execution of the programs required by this section, including the participation of State and local agencies in exercises carried out under the programs.

SEC. 1416. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING BIOLOGICAL OR CHEMICAL WEAPONS.

(a) Assistance Authorized.— (1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

Sec. 382. Emergency situations involving chemical or biological weapons of mass Destruction.

(a) In General.— The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of

section 175 or 2332c of title 18 during an emergency situation involving a biological or chemical weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and

(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

(b) Emergency Situations Covered.— In this section, the term emergency situation involving a biological or chemical weapon of mass destruction means a circumstance involving a biological or chemical weapon of mass destruction—

(1) that poses a serious threat to the interests of the United States; and

(2) in which—

(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;

(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and

(C) enforcement of section 175 or 2332c of title 18 would be seriously impaired if the Department of Defense assistance were not provided.

(c) Forms of Assistance.— The assistance referred to in subsection (a) includes the operation of equipment (including equipment made available under section 372 of this title) to monitor, contain, disable, or dispose of the weapon involved or elements of the weapon.

(d) Regulations.—

(1) The Secretary of Defense and the Attorney General shall jointly prescribe regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:

(i) Arrest.

(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175 or 2332c of title 18.

(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

(B) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

(ii) The action is otherwise authorized under subsection (c) or under otherwise applicable law.

(e) Reimbursements. — The Secretary of Defense shall require reimbursement as a condition for providing assistance under this section to the extent required under section 377 of this title.

(f) Delegations of Authority.—

(1) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this section.

The Secretary of Defense may delegate the Secretary's authority under this section only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

(2) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this section. The Attorney General may delegate that authority only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

(g) Relationship to Other Authority. — Nothing in this section shall be construed to restrict any executive branch authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“382. Emergency situations involving chemical or biological weapons of mass destruction.”

(b) Conforming Amendment to Condition for Providing Equipment and Facilities. — Section 372(b)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: “The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.”

(c) Conforming Amendments Relating to Authority To Request Assistance.— (1)(A) Chapter 10 of title 18, United States Code, is amended by inserting after section 175 the following new section:

Sec. 175a. Requests for military assistance to enforce prohibition in certain emergencies

“The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.”

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 175 the following new item:

“175a. Requests for military assistance to enforce prohibition in certain emergencies.”

(2)(A) The chapter 133B of title 18, United States Code, that relates to terrorism is amended by inserting after section 2332c the following new section:

Sec. 2332d. Requests for military assistance to enforce prohibition in certain emergencies

“The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332c of this title during an emergency situation involving a chemical weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.”

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2332c the following new item:

“2332d. Requests for military assistance to enforce prohibition in certain emergencies.”

(d) Civilian Expertise: — President shall take reasonable measures to reduce the reliance of civilian law enforcement officials on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States. The measures shall include—

(1) actions to increase civilian law enforcement expertise to counter such a threat; and

(2) actions to improve coordination between civilian law enforcement officials and other civilian sources of expertise, within and outside the Federal Government, to counter such a threat.

(e) Reports. — The President shall submit to Congress the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.

(2) Not later than one year after such date, a report describing—

(A) the actions planned to be taken to carry out subsection (d); and

(B) the costs of such actions.

(3) Not later than three years after such date, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d).

SEC. 1417. RAPID RESPONSE INFORMATION SYSTEM.

(a) Inventory of Rapid Response Assets.—

(1) The head of each Federal Response Plan agency shall develop and maintain an inventory of physical equipment and assets under the jurisdiction of that agency that could be

made available to aid State and local officials in search and rescue and other disaster management and mitigation efforts associated with an emergency involving weapons of mass destruction. The agency head shall submit a copy of the inventory, and any updates of the inventory, to the Director of the Federal Emergency Management Agency for inclusion in the master inventory required under subsection (b).

(2) Each inventory shall include a separate listing of any equipment that is excess to the needs of that agency and could be considered for disposal as excess or surplus property for use for response and training with regard to emergencies involving weapons of mass destruction.

(b) Master Inventory. — The Director of the Federal Emergency Management Agency shall compile and maintain a comprehensive listing of all inventories prepared under subsection (a). The first such master list shall be completed not later than December 31, 1997, and shall be updated annually thereafter.

(c) Addition to Federal Response Plan. — Not later than December 31, 1997, the Director of the Federal Emergency Management Agency shall develop and incorporate into existing Federal emergency response plans and programs prepared under section 611(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(b)) guidance on accessing and using the physical equipment and assets included in the master list developed under subsection to respond to emergencies involving weapons of mass destruction.

(d) Database on Chemical and Biological Materials. — The Director of the Federal Emergency Management Agency, in consultation with the Secretary of Defense, shall prepare a database on chemical and biological agents and munitions characteristics and safety precautions for civilian use. The initial design and compilation of the database shall be completed not later than December 31, 1997.

