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## IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT: COAST GUARD IMPACT

BY

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USAWC CLASS OF 2008

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# Report Documentation Page

Form Approved  
OMB No. 0704-0188

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

1. REPORT DATE <b>15 MAR 2008</b>		2. REPORT TYPE <b>Strategy Research Project</b>		3. DATES COVERED <b>00-00-2007 to 00-00-2008</b>	
4. TITLE AND SUBTITLE <b>Implementing Recommendations of the 9/11 Commission Act Coast Guard Impact</b>				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) <b>Steve Truhlar</b>				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>U.S. Army War College ,122 Forbes Ave.,Carlisle,PA,17013-5220</b>				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT <b>See attached</b>					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			

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USAWC STRATEGY RESEARCH PROJECT

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GUARD IMPACT**

by

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## ABSTRACT

AUTHOR: Captain Steve Truhlar

TITLE: Implementing Recommendations of the 9/11 Commission Act:  
Coast Guard Impact

FORMAT: Strategy Research Project

DATE: 06 March 2008 WORD COUNT: 5,913 PAGES: 28

KEY TERMS: 9/11 Act, Maritime Security, Homeland Security Legislation

CLASSIFICATION: Unclassified

The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) sought to codify the recommendations of the *9/11 Commission Report*. This essay summarizes the 9/11 Act's impact on the Coast Guard. Given the cascade of security legislation and other policy guidance subsequent to 9/11 and prior to this law, many of the recommendations of the 9/11 Report have already been initiated. While the 9/11 Act does not require immediate wholesale change of the Coast Guard, in the near-term the Coast Guard should work especially closely with DHS in regards to container security, northern border security, incident command credentialing, and radio interoperability. In a broader context, the 9/11 Act again raises expectations for interagency expertise which calls for more than the current ad hoc professional development initiatives, further justifying proposals for a capstone homeland security institution such as the National Homeland Security University. The greatest long-term impact to the Coast Guard may be the new Quadrennial Homeland Security Review since it carries the potential to become the source of major reorganization, reprioritization, and policy change.

Accordingly, it will be critical for the Coast Guard to provide a cohesive document to inform proper budgetary, mission, and force structure decisions.



## IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT: COAST GUARD IMPACT

Surprise, when it happens to a government, is likely to be a complicated, diffuse, bureaucratic thing. It includes neglect of responsibility, but also responsibility so poorly defined or so ambiguously delineated that action gets lost.<sup>1</sup>

—Thomas Schelling

*The Final Report of the National Commission on Terrorist Attacks Upon the United States*, widely known as the *9/11 Commission*, lamented that this opening quote by Schelling "...was made more than 40 years ago, about Pearl Harbor..." and hoped that "... another commission, writing in the future about another attack, does not again find this quotation to be so apt."<sup>2</sup> *The 9/11 Commission Report* was an earnest effort to offer recommendations to avoid future surprise tragedies of the magnitude of Pearl Harbor and 9/11. The bipartisan commission reviewed over 2.5 million pages of documents and conducted over 1,200 interviews. This exhaustive review resulted in 41 main recommendations aimed at ensuring the nation would be ready for a future major terrorist attack. However insightful any recommendations may be, they of course mean little unless they are implemented. The Commission's recommendations have fortunately not been ignored. They have been the source and justification of legislation, reorganization, and funding efforts since the report's release. The Implementing Recommendations of the 9/11 Commission Act of 2007, or more simply the 9/11 Act, is another legislative attempt to ensure the 9/11 Commission's recommendations do not go unheeded. Since legislation often establishes or changes U.S. policy and strategy, such laws warrant scrutiny by Federal agencies such as the U.S. Coast Guard. This essay analyzed the impact this law will likely have on the United States Coast Guard,

and determined that the greatest of these is the need for the Coast Guard to refine its processes for anticipating mid-to-long term personnel, equipment, and mission requirements in light of the upcoming Quadrennial Homeland Security Review.

