

## Chapter 23

### Military Assistance To Civil Authorities

*“DOD has traditionally played a role in domestic security matters only when absolutely necessary. DOD would provide support to federal, state and local responders when civilian capacities become overwhelmed. For instance, DOD could provide transportation or medical support in the event of a natural or man-made disaster. Also, DOD could be called upon to provide additional security at national security special events (e.g., the Olympics). In the event of multiple requests for DOD assets, domestic and international, the President would be the one to make the allocation decisions, using the coordinating mechanisms of the National Security Council and the Homeland Security Council.”*

Donald H. Rumsfeld, Secretary of Defense, May 2002 testimony before the Senate Appropriations Committee.

#### Section I Introduction

##### 23–1. Constitutional and policy basis for military assistance to civil authorities (MACA)

a. The basis for the use of military forces to assist civil authorities stems from our core national values. Article I, Section 8 of the Constitution states, “Congress shall have power ... to provide for calling forth the Militia to execute laws of the Union, suppress Insurrections, and repel Invasions.” Article II, Section 8 states that the President shall “take that the Laws be faithfully executed.”

b. The military serves to support and defend the nation; this responsibility extends to military responses to domestic emergencies and disasters. From our nation’s inception, the Army has provided support to civilian authorities to assist in times of crisis and need. Floods, riots, hurricanes, earthquakes, unknown substances, and forest fires are examples of situations that have required states to call upon the National Guard or request support from federal armed forces.

c. The NSS incorporates the aforementioned national values and sets forth three key national interests—protect the lives and safety of Americans, maintain the sovereignty of the United States, and provide for the prosperity of the nation and its people. Military assistance to civil authorities (MACA) in times of need contributes significantly to satisfying these national security concerns. The strategy recognizes that America’s military may respond to a variety of national needs other than waging war. It specifies that: “Terrorism, WMD, illegal drug trafficking, and other threats at home or abroad may exceed the capacity of other agencies and require the use of military forces.”

d. The National Homeland Security Strategy calls for the military to support civil authorities during emergencies such as responding to an attack or to forest fires, floods, tornadoes, or other catastrophes, as well as to assist during national special events.

##### 23–2. Overview

a. MACA is a complex, yet critically important, mission for the Armed Forces. Within existing processes and procedures, the Armed Forces have a well-defined basis for participation, perform specific and appropriate roles, and are postured for expansion of their roles and missions in response to the evolving threats and future technologically related domestic emergencies.

b. The U.S. military primarily organizes, trains, and equips forces to conduct combat operations. However, it also has the capability to rapidly respond to domestic emergencies and provide assistance to civil authorities to save lives, prevent human suffering, or mitigate great property damage. Such assistance usually occurs after a Presidential declaration of a major disaster or an emergency and supplements the efforts and resources of state and local governments and voluntary organizations. The U.S. military normally responds to domestic emergencies in support of another federal agency.

c. The military has enormous capabilities and resources to assist civil authorities in dealing with a wide spectrum of emergencies and disasters. However, it is clear from the management of consequences after many natural disasters and especially the September 11, 2001, attacks on the World Trade Center and The Pentagon, that the military cannot be nor should be the lead federal agency (LFA) for all types of emergencies or disasters.

d. Support of civil authorities is a core Army competency listed in FM 1, *The Army*. The Army conducts these operations under civilian control in accordance with the fundamental tenet of its professional ethos—subordination to civilian authority.

##### 23–3. DOD Role in Homeland Security (HLS)

a. Federal civilian agencies under the direction of the Department of Homeland Security are generally the primary agents for the coordination and employment of US government support. The Department will become the single federal coordinator responsible to the President for coordinating the entire federal response. Lead agencies would maintain operational control over their functions (for example, the FBI will remain the lead agency for federal law enforcement) in coordination with the single on-site federal official. With the exception of protecting the nation from missile, air, naval, and ground assault, and the protection of military facilities and installations, the military will play a supporting

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role. DOD will be guided by civilian law and led by the principle that the federal government assists state agencies, except in terrorism and other incidents where the federal government has primary jurisdiction. When supporting state and local authorities, DOD usually does so through other designated federal agencies according to established agreements and plans. DOD will not compete with the civilian or commercial sector.

*b.* The National Homeland Security Strategy defines HLS as “A concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.”

*c.* The role of the Armed Forces in HLS is to prepare for, prevent, preempt, and defend against threats and aggression toward the homeland; protect and defend US territory, sovereignty, and domestic population and critical infrastructure; support appropriate civil authorities during crisis and consequence management and other activities. The DOD contributes to HLS through its military missions overseas, homeland defense, and support to civil authorities. The Department would be involved in improving security at home under three circumstances.

(1) In extraordinary circumstances, the Department would conduct military missions such as combat air patrols or maritime defense operations. The Department would take the lead in defending the people and the territory of our country, supported by other agencies. Plans for such contingencies will continue to be coordinated, as appropriate, with the NSC, Homeland Security Council, and other federal departments and agencies.

(2) Second, the DOD would be involved during emergencies such as responding to an attack or to forest fires, floods, tornadoes, or other catastrophes. In these circumstances, the Department may be asked to act quickly to provide capabilities that other agencies do not have.

(3) Finally, the DOD would also take part in “limited scope” missions where other agencies have the lead—for example, security at a special event like the recent Olympics. MACA focuses on DOD civil support in these last two categories.

*d.* The Joint Staff further defines the military aspect of HLS as: “The preparation for, prevention of, deterrence of, preemption of, defense against, and response to threats and aggressions directed towards US territory, sovereignty, domestic population, and infrastructure; as well as crisis management, consequence management, and other domestic civil support. Also called HLS.” The Joint Staff defines two mission areas of HLS, Homeland Defense and Civil Support. Homeland Defense is a primary mission for DOD and is defined as “The protection of US territory, sovereignty, domestic population, and critical infrastructure against external threats and aggression. Also called HLD.” Civil support is defined as, “DOD support to US civil authorities for domestic emergencies, and for designated law enforcement and other activities.” In general, the functions performed by the military in assisting civil authorities fall under the definition of civil support. Emergency preparedness provides the foundation for both of these mission areas. Additionally, DOD provides key emergency preparedness functions through its support to national continuity of government (COG) and continuity of operations (COOP) programs. At the federal level COG ensures the integrity of constitutional government.

### 23–4. Military assistance definitions

The terminology for military assistance in response to civil emergencies continues to evolve. This adds to the complexity of an already intricate system of systems. The broad term “MACA” includes military support to civil authorities (MSCA) and military assistance for civil disturbance (MACDIS).

*a. MACA.* DOD activities and measures in response to domestic, natural, and manmade disasters (MSCA); DOD assistance in response to civil disturbances (MACDIS); and, in counter-drug operations, sensitive support, counter-terrorism, and law enforcement.

*b. MSCA.* DOD activities and measures to assist and support any civil government agency in planning, preparing for, or responding to the consequences of civil emergencies or attacks, including national security emergencies.

*c. MACDIS.* DOD activities and measures to assist federal, state, and local government and law enforcement agencies (LEA) in the United States, its territories, and possessions to prepare for or respond to civil disturbances, including response to terrorist incidents.

### 23–5. Historic role of domestic military support

*a.* When the framers met to draft the U.S. Constitution in Philadelphia in 1787, Shay’s Rebellion of 1786–1787 was a recent memory and insurrection a major concern. To protect the viability of the government, they created mechanisms to suppress rebellions or insurrections and enforce law.

*b.* Later, the response to the 1794 Whiskey Rebellion set the stage for establishing the fundamental precepts codified in our current laws. Because of the excise tax on whiskey, the taxpayers revolted against the federal government. Violence against tax collectors grew to such a level that it prompted a Presidential response. During August to November 1794, federal troops deployed to Western Pennsylvania as a show of force. Throughout this threat to federal governance, President Washington’s guidance was that the military was to support the local civil authorities, not preempt them. This underlying principle remains imbedded in our laws, systems, and processes to this day.

*c.* Executive Orders 12148 and 12656 established the current interagency responsibilities and organizations. Executive Order 12148 established the FEMA and delegated most of the President’s authority under the Stafford Act to the

Director, FEMA. Similarly, Executive Order 12656 identified agency responsibilities for COG. However, the current organizations, systems, and processes for conducting MACA operations evolved from the civil defense mission of the CONARC and, in large measure, reflect how CONARC organized the various agencies to perform the civil defense mission. Subsequently, Executive Order 12148 transferred many of the missions formerly performed by CONARC from the Secretary of the Army (SECARMY) to FEMA.

*d.* Historically, the USACE has also played a central role in MACA, due to its unique resources and on-going domestic missions (see Chapter 21). One of USACE's existing missions is to provide assistance, within its authorities, when natural disasters or other emergencies occur and when the nature of the disaster exceeds state and local capabilities.

## **Section II**

### **Domestic emergencies and response**

#### **23–6. Domestic emergencies**

Understanding categories and definitions is key to understanding the roles of the military and its relationships to other federal, state, and local agencies in MACA.

*a. Major disasters.* Included in this category are hurricanes, earthquakes, wildfires, and other man-made or natural disasters that result in suffering and damage of a severity or magnitude that overwhelm the capabilities of the federal, state, and local civil authorities. For such cases, military resources can supplement federal response efforts.