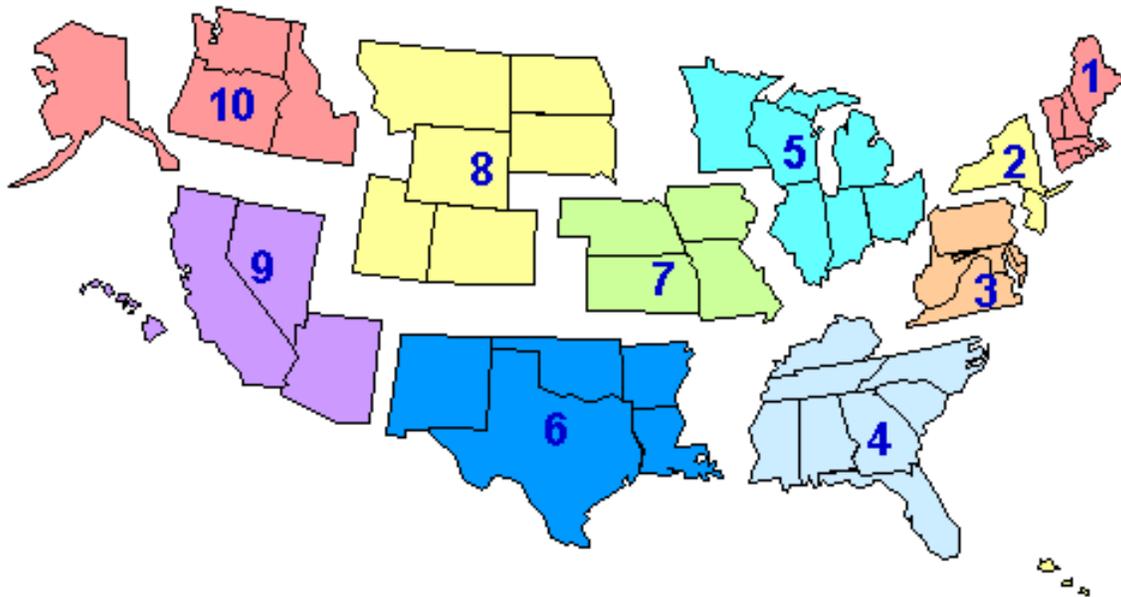
(e) Access to Inventory and Database. — The Director of the Federal Emergency Management Agency shall design and maintain a system to give Federal, State, and local officials access to the inventory listing and database maintained under this section in the event of an emergency involving weapons of mass destruction or to prepare and train to respond to such an emergency. The system shall include a secure but accessible emergency response hotline to access information and request assistance.

Notes

¹ This copy of the “Defense Against Weapons of Mass Destruction Act of 1996” was downloaded directly from an official United States Government web site FirstGov.gov: <http://thomas.loc.gov/cgi-bin/query/D?c104:1:./temp/~c104JWJUep:e956145>: on March 15, 2001. The legislation appears essentially in the same presentation style in which it was downloaded, with only minor format modifications to fit standard margins and facilitate readability.

Appendix B

WMD Civil-Support Team Locations by FEMA Regions



Region 1 – Massachusetts
Region 2 – New York
Region 3 – Pennsylvania
Region 4 – Georgia
Region 5 – Illinois

Region 6 - Texas
Region 7 - Missouri
Region 8 - Colorado
Region 9 - California
Region 10 – Washington State

Appendix C

WMD Civil-Support Team Composition by Military Occupational Specialty (MOS)

Position	Rank	MOS	MOS Description
Commander	O-5	01A	Officer Generalist
Deputy Commander	O-4	01A	Officer Generalist
Assistant Operations Officer	O-3	01A	Officer Generalist
Senior Operations NCO	E-8	54B	Chemical Operations Specialist
Operations NCO	E-7	71L	Administrative Specialist
Assistant Operations NCO	E-6	71L	Administrative Specialist
Logistics NCO	E-7	92Y	Unit Supply Specialist
Administrative NCO	E-5	75B	Personnel Administrative Specialist
Communications Team Chief	E-7	31U	Signal Support System Specialist
Information Systems Operator	E-6	74B	Chemical Branch Officer
Physicians Assistant	O-4	62B	Field Surgeon
Medical Operations Officer	O-3	70H	Health Services Plans and Operations
Nuclear Medical Science Officer	O-3	72A	Nuclear Medical Science Officer
Medical NCO	E-7	91B	Medical Specialist
Survey Team Leader	O-3	74B	Chemical Branch officer
NBC reconnaissance NCO	E-7	54B	Chemical Operations Specialist
2 - NBC Team Chiefs	E-6	54B	Chemical Operations Specialist
4 - NBC NCOs	E-5	54B	Chemical Operations Specialist