Fortunately, many of the recommendations and concerns of the 9/11 Commission have been previously implemented or addressed. As such, the 9/11 Act does not require wholesale changes within the Coast Guard. The Coast Guard will be affected, however, in four substantive areas. First, changes to the Container Security Initiative, run by Customs and Border Protection (CBP), will impact the Coast Guard in the coming years as CBP begins to ramp up container inspections at the ports of departure to achieve the 100 percent goal. The Coast Guard should revisit its plans to accommodate the likely increase in container tampering alerts, both real and false, which may require an increase in assets and personnel. Secondly, the 9/11 Act requires a report on northern border security. The Coast Guard needs to seize this opportunity to provide its assessment and concerns regarding this often overlooked but critical maritime border. Thirdly, FEMA's anticipated release of new credentialing requirements for incident commanders will put a strain on Coast Guard training processes. This, in turn, could impact career track normalcy by requiring longer train-up times to reach proficiency and create a need for having specialists in the field or growing the force to accommodate the lengthened training pipeline. Finally, while the 9/11 Act promises additional funding of radio interoperability efforts at the State and local levels, the Coast Guard must ensure it keeps pace with such measures to avoid a communications breakdown from occurring during an incident. In addition to these immediate impacts, the 9/11 Act carries with it two longer term implications.

The Coast Guard may feel the impact of the 9/11 Act most in the requirement for a future Quadrennial Homeland Security Review (QHSR) and in the long-term implications on professional development processes and programs. The QHSR, like DoD's QDR, could be the source of major restructuring and reprioritization with DHS. The Coast Guard should acquaint itself with the history of QDR lessons learned, work closely with DHS in the formation of its input, and ensure the product provides the documentation needed for policy makers to make informed funding, mission prioritization, and force structure decisions. Professional development programs and career tracks must be revisited in light of the ever-rising expectations for mastery of the interagency and incident management processes. While worthwhile professional education and training program initiatives exist, they appear to be ad hoc, uncoordinated, and lack the programmatic oversight and synchronization needed. In addition, force growth may be requisite to keeping operational billets filled while meeting the ever-increasing professional development and training demands. After providing a brief overview of recent maritime security events and then illuminating the elements of the 9/11 Act that will likely impact U.S. Coast Guard strategy, this essay will offer recommendations for future courses of action.

## Background

### Importance of Maritime Security

The maritime domain is an unquestionably vital component in today's global economy and possesses inherent security vulnerabilities. The Coast Guard plays a leading role in ensuring maritime security in the nation's ports, along its coastlines, on its inland waterways and on international waters. Seaports present a particularly tough

challenge given their often extensive infrastructure and nearby population centers. More than 80 percent of our foreign trade departs from or arrives in the nation's 361 seaports.<sup>3</sup> Shipping cargo containers, 40-foot steel containers that can be easily transferred from ship to truck to rail, account for much of the nation's shipping tonnage and represent one of the greatest security risks. 11 million of these containers moved into or out of U.S. seaports in 2005.<sup>4</sup> Yet prior to 9/11, only about 2 percent of the containers arriving in the U.S. were inspected.<sup>5</sup> Container security did not receive much attention in the immediate wake of 9/11, even after two documented international cases of terrorists moving in shipping containers.<sup>6, 7</sup> Maritime security concerns slowly but surely garnered legislative attention after 9/11. More recently, the vulnerability of oil and liquid natural gas shipments are being added to the priority list in light of the future increases in volume anticipated and given the high impact of such an attack on the environment and on the economy.<sup>8</sup> Yet just about any vessel could be used as a platform to carry WMD into the United States. Add to these concerns 95,000 miles of coastline border, the vastness of the maritime approaches to the nation's coast, and the high density of legitimate maritime traffic, and the Coast Guard's tasks seem daunting indeed.

#### The Implementing Recommendations from the 9/11 Commission Act of 2007

The nation is all too aware of the tragic events that transpired on September 11, 2001, precipitating the 9/11 Commission Report and its many recommendations for securing the homeland. Public Law 107-306, signed November 27, 2002, established the 9/11 Commission. The 9/11 Commission Report, including its recommendations for better securing the homeland, was released on July 22, 2004. The legislation to

implement the recommendations of the 9/11 Commission was introduced in the House by Representative Bennie Thompson (D-MS) on January 05, 2007 as House Resolution 1 (H.R.-1) and in the Senate by Senator Harry Reid (D-NV) on January 04, 2007 as S.4. Then H.R.-1 was passed by Congress on January 9, 2007 with a 299-128 vote. Sections of the Senate's Bill were integrated into the wording of H.R.-1 in July 2007 and the Bill was passed by the Senate with an 88-8 vote. The President signed the Bill into Public Law on August 3, 2007.

To better understand the impact of the 9/11 Act on maritime security, it is necessary to review the history of maritime security studies and legislation immediately prior to and after 9/11. While the 9/11 Act addresses most of the recommendations of the 9/11 commission, many of them have been previously given attention, in whole or in part, in the cascade of legislation since 9/11. The Homeland Security Act of 2002, The Maritime Transportation Security Act of 2002, and the Security and Accountability For Every (SAFE) Port Act of 2006 are the major pieces of legislation that significantly shaped Coast Guard policy and strategy. Presidential Directives and changes internal to the Department of Homeland Security and the Coast Guard were also the source of significant initiatives. An overview of these maritime security policy shaping actions, therefore, is in order to better frame the impact of the 9/11 Act.