*b. Civil emergencies.* Included in this category are civil disturbances, postal strikes, mass immigration, environmental incidents, and other emergencies that endanger life and property or disrupt normal governmental functions to the extent that federal, state, and local civil authorities require military support.

*c. Crisis management.* Crisis management includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism. Crisis management is predominantly a civilian law enforcement response, with the DOJ serving as the LFA. As shown in Figure 23–1, DOJ has assigned the lead operational response mission to the Federal Bureau of Investigation (FBI).

*d. Consequence management.* Consequence management includes measures to protect public health and safety, restore essential government services, and provide emergency relief to local governments, businesses, and individuals affected by the adverse consequences of a serious incident. Primary response authority resides with state and local governments, with the federal government assisting as required. At the federal level, the LFA for consequence management is FEMA. Through the Federal Response Plan (FRP), FEMA assigns emergency support functions (ESF) to the appropriate federal agencies. In the area of consequence management, DOD is clearly in a supporting role, under the direction of the Federal Coordinating Officer (FCO) (see para 23–9).

*e. Federal Incident Management.* The Department of Homeland Security will consolidate existing federal government emergency response plans into one genuinely all-discipline, all-hazard plan—the Federal Incident Management Plan—and thereby eliminate the “crisis management” and “consequence management” distinction. Until then, the existing construct still applies.

*f. Technical assistance.* Technical assistance includes actions to identify, assess, or decontaminate personnel and/or property potentially exposed to HAZMAT and to dismantle, transfer, and/or dispose of contaminated/contaminating materials, equipment, or property. Technical assistance operations may occur during crisis or consequence management.

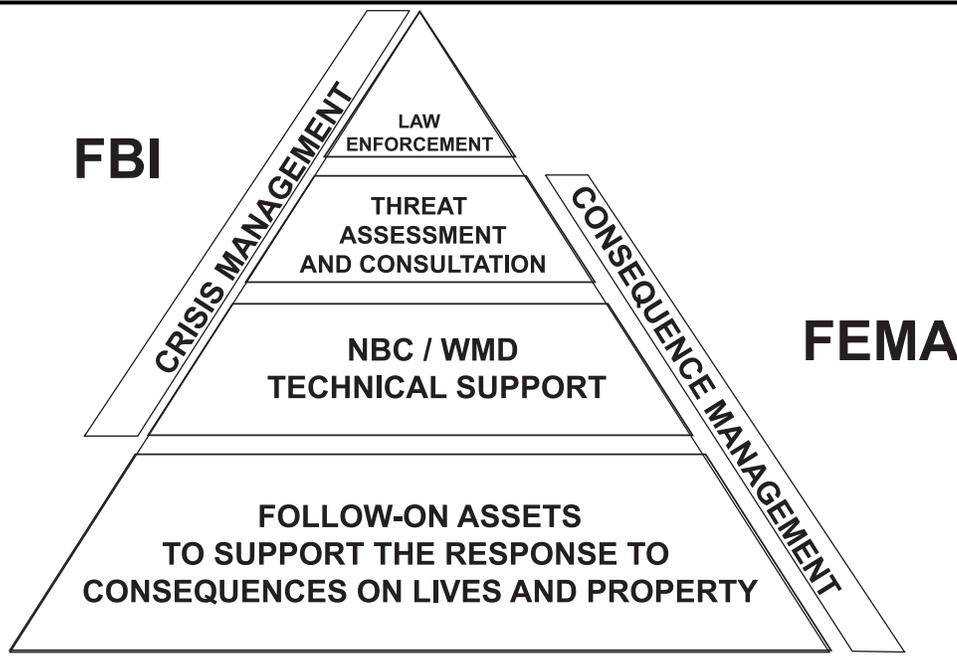


Figure 23–1. Crisis and consequence management

### 23–7. Federal crisis management response

a. The FBI continually assesses intelligence and reports of terrorist activity. When there is an actual incident or a credible threat of one, the FBI takes action to prevent casualties and consequences by combating the terrorists. The FBI also provides additional support to the special agent in charge (SAIC) at the incident scene. The SAIC supervises law enforcement actions and coordinates other agencies' activities at the incident scene. FBI actions can include employing special FBI teams, requesting DOD support with a joint special operations task force (JSOTF), deploying a domestic emergency support team (DEST), and establishing a joint operations center (JOC).

b. The DEST is a rapidly deployable special interagency team. It provides advice to the FBI on-scene coordinator. The FBI will normally follow DEST deployment with the establishment of a JOC. The JOC becomes the nerve center for interagency coordination for on-scene crisis management.

c. When the situation dictates, the FBI may request specialized DOD support. The FBI on-scene coordinator notifies the Attorney General, through the FBI Director, of the need. The FBI also informs the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict (ASD (SO/LIC)) of the pending request and provides details of the incident. The ASD (SO/LIC) provides advice to the SECDEF on crisis management and combating terrorism activities. The Attorney General confers with the SECDEF on the deployment request. They, in turn, confer with the President. The President must approve all requests that may potentially lead to DOD use of lethal force in support of law enforcement support.

d. After Presidential approval of DOD support, the SECDEF personally approves deployment orders prepared by the Joint Staff for the appropriate forces. Normally DOD provides a JSOTF and special mission units (SMU) with unique capabilities, such as those to render safe WMD. The JSOTF deploys to the site and coordinates proposed actions with the FBI agent in charge. At the appropriate time, the FBI employs the JSOTF to execute those operations approved by the President. DOD assets normally deployed in support of crisis management operations do not remain to support consequence management operations.

### 23–8. Consequence management

a. *Three tiers of support.* Domestic consequence management response includes three tiers of support—local, state, and federal, as shown in Figure 23–2. Primary responsibility for responding to domestic disasters and emergencies rests with the lowest level of government able to deal effectively with the incident. If the situation exceeds local capability, the local authority can seek assistance from other jurisdictions under mutual aid agreement or request state assistance. If the state capability proves insufficient, state authorities may ask for assistance under existing mutual aid agreements and compacts. If this still proves insufficient, the state may request federal assistance. Military forces and assets provide assistance when the circumstances warrant and when there is an appropriate request by proper civilian

authority. Military support can be provided at the state level (National Guard assets under state control) and at the federal level.

*b. Local response.* In the immediate aftermath of a disaster, the local responders arrive first on the scene. First responders normally include law enforcement, fire, emergency medical services (EMS), and HAZMAT teams. At the incident site, local authorities organize the various responders under the Incident Command System (ICS).

(1) *Incident Command System.*

(a) The ICS has the flexibility for one or more agencies to coordinate and combine independent efforts in an effective and efficient response. It provides an action-oriented system with one commander with a reasonable span of control and common terminology and is supportable by other emergency operation centers (EOC). The incident commander is normally the senior responder of the organization with the preponderance of responsibility for the event, e.g., fire chief, police chief, or emergency medical services. Effective local response depends on the coordinated efforts of various departments and agencies and may involve assets from surrounding communities. The ICS provides for unity of command. There is only one incident commander for each incident, and the state and federal governments are in supporting roles.

(b) The incident commander will establish an incident command post to direct operations. An additional EOC may support and complement the incident command post. Within the ICS, there are five major functional areas: command, operations, logistics, planning, and finance.

(c) Should the situation dictate, the ICS will likely transition to a unified command. The unified command structure used at the incident will expand as mutual-aid partners, state, and federal response elements arrive to assist with response operations.

(2) *Mutual aid agreements.* To supplement local capabilities, local governments establish mutual aid agreements with surrounding communities. Mutual aid agreements allow the provision of additional assets to the incident and provide for the expeditious flow of support to the incident site.

*c. State support.* If requirements exceed local capabilities, the local emergency services request additional support from county and state agencies.

(1) *Organizations.*

(a) *State office of emergency services (OES).* All states have a specific agency that coordinates emergency preparedness planning, conducts emergency preparedness training and exercises, and serves as the coordinating agency for the Governor in an emergency. The titles of these offices vary from state to state, e.g., Division of Emergency Government, Emergency Management Agency, Department of Public Safety, State Emergency Management Office, or Office of Emergency Preparedness. Generally, the OES is either organized as a standalone office under the Governor or aligned under TAG of the state or the state police. The OES operates the state EOC during a disaster or emergency, coordinates with federal officials for support if required, and designates the state coordinating officer (SCO) for specific incidents.

(b) *The senior official in charge of OES varies by state.* In some states, the TAG is dual-hatted as the senior official, while in others the Director of Emergency Services is the senior official. Some states make the TAG and OES equals. In Alaska, Arizona, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Missouri, Montana, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, U.S. Virgin Islands, Washington, West Virginia, Wisconsin, and Wyoming, the TAG and Director of OES are the same person.

(c) *Governors.* State governors are empowered by the U.S. Constitution and their state constitutions to execute the laws of the state and command the state National Guard when serving in state status. Similar authorities are given to the governors of U.S. territories and possessions. Governors also issue executive orders declaring "states of emergency" and ensuring that state agencies plan for actions in the event of a disaster. Once a disaster occurs, the Governor determines whether to honor a local government request for assistance. If appropriate, the Governor declares a state of emergency, activates the state response plan, and may call up the National Guard (under state orders). The Governor gives the National Guard its mission and determines when to withdraw Guard forces. The Governor informs the FEMA regional director of his actions.