Glossary

ACSC	Air Command and Staff College
ADP	Automated Data Processing
AU	Air University
BW	Biological Weapons
C/B	Chemical/Biological
CBIRF	US Marine Corps Chemical Biological Incident Response Force
CBRN	Chemical, Biological, Radiological, and Nuclear
CBW	Chemical and Biological Weapons
CoMPIO	Consequence Management Program, Secretary of the Army
COMSEC	Communications Security
DOD	Department of Defense
DTRA	Defense Threat Reduction Agency, Department of Defense
EMAC	Emergency Management Assistance Compact
FAQ	Frequently Asked Questions
FDA	Food and Drug Administration, Department of Health and Human Services
FEMA	Federal Emergency Management Agency
FM	Frequency Modulated
FY	Fiscal Year
GPS	Global Positioning System
HF	High Frequency
ICS	Incident Command System
KW	Kilowatt
MALS	Mobile Analytical Laboratory System
MHz	Mega Hertz
MIL STD	Military Standard
MOS	Military Occupational Specialty

NBC	Nuclear, Biological and Chemical Weapons
NCA	National Command Authority
NCO	Noncommissioned Officer
NG	National Guard
NICI	National Interagency Civil-Military Institute
NIOSH	National Institute for Occupational Safety and Health, Department of Health and Human Services
NLD	Nunn-Lugar-Domenici Legislation
NMS	National Military Strategy
NSS	National Security Strategy
OSHA	Occupational Safety and Health Administration, Department of Health and Human Services
PDD	Presidential Decision Directive
PL	Public Law
QDR	Quadrennial Defense Review
SAIC	Science Applications International Corporation
SCBA	Self-Contained Breathing Apparatus
TDA	Table of Distribution and Allowance
UCS	Unified Command System
UHF	Ultra High Frequency
USAF	United States Air Force
U.S.C.	United States Code
VHF	Very High Frequency
WMD	Weapons of Mass Destruction

civil authorities. Nonmilitary Federal, State, or local government agencies.

crisis management. Includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and resolve a threat or act of terrorism. It is predominantly a law enforcement response, and PDD-39 affirms that the Federal Bureau of Investigations (FBI) is the lead agency responsible for pursuing criminal matters related to threats or acts of terrorism. It is essentially working the criminal aspects of a terrorist threat or attack, which involves taking measures to resolve a hostile situation, and investigate and prepare a criminal case for prosecution under federal law.

consequence management. Includes measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by the acts of terrorism. The federal government provides assistance to an affected state when the governor indicates that its local capability is

overwhelmed and requests federal assistance. The designated lead agency for coordination of federal assistance to state and local governments is the Federal Emergency Management Agency (FEMA).

executive agent. The individual designated by position to have and to exercise the assigned responsibility and delegated authority of the Secretary of Defense, as specified in DOD Directive 3025.1 (reference (g)).¹

gap. Is a term used to indicate that capabilities to meet potential chemical or biological response requirements are non-existent.

shortfall. Is a term indicating that capabilities, although present, are inadequate to meet potential chemical or biological response requirements.

state-sponsored terrorism. The active involvement of a foreign government in training, arming, and providing other logistical and intelligence assistance as well as sanctuary to an otherwise autonomous terrorist group for the purpose of carrying out violent acts on behalf of that government against its enemies.

terrorism. Terrorism is violence, or the threat of violence, calculated to create an atmosphere of fear and alarm, through acts designed to coerce others into actions they otherwise would not undertake or into refraining from actions that they desired to take. All terrorist acts are crimes. Many would also be violations of the rules of war, if a state of war existed. This violence or threat of violence is generally directed against civilian targets. The motives of all terrorists are political, and terrorist actions are generally carried out in a way that will achieve maximum publicity. The perpetrators are usually members of an organized group, although increasingly lone actors or individuals who may have separated from a group can have both the motivation and potentially the capability to perpetrate a terrorist attack. Unlike other criminals, terrorists often claim credit for their acts. Finally, terrorist acts are intended to produce effects beyond the immediate physical damage that they cause.

terrorist group. A collection of individuals belonging to an autonomous nonstate or subnational revolutionary or antigovernment movement who are dedicated to the use of violence to achieve their objectives. Such an entity is seen as having at least some structure and command and control apparatus that, no matter how loose or flexible, nonetheless provides an overall organizational framework and general strategic direction.

weapons of mass destruction. Weapons of Mass Destruction are weapons or devices that are intended, or have the capability, to cause death or serious bodily injury to a significant number of people through the release of toxic or poisonous chemicals or their precursors, a disease organism, or radiation or radioactivity.²

Notes

¹ Department of Defense Directive 3025.15, Military Assistance to Civil Authorities, 16.

² WMD CST Frequently Asked Questions (FAQ) Pamphlet, 1

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