#### The Homeland Security Act of 2002

The Homeland Security Act of 2002 (HSA) consolidated 22 federal agencies, including the Coast Guard, into the new Department of Homeland Security. The immensity of the HSA is analogous to the National Security Act of 1947 in that it dramatically restructured the Federal government to protect the nation from a new

enemy. The National Security Act of 1947 was codified in the shadow of the looming Cold War and in the wake of a world war sparked by the surprise attack on Pearl Harbor. Similarly, the HSA was made possible and necessitated by the devastating terrorist attacks of September 11th and the accompanying realization the government was ill-structured to counter this unprecedented threat of transnational terrorism. While the HSA did not significantly alter the structure or function of the Coast Guard, it set the stage for the Coast Guard to become a foundational component of the nation's homeland security forces. To allay fears of the Coast Guard losing its ability to perform non-homeland security missions such as search and rescue, a provision was made to ensure the Coast Guard would remain a "distinct entity" within DHS and not experience "significant reduction" without specific subsequent legislation.<sup>9</sup> This provision shields the Coast Guard if by chance any major non-legislative restructuring initiative required the Coast Guard to downsize significantly.

#### The Maritime Transportation Security Act of 2002

The Maritime Transportation Security Act of 2002 (MTSA) expanded Coast Guard responsibilities and clarified its role in the maritime security mission. Signed into Public Law 107-295 by President Bush on November 25, 2002, it established the National Maritime Security Advisory Committee, bringing together Federal, State and local representatives to conduct long-term planning and enhance information sharing. The creation of local Port Security Committees engaged private stakeholders in the maritime security planning process. MTSA initiated evaluations and assessments of port security effectiveness and vulnerability to incorporate into updated security plans using risk-based decision making. Employment screening and identification criteria ensured

recently convicted felons were not hired to work in the port environment. It directed improvements to cargo and personnel reporting and tracking systems. It established the Coast Guard's Maritime Safety and Security Teams and the Sea Marshall program to increase law enforcement presence. The territorial sea border of the U.S. was expanded out from 3 to 12 miles. Infrastructure improvements such as security fences, monitoring systems, and detection equipment were also provided for.<sup>10</sup>

### SAFE Port Act of 2006

The Security and Accountability For Every Port Act of 2006, or the SAFE Port Act, amended the Maritime Transportation Security Act of 2002 and provided additional guidance and requirements for the Coast Guard in maintaining security of the nation's ports. The SAFE Port Act called for improved container security, transportation worker identification cards, new interagency operational centers, and a risk-based security grant allocation process. The Bill set a deadline of April 1, 2007 for the Coast Guard to implement a long range vessel tracking system as required in the Maritime Transportation Safety Act of 2002; the Coast Guard reported achieving initial operating capability on the first of three increments in January 2007.<sup>11</sup>

The SAFE PORT Act's container security provisions laid the groundwork for the requirements later refined in the Implementing Recommendations from the 9/11 Commission Act of 2007. It established the Cargo Security Initiative (CSI), headed by Customs and Border Protection (CBP), to thoroughly assess cargo container security and to implement an inspection program. It authorized the appropriation of approximately \$145 million annually for three years to the CSI cause.<sup>12</sup> It required DHS to establish a pilot program at three foreign ports to scan containers with imagery and

radiation detection equipment; the three ports chosen were Port Qasim in Pakistan, Puerto Cortes in Honduras, and Southampton in the United Kingdom.<sup>13</sup> Within one year, 100 percent of the containers leaving those three ports were to be scanned and a follow-up evaluation report submitted. The SAFE Port Act also required that all containers inbound to the U.S. be risk-assessed. 100 percent of those containers deemed high risk must be screened or searched prior to the containers leaving a U.S. seaport facility. Additionally, a long-term goal was set to scan 100 percent of containers entering the U.S. prior to their arrival.<sup>14</sup>

The SAFE Port Act also required that port security federal grant monies were to be allocated based on risk. The risk was to be determined by the use of a risk assessment method such as the Coast Guard's Maritime Security Risk Assessment Tool, the methodology of which was to be reported to Congress within 180 days. The Act authorized appropriations for \$400 million per year through 2011 for these grants.<sup>15</sup> Some of these elements of the SAFE Port Act were merely refined by the subsequent 9/11 Act and therefore do not constitute a major shift in Coast Guard policy.