(d) *National Guard.* Although the primary responsibility of the National Guard is to provide forces to their respective services for fighting and winning the nation's wars, they are particularly well suited to provide military support to local and state agencies. The National Guard provides the vast majority of MACA. The National Guard has several distinct advantages in providing military support. Acting as a state militia, the National Guard is not constrained by limitations on federal troops, has access to military equipment, and provides an organized, well-trained pool of manpower that is thoroughly familiar with local conditions and geography. Through the National Guard Bureau, compacts, and other agreements, states can access specialized equipment or other additional resources in other states to deal with local disasters. Key personnel at the state Guard headquarters level include the following:

1. Plans, Operations, And Military Support Officer (POMSO). The POMSO plans for disaster response and recovery for all support missions. Within each state and territory, the POMSO coordinates plans and exercises between the state National Guard and federal, state, and local emergency management agencies. The POMSO serves as the National Guard point of contact with DOD officials during a federal emergency or disaster.

2. Air National Guard executive support staff officer (ESSO). The ESSO serves as the POMSO equivalent in the Air

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National Guard for managing requests for assistance and activation of Air National Guard forces and serves in a chief of staff role to the Assistant Adjutant for Air. The ESSO handles legislative matters, statewide Air National Guard recruiting, congressional inquiries, position classifications, liaison to the Air National Guard Operations Center, and management of current issues affecting Air National Guard mission. The ESSO is the Air National Guard MSCA and National Security Emergency Preparedness Program point of contact in each state.

3. Director of Operations and Military Support (DOMS). Under the approved state headquarters redesign initiative, scheduled for implementation in FY04, the National Guard will replace the current POMSO and ESSO with a new Joint DOMS position at the state level. This effort is being undertaken to better align the state headquarters functions with the current DOD headquarters redesign.

### (2) Emergency assistance compacts.

(a) Similar to local mutual aid agreements, states may be able to call on other states for help through the use of the Emergency Management Assistance Compact (EMAC). The EMAC expedites the employment of interstate emergency response assets. State assets that are shared across state lines may involve all types of emergency support, to include National Guard assets. Assets provided by another state are under control of the Governor of the assisted state while assistance is being provided. Benefits of interstate compacts include:

- Pre-coordination to resolve fiscal and legal issues associated with crossing state lines
- Predetermined command and control arrangements to insure unity of effort
- Encouraging deliberate planning and coordination between states in advance of large disasters
- Maximizing use and availability of scarce assets, personnel, and equipment among states
- FEMA recognition of cross-state support as reimbursable

(b) Since approved by Congress in 1996 as Public Law 104-321, EMAC has been ratified by 48 states and two territories, as reflected in Figure 23-3. The states of California and Wyoming have not ratified any compacts. The only requirement for joining is for a state's legislature to simply ratify the language of the compact. States are not required to assist other states unless they are able. The EMAC is a mutual aid agreement and partnership between states that exist because, from hurricanes to earthquakes and from wildfires to toxic waste spills, all states share a common enemy-the constant threat of disaster. EMAC offers a quick, easy way for states to send personnel and equipment to help disaster relief efforts in other states. There are times when state and local resources are overwhelmed, and federal assistance is inadequate or unavailable. Out-of-state aid through EMAC helps fill such shortfalls. Requests for EMAC assistance are legally binding, contractual arrangements which make states that ask for help responsible for reimbursing all out-of-state costs and liable for out-of-state personnel. States can rest assured that sending aid will not be a financial or legal burden for them.

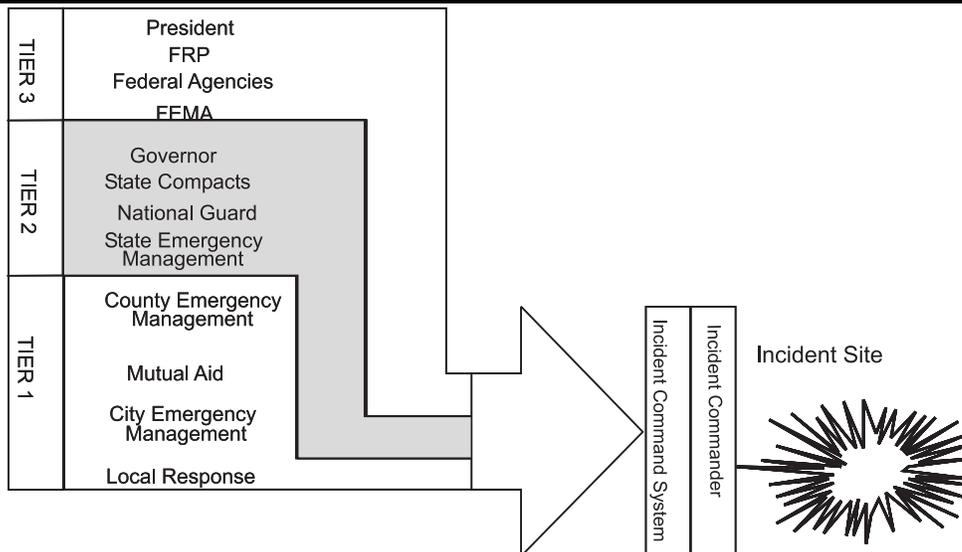
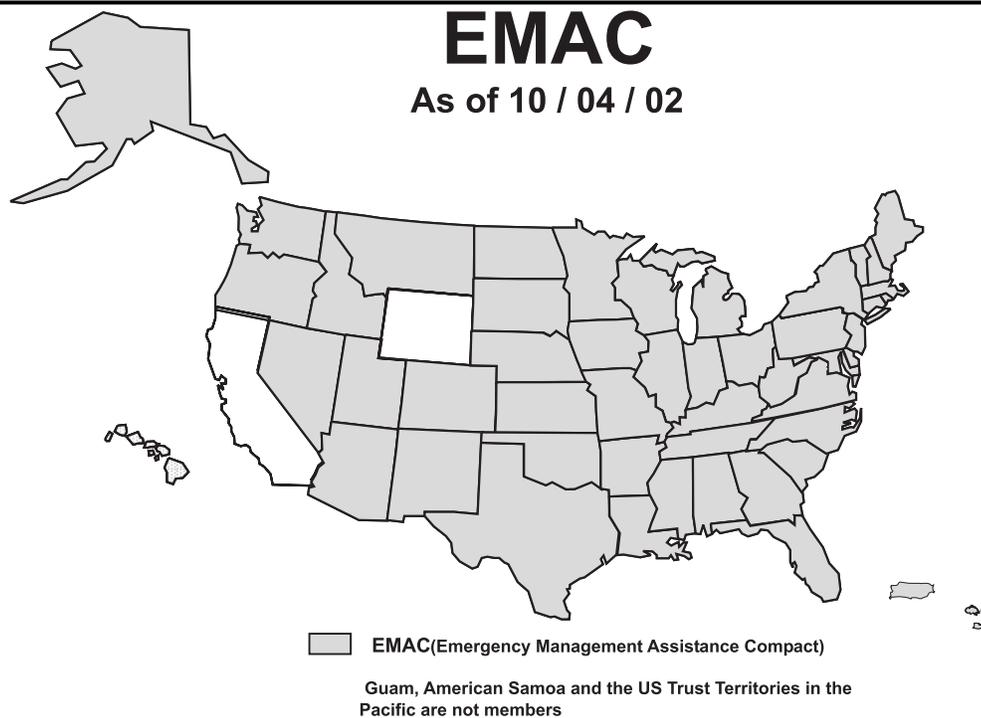


Figure 23-2. Tiered disaster/emergency response



**Figure 23–3. EMAC participants**

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### Section III Federal response process

#### 23–9. Federal response plan

*a.* The FRP provides the framework for federal assistance to state and local governments for consequence management. The Stafford Act provided FEMA with the authority for coordinating federal responses to emergencies. Working with other federal agencies, FEMA developed and published the FRP with 29 department/agency signatories. The FRP organizes emergency response into 12 ESFs and assigns primary and support responsibilities for those ESF activities. The FRP describes how the federal government will mobilize resources and conduct activities to assist states in coping with significant disasters, as reflected in Figure 23–4. The FRP outlines federal (including DOD) responsibilities and civil-military coordination requirements. The plan may be fully or partially activated, depending on the scope of the disaster and the needs of the supported state and local governments. Along with DOD, 27 other federal departments and agencies, plus the American Red Cross, provide support under full implementation of this plan.