#### Other influences on Coast Guard policy and strategy

In addition to legislation having a major impact on national maritime security policy, other initiatives have been set in motion by Presidential directives and Department of Homeland Security priorities. National Security Presidential Directive (NSPD) 41, also known as Homeland Security Presidential Directive (HSPD) 13, entitled *Maritime Security Policy*, was signed in December of 2004. It directed the formation of a government-wide national strategy for maritime security, specifying eight accompanying plans, including Maritime Domain Awareness, Global Maritime



Intelligence Integration, and Maritime Threat Response.<sup>16</sup> The National Strategy for Maritime Security and its eight accompanying plans were released in September 2005. Admiral Thad Allen, Commandant of the Coast Guard, signed a new Coast Guard Strategy into effect on January 19, 2007, citing alignment with six Presidential Directives, six Statutes/Acts, five international agreements, and nine strategies/policies.<sup>17</sup>

The Coast Guard has also been active with internal reorganization, restructuring, and transformation. It recently consolidated its deployable specialized capabilities, previously ad hoc programs stood up to meet threats as they emerged, into a Deployable Operations Group (DOG) organizational structure. This allows centralized control of deployable specialized forces to provide tailored force packaging optimized for a variety of events.<sup>18</sup> The remainder of the Coast Guard will also undergo restructuring over the next two years aimed at enhancing the organization's flexibility and adaptability.<sup>19</sup> The Deepwater modernization program will continue to provide updated capabilities in operational assets and C4ISR. The Coast Guard has also identified a seam in the legislation which only addresses vessels that are 300 feet in length or longer and is working to counter the risk of smaller hostile vessels.<sup>20</sup> The Coast Guard has undergone significant change subsequent to 9/11 and much of it took place before the signing of the 9/11 Act.

#### Elements of the 9/11 Act impacting the U.S. Coast Guard

The 9/11 Act, in light of the aforementioned progress made in maritime security, appears to be more of a fine-tuning than a groundbreaking piece of legislation, at least in the maritime domain. The Act does, however, impact the U.S. Coast Guard in several

areas that deserve further scrutiny. The 9/11 Act amends the SAFE Port Act and further clarifies container security requirements. It sets a deadline of July 1, 2012 to achieve 100 percent scanning of containers prior to being loaded at the point of their departure. There is a provision for the Secretary of Homeland Security to establish an earlier deadline or to request extensions in two-year increments if circumstances require. It also provided a deadline of October 15, 2008 for the implementation of container sealing requirements in accordance with the latest international standards. While not a marked departure from the SAFE Port Act's guidance, the 9/11 Act set firmer deadlines for 100 percent container scanning and for cargo container seals while establishing the possibilities of two-year extensions.<sup>21</sup>

The 9/11 Act amends the Post-Katrina Emergency Management Reform Act of 2006 to further strengthen the Incident Command System by improving the National Exercise Program and by adding credentialed personnel requirements to the Federal response capability inventory and accompanying reporting requirements. The National Exercise Program will be required to provide for the "systematic evaluation of readiness," provide State, local tribal governments with model exercises, and to develop a process to produce prompt after-action reports with a means to incorporate the lessons learned into future exercises and procedures.<sup>22</sup> It also requires FEMA, within one year, to promulgate standards for personnel credentialing to Federal agencies with responsibilities under the National Response Plan, which includes the Coast Guard. The Coast Guard, then, will have six months to ensure an adequate number of credentialed personnel to carry out its obligations as set forth in the National Response Plan.<sup>23</sup> The Coast Guard can look forward to the benefits standardized qualifications

will bring to any scenario requiring interagency coordination through the Incident Management System. However, these potentially stringent and expansive credentialing requirements will likely put a strain on the Coast Guard's training and education programs and will need to be addressed.