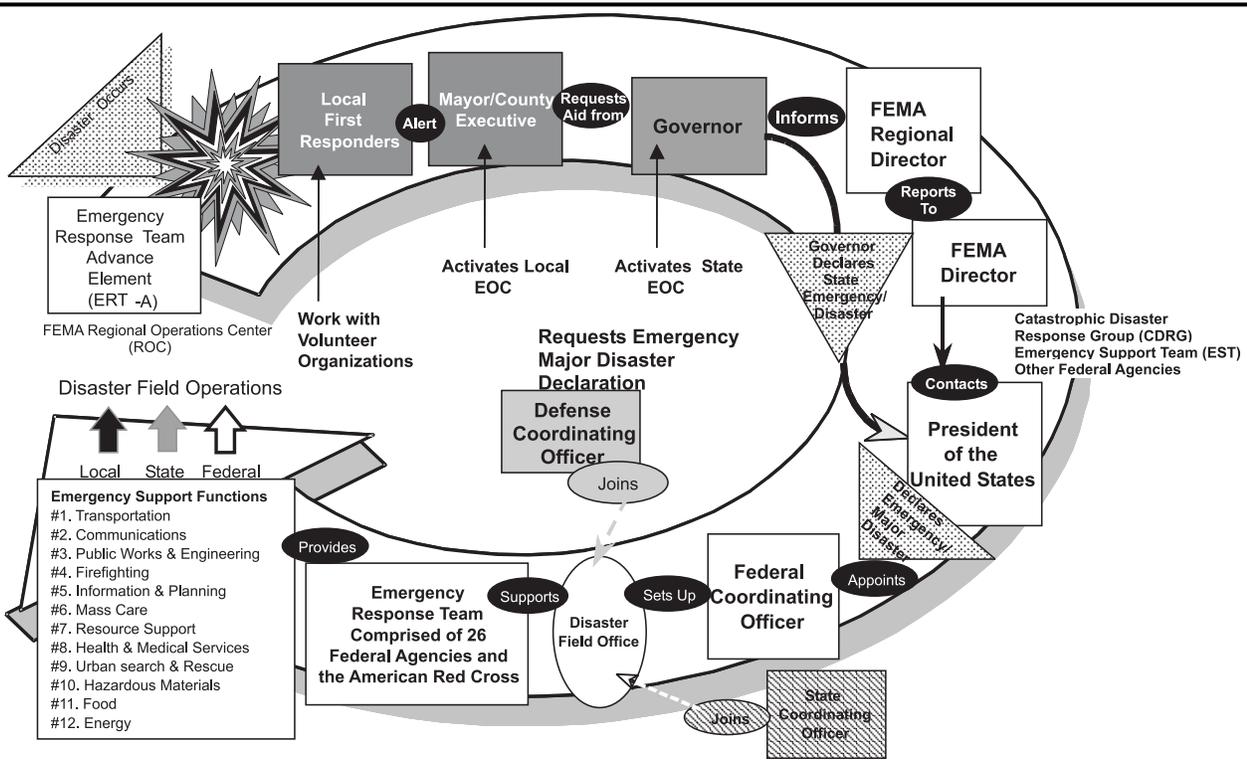


Figure 23-4. The Federal response plan

(1) FEMA Organizations.

(a) FEMA regional operations center (ROC). FEMA and representatives from the primary ESF departments and agencies and other supporting agencies, as needed, staff the ROC. The ROC serves as the point of contact for the state, the national emergency support team (EST), and federal agencies until establishment of the disaster field office (DFO) near the incident location. The DOD regional emergency preparedness liaison officer (EPLO) teams will usually be the first DOD representation at the ROC. The EPLO are reservists activated in the event of a disaster. The ROC performs these functions:

- Gathers information regarding the affected area
- Establishes communications links and serves as a point of contact for affected state(s), national EST, and federal agencies
- Supports deployment of emergency response teams to field locations
- Serves as an initial coordination office for federal activity until the DFO is established in the disaster area
- Implements information and planning activities (ESF #5)
- Supports coordination of resources for multi-state and multi-regional disaster response and recovery operations, as needed; serves as higher headquarters for multi-state, multi-region DFO

(b) Emergency response team-advance element (ERT-A). The FEMA ERT-A element initially responds to an incident location. It forms the nucleus of the full emergency response team (ERT), which operates from an established DFO. FEMA regional program and support staff and selected representatives from the ESF (many times including DOD personnel) compose the ERT-A. The ERT-A organizes with administration and logistics, information, and planning and operations groups and includes staffs for public information and congressional and community liaison activities as required. The ERT-A team leader and selected staff may initially deploy to the state EOC, or to another designated state operating facility, to work directly with the state to obtain information on the impact of the event and begin identifying specific state requirements for federal response assistance. Needs assessment begins with accurate and timely reporting from site through state area coordinators to a state EOC. State EOC operating procedures allow for collection of on-scene information as to the exact nature of the situation. Needs assessment begins to unfold as this reporting takes place. In emergencies where the magnitude of an event requires collation of reports over a wide area,

the state EOC has procedures to monitor the total situation and assess the magnitude of requirements from all reporting elements. Requirements for human needs and support to public infrastructure are determined as quickly as possible. Selected members of the ERT–A (leasing, communications, and procurement representatives; logistical and other support staff from FEMA; the GSA; and other agencies) may deploy directly to the disaster site to conduct on-scene damage assessment. They may also verify the location for a DFO, establish communications, and set up operations. In many instances, the ERT–A team leader is appointed to serve as the FCO after the Presidential disaster declaration.

(c) *Emergency response team.* The ERT is the interagency group that provides administrative, logistical, and operational support to the regional response activities in the field. The ERT includes staff from FEMA and other agencies. The ERT also provides support for the dissemination of information to the media, Congress, and the public. Each FEMA regional office is responsible for maintaining an ERT and developing appropriate procedures for its notification and deployment.

(d) *Disaster field office.*

1. The ERT–A selects a site for the DFO. The DFO serves as the disaster information clearing house, operations center, and command post.

2. The DFO is a coordinating center for the FCO and SCO and their primary support staffs. All of the ESF are represented in the DFO.

(2) *Federal coordinating officer.* The FCO is head of the DFO and is supported in the field by staff carrying out public information, congressional liaison, community relations, outreach, and donation coordination activities. The FCO:

- Represents the President
- Coordinates overall federal response and recovery activities with the affected state
- Works with the SCO to determine state support requirements, including unfilled needs and evolving support, and coordinates these requirements with the agencies/departments responsible for those ESF
- Tasks any federal agency to perform additional missions not specifically addressed in the FRP

(3) *National level organizations.*

(a) *Catastrophic Disaster Response Group (CDRG).* The CDRG is the national-level coordinating group which addresses policy issues and support requirements. It is chaired by the FEMA Associate Director for Response and Recovery and includes representatives from the federal departments and agencies that have responsibilities under the FRP. The CDRG addresses response issues and problems that require national level decisions or policy direction. Officials from other organizations not listed in the FRP, which have resources, capabilities, or expertise needed for the response effort, may augment the CDRG. The CDRG meets at the request of the CDRG Chair. Meetings are generally held at the Emergency Information and Coordination Center (EICC), located in FEMA National Headquarters, Washington, DC. A representative from DoD attends.

(b) *Emergency Support Team.* The EST is a group of representatives from each of the primary agencies, selected support agencies, and FEMA National Headquarters staff. It operates from the FEMA EICC. The EST serves as the central source of information at the national level regarding the status of federal response activities and helps disseminate information to the media, Congress, and the public. The EST supports the CDRG. The EST also provides interagency resource coordination support to the FCO and regional response operations. In this capacity, the EST provides coordination support with the FCO, ERT, and ESF activities in the field. ESF representatives from the primary agencies provide liaison between field operations, their respective EOC, and headquarters activities. The EST also coordinates offers of donations, including unsolicited resources offered by various individuals and groups, for use in response operations. The EST coordinates for additional resources to support operations which an ESF department or agency is unable to obtain under its own authorities. The EST advises the CDRG on resource conflicts between ESF departments or agencies, which cannot be resolved in the affected region. The EST also provides overall coordination of resources for multi-state and multi-regional disaster response and recovery activities. A member of the DOD staff serves on the EST.

(4) *Military.*

(a) *Assistant Secretary of defense for Homeland Defense (ASD(HD)).* Effective 25 March 2003, the ASD(HD) supervises the homeland defense activities of the Department of Defense under the authority, direction and control of the Under Secretary of Defense for Policy (USDP) and, as appropriate, in coordination with the Chairman of the Joint Chiefs of Staff. The ASD(HD) represents DOD on all Homeland Defense matters with the designated lead federal agency, the Executive Office of the President, the Department of Homeland Security, other executive departments and federal agencies, and state and local entities as appropriate. The ASD(HD) performs the Executive Agent functions for military support formerly performed by the Secretary of the Army. The Joint Staff now performs the Action Agent functions for military support formerly performed by the Director of Military Support (DOMS).

(b) *Emergency preparedness liaison officers.* Each state, territory, and FEMA federal region has assigned Reserve officers from the Air Force, Army, Navy, and Marines who are specifically trained in disaster preparedness and military support matters. These officers report to an active duty program manager or regional planning agent from their service and are required to have a comprehensive knowledge of their service facilities and capabilities within the

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assigned area. As a service liaison to the Governor or Federal Regional Director, EPLO assist in determining what DOD resources exists within the state, territory, or region. When a Defense Coordinating Officer (DCO) is appointed, the EPLO serve as service representatives and advisors to the DCO.

(c) *State area command (STARC)*. The STARC organizes, trains, plans, and coordinates the mobilization of National Guard units and elements for state and federal missions. Deployment and employment of state National Guard units and elements are directed through the STARC.

(d) *Defense Coordinating Officer*. The DCO represents DOD as the single point of contact in the DFO (except for ESF #3 — Public Works & Engineering). In this capacity, the DCO works for the FCO and is responsible for validating all requests from the FCO or his representative for DOD support. Once the Defense Coordinating Element (DCE), through the DCO, validates a request for support, they forward the request directly to the supported combatant commander (e.g. NORTHCOM), or to the supporting headquarters designated by the combatant commander, for execution.

(e) *Joint task force (JTF)*. Based on the level of DOD military support, NORTHCOM, U.S. Pacific Command (PACOM), or other supported Combatant Commanders may establish a JTF to provide command and control of DOD assets. In such cases, the DCO will generally forward requests to the JTF commander.

b. During an emergency, some or all of the ESF may be activated. Activation of the ESF is based on the nature and scope of the event and the level of federal resources required. The ESF are shown in Table 23–1, along with a list of the responsible primary departments and agencies.

**Table 23–1**  
**Federal Response Plan Emergency Support Functions**

ESF 1: Transportation	Responsibility: Provide civilian and military transportation support	Primary Agency: Department of Transportation
ESF 2: Communications	Responsibility: Provide telecommunications support	Primary Agency: National Communications System
ESF 3: Public Works and Engineering	Responsibility: Restore essential public services and facilities	Primary Agency: U.S. Army Corps of Engineers, Department of Defense
ESF 4: Fire Fighting	Responsibility: Detect and suppress wildland, rural and urban fires.	Primary Agency: U.S. Forest service, Department of Agriculture
ESF 5: Information and Planning	Responsibility: Collect, analyze and disseminate critical information to facilitate the overall Federal response and recovery operations.	Primary Agency: Federal Emergency Management Agency
ESF 6: Mass Care	Responsibility: Manage and coordinate food, shelter and first aid for victims; provide bulk distribution of relief supplies; operate a system to assist family reunification.	Primary Agency: American Red Cross
ESF 7: Resource Support	Responsibility: Provide equipment, materials, supplies and personnel to Federal entities during response operations.	Primary Agency: General Services Administration
ESF 8: Health and Medical Services	Responsibility: Provide assistance for public health and medical care needs	Primary Agency: U.S. Public Health Service, Department of Health and Human Services
ESF 9: Urban Search and Rescue	Responsibility: Locate, extricate and provide initial medical treatment to victims trapped in collapsed structures.	Primary Agency: Federal Emergency Management Agency
ESF 10: Hazardous Materials	Responsibility: Support Federal response to actual or potential releases of oil and hazardous materials.	Primary Agency: Environmental Protection Agency
ESF 11: Food	Responsibility: Identify food needs; ensure that food gets to areas affected by disaster.	Primary Agency: Food and Nutrition Service, Department of Agriculture
ESF 12: Energy	Responsibility: Restore power systems and fuel supplies.	Primary Agency: Department of Energy

c. DOD is the Primary Agency for ESF #3 (Public Works and Engineering), with the USACE as the DOD lead.

### 23–10. Emergency support function #3 (public works and engineering)

The USACE executes a broad range of continuing domestic missions associated with civil works and is the logical federal organization to respond to the FRP ESF for public works and engineering. USACE has a long history of providing civil support for flood control, water quality, and hazard mitigation under Public Law 84–99, Support to State and Local Governments, and has organized and postured itself for civil support.

a. By law, USACE assistance is limited to the preservation of life and protection of residential and commercial developments, to include public and private facilities that provide public services. Exclusive assistance to individual homeowners and businesses, including agricultural businesses, is not authorized. However, during periods of extreme

drought, such assistance may be provided to farmers and ranchers under certain circumstances. Rehabilitation assistance may also be available for eligible flood control structures with public sponsors.

*b.* The geographically diverse location of USACE offices facilitates timely response to disasters in almost any area. Generally, the USACE is divided by watershed drainage basins into regional divisions. The divisions are subdivided by smaller drainage basins into districts. Personnel are also assigned to various field offices throughout each district. During disasters personnel quickly mobilize to assist in response and recovery work.

*c.* Each USACE division and district has an emergency operations manager to carry out emergency actions. Each emergency operations manager is responsible for maintaining an emergency organization of trained specialists and is the established single point of contact for all emergency activities within the division or district.

*d.* Each USACE office develops plans based on hazards unique to its area, coordinates with appropriate agencies, and identifies response teams to support the assigned missions in the FRP. Training and exercises are conducted frequently to ensure the readiness of emergency team members when the FRP is activated.

*e.* Types of assistance provided by USACE under ESF #3 include—

- Technical advice and evaluations
- Engineering services
- Construction management and inspection
- Emergency contracting
- Emergency repair of wastewater and solid waste facilities
- Real estate support

*f.* Some of the activities within the scope of ESF #3 include emergency clearance of debris; restoration of critical public services and facilities, including supply of adequate amounts of potable water; temporary restoration of water supply systems; technical assistance; structural evaluation of buildings; and damage assessment.

## Section IV

### Department of Defense MACA structure

#### 23–11. Changes in DOD structure

With the changes in the structure of the Office of the Secretary of Defense and Unified Command Plan, as well as the establishment of NORTHCOM and the Department of Homeland Security, the procedures for how DOD will respond to requests for support to civil authorities are undergoing several changes that, at the time of publication, were still under development. The reader is encouraged to confirm the accuracy of the following functions and missions before planning any operation. A fundamental responsibility of government at all levels is the protection of its citizens. Primary responsibility appropriately rests with the civilian agencies of our federal, state, and local governments. In a supporting role, military forces stand ready to provide these governmental authorities assistance when approved by DOD civilian officials. As with all military operations, decision authority rests with the civilian leadership. When and how best to provide military support are critical issues for DOD's civilian leadership. Besides the decision-making roles of the SECDEF, DepSecDef, or SECARMY, civilian policy offices also perform key roles. These include:

*a.* Under Secretary of Defense for Policy (USD(P)) develops DOD policy and provides oversight for emergency planning and preparedness, crisis management, and defense mobilization in emergencies.

*b.* The functions formerly performed by the Under Secretary of Defense for Personnel and Readiness in developing DOD policy and providing oversight for support to international sporting competitions has transferred to the Assistant Secretary for Homeland Defense.

*c.* Assistant Secretary of Defense for Homeland Defense (ASD(HD)). The ASD(HD) oversees HD activities, develops policies, conducts analyses, provides advice and makes recommendations to HD, support to civil authorities, emergency preparedness and domestic crisis management matters within DOD. This new ASD assumes most of the responsibilities for military support formerly performed by the Secretary of the Army as the DOD Executive Agent. The Secretary of the Army no longer is the Executive Agent for Homeland Security, MSCA, and MACDIS nor the DOD supervisor and manager of support to international and national special events. These functions were terminated with the appointment of the ASD(HD). The Action Agent for military support functions formerly performed by the DOMS under the Executive Agency of the Secretary of the Army is to transfer to the Joint Staff. At the writing of this chapter the ASD(HD) is defining the relationships for military support matters between ASD(HD), ASD for Special Operations and Low Intensity Conflict, U.S. Northern Command, the Joint Staff, and other combatant commands.

*d.* Assistant Secretary of Defense for Health Affairs develops DOD policy and provides oversight for medical support issues.

*e.* Assistant Secretary of Defense for Reserve Affairs develops DOD policy and provides oversight for reserve component involvement with domestic emergencies.

*f.* Assistant Secretary of Defense for Special Operations/Low Intensity Conflict (ASD(SO/LIC)) is the principal staff

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advisor to the SECDEF and USD(P) on special operations and crisis management support to FBI matters. Responsibility includes overall civilian oversight of all DOD activities in combating terrorism and domestic chemical-biological-radiological-nuclear and high yield explosives (CBRNE) crisis management.

### 23–12. Policy principles

The following principles serve as the foundation for civilian leadership decisions on requests for military support:

- a.* Absolute and public accountability of officials involved in the oversight of the process while maintaining the constitutional principles and civil liberties of our system.
- b.* DOD will generally remain in a supporting role to the lead civilian agencies (domestic crisis management—FBI; domestic consequence management—FEMA; overseas—State Department; NSSE—Secret Service). Under extraordinary circumstances, the military may defend and, if necessary, engage to defeat the efforts of an adversary within the homeland. The Ground-Based Mid-Course Defense System (GBMCDS), formerly called National Missile Defense, is an example of an Army system used in this role. Other DOD lead roles include the defense of the nation’s airspace and maritime approaches and some intelligence operations.
- c.* DOD support should emphasize its appropriate role among participating agencies, and its unique skills and structures, such as the ability to rapidly mobilize large numbers of personnel and equipment and provide a broad range of logistical support.
- d.* DOD should not acquire or maintain resources for disaster response that do not directly support the primary warfighting mission.
- e.* Existing legislative authorities governing DOD support to civilian agencies are generally adequate; DOD is not seeking greater authority.

### 23–13. Unified combatant commands

*a.* Generally, combatant commands serve as the DOD principal planning agents and supported organizations for various geographic areas outside the United States and its territories, as designated in the Unified Command Plan. They validate all requests for military assistance in their areas of responsibility (AOR).

*b.* DOD support for domestic emergency situations is provided through NORTHCOM and PACOM. Joint Forces Command (JFCOM) will be the force provider for the supported combatant commander.

(1) NORTHCOM conducts operations to deter, prevent, and defeat national security threats and foreign aggression aimed at the United States, its territories, and interests within assigned AOR, as directed by the President or SECDEF, and provides MACA, including consequence management operations. NORTHCOM plans, organizes, and executes homeland defense and civil support missions but has few permanently assigned forces. The command will have combatant command over forces whenever necessary to execute missions as ordered by the President. Approximately 500 civil service employees and uniformed personnel representing all service branches comprise the headquarters’ staff.