A number of elements of the 9/11 Act affect the Coast Guard tangentially or may affect the Coast Guard directly in the future. The Act called for the Secretary of Homeland Security to explore the implementation of transportation user fees in the future to help offset legitimate security expenses.<sup>24</sup> Even if the Coast Guard is not involved in the feasibility study of such fees, they will likely be a part of future port security committees' discussion items. The security of the northern border, much of which lies along the easily-traversed Great Lakes, is also to be studied and an ensuing report submitted to delineate future requirements.<sup>25</sup> Arguably, the seaways, rivers, and lakes that comprise the U.S.-Canada border represent one of the easiest ways to cross the border undetected. Since the Coast Guard plays a major role in protecting the highly traveled Great Lakes region, Coast Guard input will be essential. The Act also established the Interoperable Emergency Communications Grant Program and authorized funding at \$400 million per year through 2012, along with \$1 billion for emergency communication equipment and a cross-border communication study.<sup>26</sup> This will no doubt enhance the ability of State and local agencies to communicate with each other, as well as with Canadian and Mexican agencies, during an incident. The Act does not, however, authorize funds for the Coast Guard to procure compatible equipment. The Coast Guard's current communications modernization effort, called Rescue 21, was commenced in the 1990's with mostly maritime search and rescue improvements in

mind. It does not provide the 900 MHz capability that ensures incident command interoperability. The Coast Guard runs the risk of falling behind the communications interoperability curve.

The 9/11 Act has received a small amount of criticism. The main criticism is that it did not incorporate the 9/11 Report's recommendation to consolidate the 80 committees and subcommittees that have an oversight stake in homeland security. With so many masters, these committees tend to have contradictory priorities and pull the Department in differing directions. Similarly, the Department's ability to apportion resources based on risk assessments is curtailed. For example, requiring 100 percent container scanning will undoubtedly result in money being spent to scan some extremely low risk containers. This type of legislation ties the Department's hands and prevents it from using those funds to meet a potentially greater maritime security risk.<sup>27</sup> If the Federal budget continues to see increasing constraints, inflexible funding requirements such as this may have a trickle down negative impact on Coast Guard funding. The Act also did not address the current threat perceived from vessels less than 300 feet in length.

#### Quadrennial Homeland Security Review

The new quadrennial review will undoubtedly prove to hold future strategic sway over the Coast Guard. Interestingly, the Quadrennial Homeland Security Review was not directly mentioned in the original 9/11 Report but was added to the 9/11 Act from the Senate Bill (S.4).<sup>28</sup> Nestled at the very end of the 9/11 Act under Miscellaneous Provisions, Section 2401 amends the Homeland Security Act of 2002 and requires the Department of Homeland Security to conduct a strategic review every four years, starting in fiscal year 2009. The scope of each review

shall be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long-term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.<sup>29</sup>

This extensive review is to be conducted in consultation with a vast array of entities.

Several top government officials, including the Secretary of State and the Secretary of Defense, must be consulted. “Key officials of the Department” almost certainly includes the Commandant of the Coast Guard. “Other relevant ... entities” will be a host of involved and interested agencies and organizations.<sup>30</sup> It is this last and very diverse list of constituents and stakeholders that will make the QHSR in some respects more complicated than the Department of Defense’s Quadrennial Defense Review (QDR).<sup>31</sup>

The QHSR will take a good look at the current strategy, missions, threat assessments, organizational structure, cooperation levels, and budget plans to ensure relevancy and make necessary changes. A strategy review is required to ensure alignment up and down the policy hierarchy. A change in threats could potentially warrant a shift in missions, organization, and budgets. Cooperation levels within the Federal government and within State, local, and tribal governments are to be an indicator of readiness and effectiveness. The Secretary of Homeland Security is required to prepare for the QHSR during FY2008 and to provide a resource and budget plan within 60 days of the enactment of the Act.<sup>32</sup>

The QHSR may look similar to DoD’s QDR. In fact, having a standard structure would give DHS a framework to work with, enhance congress’ ability to understand it, and allow for “apples to apples” comparisons if desired. As such, it is helpful to understand the QDR process, its success stories, and its challenges. The charters for the two documents are similar. One subtle difference is that the QDR’s “comprehensive

examination of the national defense strategy” is for “expressing the defense strategy ... and establishing a defense program for the next 20 years.”<sup>33</sup> The QHSR, on the other hand, calls for providing “recommendations.” Generally speaking, though, both the QDR and future QHSR should provide for a thorough assessment of the current state of affairs and proffer a way ahead.