(2) JFCOM is responsible for coordinating and scheduling joint exercises for assigned forces, as well as de-conflicting the participation of forces in worldwide exercises, training events, and operational missions supporting one or more unified commands. Within CONUS, JFCOM provides domestic support operations to NORTHCOM to support domestic operations to assist civil government agencies, including MACA (and CBRNE consequence management response), MSCA, and MACDIS subject to SecDef or SECARMY approval.

(3) FORSCOM is NORTHCOM’s coordinating authority for MSCA and executes support to domestic emergencies through the CONUSA and regional planning agents. First United States Army is located at Fort Gillem, Georgia, and is responsible for the states east of the Mississippi River and the State of Minnesota. Fifth United States Army is located at Fort Sam Houston, Texas, and is responsible for the states west of the Mississippi River (except Minnesota). The CONUSA establish and maintain disaster relief liaison with appropriate federal, state, and local authorities, agencies, and organizations and plan for and conduct disaster relief operations within their respective AOR. To facilitate identification of DOD assets that might be applied to an emergency, FORSCOM maintains and updates the DOD Resource Data Base listing military equipment and facility support assets.

(4) PACOM provides MACA (including CBRNE consequence management response), MSCA, and MACDIS, subject to SecDef or SECARMY approval, for areas of the United States and its territories and possessions in its assigned AOR.

## Section V

### Military support process

#### 23–14. Principles of MACA

The President and the SECDEF establish priorities and determine what DOD resources will be made available for domestic support. Commanders ensure that DOD resources are used judiciously by adhering to the following principles:

- a.* Civil resources are applied first in meeting requirements of civil authorities.

- b.* DOD resources are provided only when response or recovery requirements are beyond the capabilities of civil authorities (as determined by FEMA or another LFA for emergency response).
- c.* DOD specialized capabilities, e.g., airlift and reconnaissance are used efficiently. Military forces shall remain under military command and control under the authority of the DOD Executive Agent at all times.
- d.* DOD components shall not perform any function of civil government unless absolutely necessary and then only on a temporary basis under conditions of immediate response.
- e.* Unless otherwise directed by the SecDef military missions will have priority over MACA missions.

### **23–15. Leadership reviews**

Before acting on a request for DOD support, consideration is given to the operational, legal, and policy aspects of the response. Operational review ensures that providing support will not adversely affect operational readiness; legal review ensures DOD support is consistent with regulatory guidance and approved by the appropriate authorities; and policy review ensures that such support is in the best interests of DOD. To assist decision makers, DOD Directive 3025.15 establishes six criteria against which each request for support is assessed:

- Legality (compliance with laws).
- Lethality (potential use of lethal force by or against DOD forces).
- Risk (safety of DOD forces).
- Cost (who pays, impact on DOD budget).
- Appropriateness (whether the requested mission is proper and in good taste).
- Readiness (impact on ability to perform other missions).

### **23–16. Planning parameters**

- a.* National Guard forces, serving on state active duty status, have primary responsibility for providing military assistance to state and local authorities in emergencies.
- b.* DOD components and commanders ensure compliance with legal and regulatory requirements for the loan of equipment or provision of military assets in support of an emergency.
- c.* Military support will ordinarily be provided on a full cost-reimbursable basis.
- d.* DOD components will not procure, store, or maintain stocks or materiel exclusively for providing support in civil emergencies, unless otherwise directed by the SECDEF.
- e.* Military support will be provided in support of a LFA; military forces will always remain under military chain of command.
- f.* Military support will generally be of short-duration to assist civil agencies with establishing essential safety and security; MACA missions generally do not exceed 30 days per incident.
- g.* All requests from civil authorities for support are evaluated by DOD approval authorities against the following criteria:
  - Current laws and/or policies governing DOD intelligence collection and sharing of interagency information.
  - Current statutes governing DOD domestic offensive information operations.

### **23–17. MSCA request and response process**

Figure 23–5 illustrates the levels of leadership involvement in the process for a typical DOD response to a disaster.

- a.* When a disaster occurs, local authorities, e.g., city and county fire fighters, HAZMAT teams, ambulances, and police, respond to the event. Under the ICS, the designated local official establishes an incident command post to coordinate efforts of all first responders. Local governments activate their operations centers.
- b.* If the magnitude of the disaster exceeds the capabilities of the local authorities, they request support from other local communities under mutual aid agreements. If these assets cannot meet requirements, the local commander contacts the state EOC for additional support. The Governor assesses the situation, decides upon the level of response, and determines whether to declare a state emergency. A portion of the state's response may come from the National Guard operating under the Governor's control. National Guard units have enormous capabilities to respond to disasters. (The majority of disasters and emergencies in this country are handled by the state in which the disaster occurs, without federal assistance.)
- c.* If the magnitude of the disaster exceeds the state's capability, the state will request additional aid under existing interstate compacts. When a disaster exhausts state and compact resources, the Governor may petition the President for federal assistance and declaration of a federal disaster area. At the same time, the state EOC will inform the regional FEMA director to begin federal response coordination. FEMA designates a FCO to coordinate all on-scene federal efforts.
- d.* DOD involvement in disaster relief formally begins with a Presidential declaration based on a request from the Governor. After Presidential declaration, FEMA activates the FRP, and DOD prepares to provide support through its

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Executive Agent. At the direction of the Executive Agent, the Action Agent dispatches an execute order designating the supported Combatant Commander (usually NORTHCOM), establishes necessary supporting DOD agencies for the Combatant Commander's mission, and requires the Combatant Commander to appoint a DCO. If the situation warrants, a JTF will also be established. The DCO in turn activates the accompanying DCE and deploys at or near the DFO to coordinate all DOD support for the disaster. Once the DCO deploys to the disaster site, the state and regional EPLO work for the DCO and co-locate with the DCE. The designated federal forces respond to taskings for support validated by the DCO. Military forces establish on-scene command posts and operations centers appropriate to the level of response. The DCO controls all DOD personnel (less ESF #3) deployed in support of the disaster unless a JTF is established. The supported Combatant Commander will designate a Base Support Installation (BSI).

*e.* There will generally be at least one BSI for each disaster.

(1) A BSI is a military installation of any Service or Defense agency close to an actual or projected domestic emergency contingency operational area that is designated to provide interservice (joint) administrative and logistical support to DOD forces deployed in the area. Federal military and civil assets may be positioned at or near the BSI.

(2) FORSCOM, as NORTHCOM's coordinating authority for developing and executing domestic emergency contingency plans to support other federal agencies, will designate the BSI. Selection is based on geographic proximity to an operation, functional capability, and coordination with service regional planning agents (per DOD Directives 3025.1, 3025.12, and 3025.15 and DOD Manual 30251.1M).

(3) The DCO will task the BSI for specific support requirements for responding military forces. FORSCOM will coordinate augmentation of BSI capabilities to overcome shortages and/or the unavailability of any of these services in the event of emergency operations.

(4) While specifics vary widely depending upon the nature and scope of the domestic emergency, personnel deployed to conduct MACA operations may number approximately 2,000 troops in a worst-case scenario; 600–1,200 is a more common figure. The BSI may typically be tasked to provide or coordinate for the following support to a brigade (-) sized light infantry unit:

- Transportation (personnel and supply) to/from and in/around the operational area (buses and trucks)
- Supply and distribution (food, water, ammunition, fuel, oil, repair parts, etc.)
- Communications for command and control operations
- Large open areas to serve as bivouac sites, with food, laundry and basic subsistence services (latrines and showers)
- Emergency medical services
- Airfield operations to receive and service military aircraft (helicopters and transport)
- Contracting and purchasing of supplies and services
- Support maintenance of common type equipment
- Airfield control group and/or airlift control element
- Administrative, logistical and transportation support to FEMA civilian urban search and rescue teams (about 60 people each with 60,000 pounds of equipment and four working dogs)
- Forward assembly areas in or near the area of operations

*f.* Military plans generally set out five phases of operations for providing disaster support.

- Phase I: Predeployment
- Phase II: Deployment
- Phase III: Support to civil authorities
- Phase IV: Transition to other federal agencies
- Phase V: Redeployment

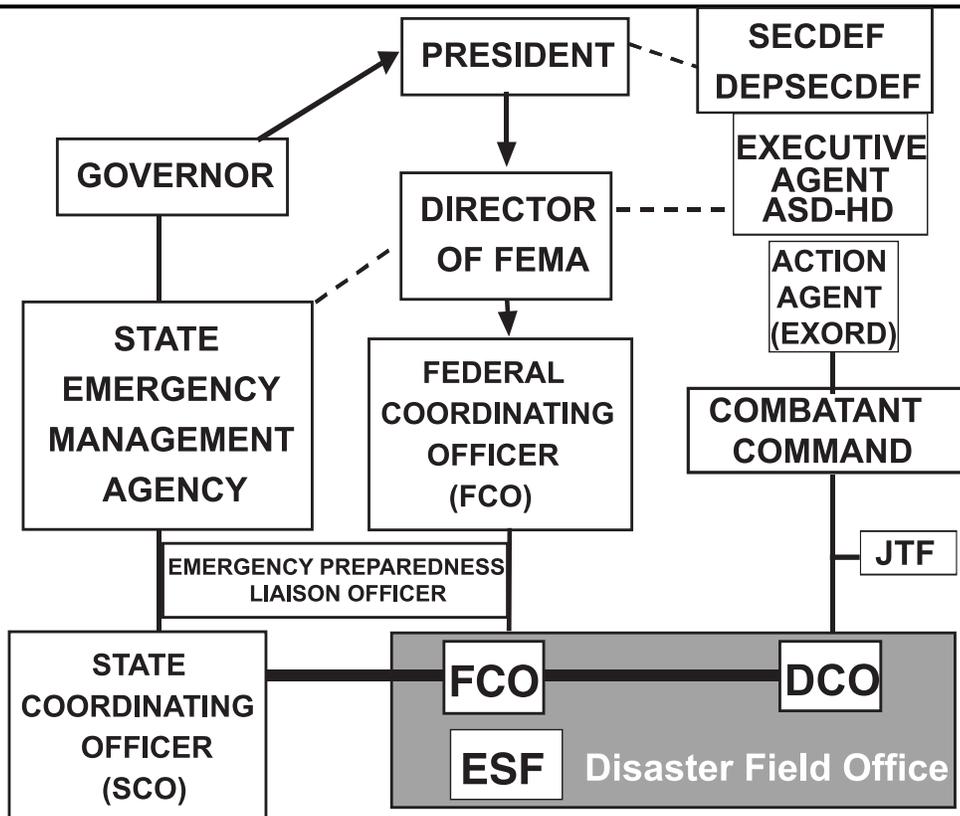


Figure 23–5. Sequence for disaster support (MSCA)

### 23–18. Immediate response

a. Unique circumstances allow commanders to respond immediately, prior to any declaration, to imminently serious conditions that are beyond the capability of the local authorities.

b. Local commanders can respond immediately to requests for assistance to save lives, to prevent human suffering, and to mitigate great property damage.

c. Once initiated, the installation commander must inform the DOD Executive Agent through command channels as soon as possible. The installation commander should also record all incremental costs associated with this activity for potential reimbursement later.

d. Immediate response is normally of short duration (not longer than 72 hours).

### 23–19. National special security event (NSSE)

DOD provides military support for a designated NSSE. A NSSE is an event of national significance and can be described as a large political or economic event or international sporting event. A large number of people or a limited number may attend it. It may encompass a wide geographical area/infrastructure or it may be restricted to a specific site. These events may present a lucrative target for terrorists. Examples include State of the Union addresses, the Olympic Games, and visits by high-level dignitaries. When an event is designated a NSSE, the Secret Service assumes its mandated role as the LFA for security planning, and all DOD security support provided supports the LFA. Examples of military assets that may be deployed include EOD, technical escort unit teams, and DOD assets capable of decontaminating affected persons. If an incident occurs at the NSSE, the FBI assumes LFA for crisis management and FEMA assumes LFA for consequence management.

## Section VI

### Special MACA situations

### 23–20. Consequence management for chemical-biological-radiological-nuclear and high yield explosives

a. While the interagency community, in accordance with the FRP, views consequence management from an “all

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hazards” approach, DOD has further delineated consequence management for CBRNE. The interagency community refers to CBRNE as WMD.

*b.* The SECDEF’s memorandum of 9 May 2001, Civilian Oversight of DOD Combating Terrorism and Consequence Management Activities, stipulates that the SECDEF or DEPSECDEF personally will approve deployment orders for combating terrorism and domestic CBRNE consequence management activities (see Figure 23–6). To ascertain the full scope of DOD support to a potential terrorist situation (crisis and consequence management), DOD uses the Crisis Coordination Group (CCG). Through the CCG, DOD identifies known and likely DOD support for a potential or actual terrorist situation and then assesses the ability to meet the requirements.

*c.* DOD has designated elements to command and control the response to a CBRNE event.

(1) NORTHCOM exercises COCOM over the Joint Task Force–Civil Support (JTF–CS). The JTF–CS mission is: “When directed, conduct consequence management operations in support of the designated LFA in response to a CBRNE incident or accident in CONUS, Alaska, Hawaii, and U.S. territories and possessions. The JTF–CS will establish command and control of designated DOD forces and provide MACA to save lives, prevent injury, and provide temporary critical life support.”

(2) The CONUSA have formed response task forces (RTF) that can serve as command and control headquarters for additional military crisis management and consequence management support operations. The supported Combatant Commander deploys the RTF to support federal crisis and consequence management operations in support of the LFA. The RTF establishes communications and liaison with supported agencies; exercises operational control of committed DOD consequence management response forces; plans, coordinates, and executes military support to federal, state, and local consequence management operations; and plans for and transitions to follow on missions or disengagement and redeployment.

*d.* States and local governments are responsible for consequence management. The state uses assets, to include the National Guard, to deal with the consequences of a CBRNE attack. The Governor can use all elements of the National Guard in his state. Unfortunately, many states do not have chemical or other special capability units in the state, or even in neighboring states. To enhance the national capability to deal with CBRNE attack consequence management, Congress has directed DOD to create National Guard WMD–Civil Support Teams (CST).

*e.* WMD–CSTs comprise highly trained, full-time National Guard experts in a cross-discipline of functional areas. Their mission is to deploy and assess the situation; advise the local, state, and federal response elements; define requirements; and expedite employment of state and federal military support. The CSTs are organized as an element under the peacetime control of the Governor and state TAG. CSTs are unique, in that they are one of a few DOD units with an operational mission, authorized by Congress, to conduct CBRNE response within CONUS. CSTs are also a national resource. As such, the National Guard Bureau has developed operational management guidance and policy that assigns each of the CST to an AOR and maintains a rotational schedule that ensures the specialized capability of the CSTs are ready and available for response. CSTs are fully federally funded and can move across state lines and provide support to any state currently without a CBRNE capability, regardless of existing compacts. As with the other elements of DOD response, these teams can also be used as part of a federal (Title 10) response to support civil authorities.

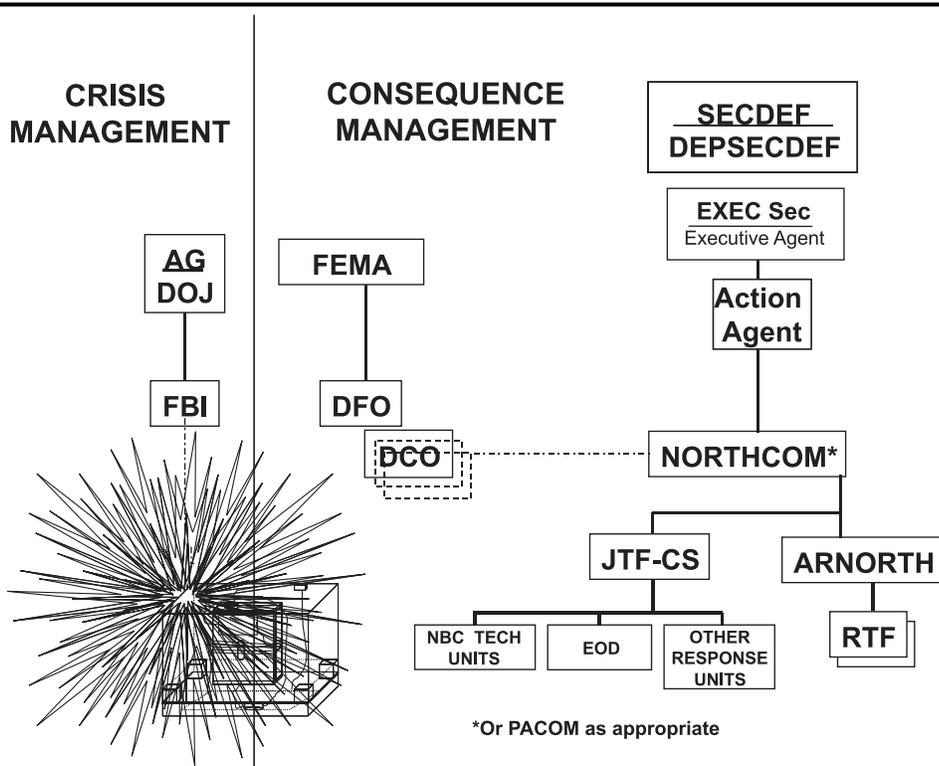


Figure 23-6. CBRNE (Consequence Management & Technical Operations)

### 23-21. Support to sporting competitions

a. The DOD supports international sporting in accordance with 10 U.S. Code, Section 2564, which authorizes DOD to provide support to such events, if the Attorney General certifies that the support is essential to the safety and security of the event.

b. DOD focuses on categories of support in areas related to public safety and security. These areas include, but are not limited to, physical security, aviation, logistics, communications, joint operations and command centers, and explosive ordnance disposal support. DOD support for events may be reimbursable or non-reimbursable, depending on the type of support provided and the nature of the event. DOD supports non-sporting events on a reimbursable basis.

c. Congress has established a revolving fund to cover Support to International Sporting Competitions (SISC) operational expenditures. The legislation requires DOD to provide to Congress 45-day notification of planned SISC expenditures and an annual report of SISC expenditures for the preceding year.

## Section VII

### Military assistance for civil disturbances (MACDIA)

#### 23-22. MACDIS

a. *Responsibilities.* The DOJ coordinates the federal response to domestic civil disturbances. A Presidential executive order must authorize military support. DOD supports DOJ in these efforts when requested and in accordance with Rules of the Use of Force (RUF) approved by the DOD General Counsel and the Attorney General.

b. *Planning.* Operations Plan (OPLAN) GARDEN PLOT is the DOD plan for supporting state and local authorities during civil disturbances. This plan serves as the foundation for any MACDIS operation and standardizes most activities and command relationships.