Knowing the history of the QDR is helpful in putting the lessons learned into context. The first QDR was directed by Congress following two attempts in the 1990's to assess DoD's changing priorities in the wake of the Cold War. Those two attempts, the Bottom Up Review (BUR) and the Commission on Roles and Missions (CORM), were criticized for not being comprehensive enough to adequately consider the vastly changed national security landscape. Congress did, however, enact the CORM's recommendation for a quadrennial review, to commence in 1997.<sup>34</sup> The third QDR Report was released in 2006 and was given high marks for extensive collaboration, senior leader oversight and the creation of a database to track the implementation of QDR initiatives. The GAO did criticize it, however, for not rigorously analyzing alternate force structures or justification of personnel requirements. Lastly, these two shortcomings were coupled with an inadequate risk assessment to aid understanding the impact of alternate force structures. The GAO felt the 2006 QDR did not enable Congress to make the well-informed decisions it will face in the potentially resource-strapped budgetary years to come.<sup>35</sup> Other experts praised the QDR in many areas but also criticized it for being apparently too constrained by budgetary considerations since it stated its force size was about right while U.S. ground forces were undergoing a heavy strain in Iraq and Afghanistan.<sup>36</sup> Perhaps in response to these criticisms, the

2007 Defense Authorization Act further refined future QDR reporting requirements to ensure recommendations are included without regard to budgetary constraints and that an independent panel is formed six months prior to the release of the report to assess the recommendations, assumptions, and vulnerabilities of the review.<sup>37</sup> Another key to a successful report, offered one national security strategist, is to ensure “buy-in” from all those who would be involved in implementing and funding the recommendations contained in it.<sup>38</sup>

The QDR is a “roadmap for change” for DoD and has been the source of significant reprioritization, transformation and reorganization within DoD.<sup>39</sup> To get an idea of the magnitude of transformation such a review may precipitate, it is helpful to consider a few of the 2006 QDR Report’s major programmatic changes. One was the expansion of Special Operations Forces by 15 percent to bolster its lead role in the Global War on Terrorism (GWOT). This included increasing Special Forces Battalions by one third, expanding Psychological Operations and Civil Affairs units by 3,700 personnel (also a one third increase), and establishing a 2,600-person Marine Corps Special Operations Command. The Report also boosted funding for the Chemical Biological Defense Program by \$2.1 billion per year for five years, mostly to aid development of medical countermeasures to bio-terror threats.<sup>40</sup> The Quadrennial Homeland Security Review may become a similar source of major restructuring within DHS.

### Recommendations

The Implementing Recommendations of the 9/11 Commission Act of 2007 requires Coast Guard action and attention in several areas. As previously mentioned,

the Coast Guard should work closely with CBP in executing the Cargo Security Initiative. As the volume of containers scanned overseas increases, so is the likelihood of tampering alerts, both false and true. Protocols for handling these situations should be firmed up and practiced in anticipation of the case-by-case becoming the commonplace. The question of whether additional personnel will be required to meet the growth of this mission needs to be asked. The Coast Guard should also ensure its voice is heard in regards to northern border issues, where the Coast Guard is in the middle of the security challenges along this sprawling and oftentimes narrow maritime border. Transportation fees, if implemented, may not be looked upon favorably by the commercial maritime community. The Coast Guard should be thinking about how to maintain positive relations with its maritime community constituents burdened by the fees and how those fees could be spent in an equitable and value-added fashion, if indeed they are put into effect. Finally, the Coast Guard must ensure it keeps pace with the radio interoperability advancements funded for State and local agencies. It should be integrated into the long-term modernization strategies of Deepwater and Rescue 21. Any forecasted gaps should be considered a significant risk. A major response operation that suffers because of lack of Coast Guard communication interoperability would be a tragic and foreseeable possibility that must be prevented at all costs.

The incident command credentialing may be a mixed blessing for the Coast Guard. The implementation of standard competencies will be a blessing during incidents when diverse entities are working side by side and counterparts will have comparable and known skill sets. The challenge may be ensuring the Coast Guard workforce can attain and maintain these potentially rigid criteria.<sup>41</sup> The credentials may then have



career path implications as well. The Coast Guard prefers to develop well-rounded, frequently transferring officers and managers as opposed to specialists. If the credentials require longer training pipeline times, it may require dedicated incident managers who would perhaps be too stove-piped to be competitive for normal advancement opportunities. Special provisions may have to be made to ensure such a workforce remains promotable. Another course of action is to grow the force to avail the time necessary for the required training. The advantage of having more personnel who are suitably qualified and well-rounded must be weighed against the increased cost of creating specialists. All in all, the ever-increasing amount of training and education required, along with the lofty expectations of perspicaciousness in the performance of homeland security missions and interagency acumen, calls for more than the current ad hoc programs. The times demand a more holistic, all-encompassing solution.

The Coast Guard should consider vigorously supporting the previously recommended establishment of a National Homeland Security University (NHSU). The government's lessons learned report on Hurricane Katrina proposed this institution to be formed as a counterpart to the National Defense University. Creation of a NHSU has also been recommended by several think tanks.<sup>42, 43</sup> Given the complexities of the Department, the calls for Goldwater-Nichols-type legislation for the interagency, and the potentially devastating effect of a future lapse in performance, it makes good sense at many levels. Recommended as a capstone to other educational programs such as non-resident curriculum, the formation of the NHSU could prove to be the tipping point enabling the ever-elusive concerted national effort. By bringing together senior leaders from agencies within DHS, DoD, and other Federal and civilian agencies to grapple with

the strategic homeland security challenges facing the nation, the university “should serve as a center of homeland security and counterterrorism strategic thought and expertise for the nation.”<sup>44</sup> In addition to being a think tank, the critical aspects of cooperation, coordination, and understanding would undoubtedly be enhanced at all levels. Imagine a classroom with senior leaders from the Coast Guard, CBP, ICE, FEMA, DoD, National Guard, TSA, DOE, along with other representatives from the Intelligence Community and various State, local, and civilian agencies. This diverse group would leave that institution with a new level of mission clarity and motivation to lead change within their agencies. Simulated exercises and national planning scenarios would allow for a priceless learning experience. The NHSU could also ensure senior DHS leaders are well-versed in the ways of the Quadrennial Homeland Security Review. Other ongoing professional development initiatives do not provide the flagship training experience needed by today’s senior homeland security leaders. The National Security University as set forth in the 2006 QDR, for example, will focus on homeland defense, not homeland security.<sup>45</sup> The NHSU is not, of course, a “budget neutral” proposal. Aside from the cost of the institution, participating agencies would likely need to grow to allow the “float” needed for personnel to attend professional development programs, much like the DoD does now to meet the requirements of Goldwater-Nichols.<sup>46</sup> This should be considered a necessary price to pay to realize the potential a truly concerted national effort could bring to bear in a crisis.

The newly created Quadrennial Homeland Security Review may prove to hold the 9/11 Act’s highest strategic sway on the Coast Guard. Accordingly, the Coast Guard should commence a thorough study of the QDR history, processes, and lessons

learned. It should then strive to avoid the GAO's recent critiques of the QDR by ensuring a rigorous force structure and personnel requirements analysis and justification. It must work closely with DHS on the development of the QHSR to ensure interim approval and agreement. The Coast Guard should leverage and collate its various current strategic assessment processes to take advantage of existing strategic thought and ensure compatibility with internal guidance. Although the Coast Guard is somewhat sheltered against major restructuring by the mission preservation provision of HSA, the QHSR may nonetheless prove to be a major source of future change. In light of the potential impact and bearing in mind the vast amount of analysis and coordination required, consideration should be given to forming a dedicated committee assigned to the Coast Guard's Office of Strategic Analysis to provide full time oversight for this central strategic task.

### Summary

The Coast Guard has undergone significant changes since 9/11. These changes have been precipitated from many sources, including legislation, presidential directives, and internal initiatives and programs. The Homeland Security Act of 2002, the Maritime Transportation Security Act of 2002, and the SAFE Port Act of 2006 all played a prominent role in reshaping Coast Guard strategy, force structure, and policy. NSPD-41/HSPD-13 prompted comprehensive interagency planning in the maritime domain to include Maritime Domain Awareness, Global Maritime Intelligence Integration, and Maritime Threat Response. The Coast Guard itself is undergoing the Deepwater modernization and has restructured internally to be more adaptive to today's complex and rapidly changing environment. These aforementioned influences and initiatives in

many instances led to the incorporation of the recommendations of the 9/11 Report prior to the signing of the 9/11 Act in 2007.

The Implementing Recommendations of the 9/11 Commission Act of 2007 nonetheless contains several elements with significant long-term implications and will impact the Coast Guard peripherally in several areas. Container security, especially in regards to 100 percent overseas screening and the responses to container tampering alerts, represents mission growth and will require continued close planning and coordination with CBP. The 9/11 Act's deadline in 2012 for 100 percent screening is potentially overly optimistic, may require one or more two-year extensions, and impedes DHS's ability to carry out truly risk-based budgetary decisions. The Coast Guard can use the northern border study requirement of the 9/11 Act as an opportunity to assess its requirements along the vast maritime border with Canada. The credentialing requirements for incident commanders may require the Coast Guard to rethink its training programs, billet structure, and career track requirements for those personnel requiring the credentials. Additional personnel may be needed to accomplish these tasks. The Coast Guard must also ensure it has a plan to keep pace in regards to the 9/11 Act's communications interoperability initiatives at the International, State and local levels.

The previously unimaginable change and growth in the nation's homeland security missions clearly points to the need for an educational institution on par with the National Defense University and the Services' War Colleges. The proposed National Homeland Security University would be invaluable in training senior leaders, in providing a center for homeland security strategic thought, and promoting unprecedented levels of

interagency coordination. Such an institution could well prove to be the panacea to creating a truly concerted national effort.

The 9/11 Act's requirement for a Quadrennial Homeland Security Review may impact the Coast Guard more than any other element of the Act. This is slightly ironic given the QHSR was not amongst the 9/11 Commission Report's recommendations. Slight bit of irony aside, the Coast Guard, as well as DHS, should review the history, content, and criticisms of the QDR as a known frame of reference in order to borrow what is considered useful and to avoid aspects considered unhelpful or incomplete. Personnel requirements and force structure should be rigorously justified. Recommendations should contain elements that are not constrained by current budget levels. A form of independent review could be implemented. The talent pool of QDR expertise residing within DoD should be drawn upon. The Coast Guard should consider forming a committee to ensure thoroughness and synchronization with other Coast Guard strategic programs and documents.

Federal legislation can shape national strategy. It is important for Federal agencies to fully analyze relevant legislation through a strategic lens to ensure they remain in step with U.S. strategy. The 9/11 Act impacts many agencies with homeland security responsibilities, to include the Coast Guard. The impact of the Act is lessened by the extraordinary change that has taken place in the Coast Guard subsequent to 9/11 but prior to the implementation of the 9/11 Act. Nonetheless, the Act warrants attention in several areas and should illicit further efforts to increase the level of coordination between DHS and the Coast Guard. The need to grow the force not only to meet operational requirements but also to allow for expansion of professional development

investments should be seriously considered. The QHSR has the long term potential to be a vehicle of major restructuring, reprioritization, and transformation within DHS and, as such, deserves to be high on the Coast Guard's priority list.

## Endnotes

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<sup>3</sup> U.S. Government Accountability Office, *Maritime Security: The SAFE Port Act: Status and Implementation One Year Later* (Washington, D.C.: U.S. Government Accountability Office, October 2007), 1.

<sup>4</sup> U.S. Customs and Border Protection, *Container Security Initiative: 2006-2011 Strategic Plan* (Washington, D.C.: U.S. Customs and Border Protection, August 2006), 11.

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<sup>7</sup> Schoen, 1.

<sup>8</sup> U.S. Government Accountability Office, *Maritime Security: Federal Efforts Needed to Address Challenges in Preventing and Responding to Terrorist Attacks on Energy Commodity Tankers* (Washington, D.C.: U.S. Government Accountability Office, December 2007).

<sup>9</sup> *Homeland Security Act of 2002*, Public Law 107-296, U.S. Code 6 (2007), sec. 468.

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<sup>13</sup> U.S. Government Accountability Office, *Maritime Security: The SAFE Port Act: Status and Implementation One Year Later*, 42.

<sup>14</sup> *SAFE Port Act*, 231-232.

<sup>15</sup> *Ibid.*, secs. 111-112.

<sup>16</sup> George W. Bush, *Maritime Security Policy*, National Security Presidential Directive-41/ Homeland Security Presidential Directive-13 (Washington, D.C.: The White House, 21 December 2004), 5-7.

<sup>17</sup> Thad Allen, *The U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship*. (Washington, D.C.: U.S. Coast Guard, 19 January 2007), 3.

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<sup>22</sup> *Ibid.*, secs. 401-402.

<sup>23</sup> *Ibid.*, sec. 408.

<sup>24</sup> *Ibid.*, sec. 1308.

<sup>25</sup> *Ibid.*, sec. 731.

<sup>26</sup> *Ibid.*, sec. 1809.

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<sup>29</sup> *9/11 Act*, sec. 2401.

<sup>30</sup> *Ibid.*

<sup>31</sup> McCarter.

<sup>32</sup> *9/11 Act*, sec. 2401.

<sup>33</sup> 10 U.S. Code, sec. 118.

<sup>34</sup> Jeffrey D. Brake, *Quadrennial Defense Review (QDR): Background, Process, and Issues*, CRS Report for Congress (Washington, D.C.; U.S. Congressional Research Service, 21 June 2001), 1-2.

<sup>35</sup> U.S. Government Accountability Office, *Quadrennial Defense Review: Future Reviews Could Benefit from Improved Department of Defense Analyses and Changes to Legislative Requirements* (Washington, D.C.: U.S. Government Accountability Office, 14 September 2007), 33.

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