(1) MACDIS requires a request from the Attorney General for military support, approval by the SECDEF, and a decision by the President. The President is authorized by the Constitution and the Insurrection Act (10 U.S. Code, Sections 331-334) to suppress insurrections, rebellions, and domestic violence under various conditions and circumstances. The President issues an executive order that directs the Attorney General and the SECDEF to take appropriate steps to disperse insurgents and restore law and order. The restrictions of the *Posse Comitatus* Act do not apply to federal troops executing the orders of the President to quell civil disturbances under the Insurrection Act. As previously

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mentioned, DOD evaluates requests by civil authorities for federal military assistance in civil disturbance operations against the following criteria:

- Legality: Compliance with laws
- Lethality: Potential use of lethal force by or against DOD forces
- Risk: Safety of DOD forces
- Cost: Impact on DOD budget
- Appropriateness: Whether the requested mission is in the interest of DOD to conduct
- Readiness: Impact on DOD's ability to perform its primary mission

(2) Normally DOD will stand up a JTF headquarters near where the Attorney General's local representative is based. The JTF commander, a general officer, coordinates all DOD support to the DOJ with the Senior Civilian Representative of the Attorney General (SCRAG).

(3) After a Presidential executive order has been issued, approved by the SECDEF, NORTHCOM or PACOM normally will deploy a quick reaction force (up to a brigade) for this mission. As previously mentioned, NORTHCOM has designated Commander, FORSCOM as the coordinating authority for MACDIS planning within the US-NORTHCOM area of interest. The last time DOD forces were employed in a MACDIS operation was in May 1992 in Los Angeles, California.

(4) Tasks performed by military forces committed to MACDIS include joint patrolling with law enforcement officers; securing key buildings, memorials, intersections and bridges; and acting as a quick reaction force. OPLAN GARDEN PLOT directs that all FORSCOM units receive periodic civil disturbance mission training and refresher training prior to employment in civil disturbance operations.

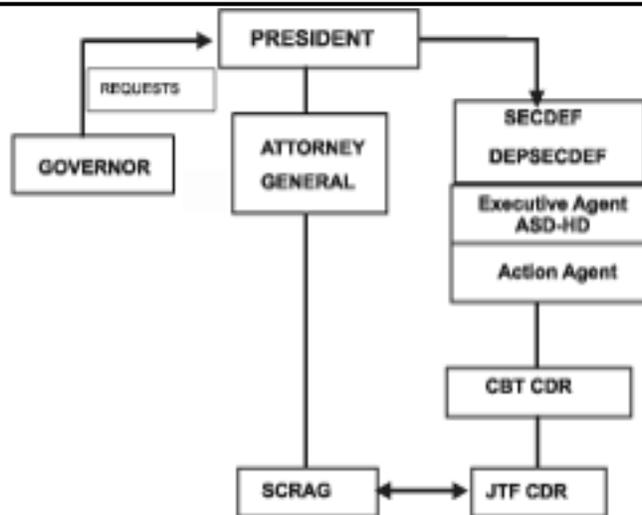


Figure 23-7. Civil disturbance support command and control

### 23-23. Civil disturbance conditions (CIDCON)

There are five conditions of increasing preparedness of military forces to prepare for deployment to an AOR in response to an actual or threatened civil disturbance.

- CIDCON 5 - Situational awareness; normal training and preparedness for units identified
- CIDCON 4 - Initiation of detailed planning and reconnaissance requirement; 12 hour response time and airlift prepared
- CIDCON 3 - Pre-positioning of forces and airlift at the airfields
- CIDCON 2 - Aircraft and vehicle loading
- CIDCON 1 - Deploy within one hour

## Section VIII

### MACA considerations

#### 23–24. Drug interdiction and counter drug activities

a. The *Posse Comitatus Act of 1878*, and subsequent legislation, directly affects the extent to which military forces (including RC) can participate in law enforcement activities. The *Posse Comitatus Act* prohibits the use of Federal military forces to perform internal police functions. The Act does not pertain to the National Guard when in State status.

b. Public Law 97–86, passed in 1982, amended the *Posse Comitatus Act*. The law, as amended, authorizes indirect military involvement such as equipment loan, personnel support, training, and sharing information. Indirect support must be incidental to the military mission, or provide substantially equivalent military training. Further, it cannot degrade combat readiness or the capacity of the DOD to fulfill its defense mission.

(1) Operational support includes personnel units in support of drug LEA, LEA, and host countries. Non-operational support is a broad category that can include facilities, formal military school training opportunities, intelligence, equipment loans, counterdrug funding, and personnel support to non-DOD agencies.

(2) Federal, state, and local LEAs originate requests for DOD counterdrug operational support in CONUS and submit them to Operation Alliance, an interagency federal law enforcement entity located in El Paso, Texas and charged with the responsibility of validating the request for support. The approval process for the use of Reserve forces is retained at the highest level. Current authority for the employment of Army Reserve soldiers and assets in counterdrug related support activities rests with the Commander, Joint Task Force Six, or a Combatant Commander. Combatant Commanders approve all OCONUS operations.

(3) The Army support to Combatant Commanders, DLEAs, and LEAs includes, but is not limited to, the following:

- Ground reconnaissance.
- Detection monitoring and communication about land trafficking.
- Aerial reconnaissance.
- Counterdrug related training of DLEA and LEA personnel.
- Nonherbicidal cannabis eradication.
- Linguist support.
- Transportation, both aerial and ground.
- Intelligence analysis.
- Tunnel detection.
- Diver support for subsurface hull inspections.
- Engineering support (vertical and horizontal construction and crack house demolition) and training.
- Use of military vessels for bases of operations for DLEAs.
- Maintenance support.

#### 23–25. Reserve component considerations

a. MSCA employs military resources (personnel and equipment) in support of civil authorities during periods of emergency. In most cases, this includes Army and Air National Guard units.

b. State MSCA missions are authorized by executive order of the Governor of a State, using the National Guard in a State active duty status. In this status, the Governor utilizes State funds for pay and allowances. The State also reimburses the Federal Government for utilization of Federal equipment and facilities in State status to the Federal Government. MSCA missions are temporary in nature and will be terminated as soon as possible after civil authorities are capable of handling the emergency. Employment of National Guard assets by the Governor will be in accordance with State laws and constitutions. In addition, deployment of National Guard forces and equipment between States is expected, in accordance with Federal guidelines and legal agreements between the States.

c. If the scope of a civil emergency exceeds the capabilities of the civilian response agencies, military assistance may be requested. The National Guard in State status is the primary military responder during most natural or man-made disasters and other emergencies. When catastrophic events escalate to such a magnitude to warrant a declaration of national emergency, then a Federal response is usually required.

d. The Army Reserve has invested in military support to civilian authorities with over 100 State EPLOs and 80 regional EPLOs in addition to full time planning cells at each CONUSA. The mission is to liaise with FEMA and coordinate response to a domestic crisis.

e. The USAR is capable of extensive support to domestic emergencies. Besides individuals serving as EPLO, USAR assistance and support may include the use of individuals, units, equipment, and other resources. USAR personnel may be employed for civil emergencies in a volunteer status, be ordered to active duty for annual training, or be called to active duty after the President has declared a national emergency. They may not be involuntarily ordered to active duty solely to respond to a civil emergency except for authorized response to a CBRNE event under PRC.

### 23–26. Media relations

a. Any public safety event can become newsworthy, especially if it involves a possible CBRNE or WMD incident. Consequently, attention and scrutiny by the news media can be intense. During MACA operations, the news media provide invaluable service that can be used for the benefit of both the responding organizations and the public. However, the need to get accurate and timely information to the public, the sensitivity of the information, the possibility of causing public panic, the telling of good news stories to build confidence and hope within the affected communities, and the correction of false information caused by rumors and distorted reporting all must be weighed when deciding what can and should be released. The intent should be to insure that the media get as complete and accurate a story as possible, while ensuring that their activities do not adversely affect public safety or compromise the response activities.

b. From the DOD perspective, the military's role is clear—it is in support. In response to the common question that surfaces whenever an incident occurs—"Who's in charge?"—DOD's answer is simple, "The military is in support." Normally, the LFA establishes a joint information center (JIC) to deal with the media. Senior DOD representatives usually participate in JIC events. For major incidents, DOD will publish public affairs guidelines applicable to all participating DOD organizations. The guidance will outline any constraints and the policies for media interaction. Two common themes will usually be addressed—a civilian LFA is in charge, and military forces are providing support to the nation in time of need.

## Section IX

### Summary and references

#### 23–27. Summary

a. Our nation has a time-tested tradition of civilian control over the military and of limiting military activity within the United States. Balancing that valued tradition with the need for military support in response to disaster and acts or threats of terrorism within the United States requires approval by the most senior civilian officials within our government.

b. The military has available a unique blend of skilled personnel and equipment capable of rapid and effective responses in support of the lead federal, state, and local agencies. By policy, requests for military resources are only approved when other federal, state, and local agencies have exhausted their resources and the crisis remains unresolved.

c. While MACA normally involves military units performing tasks related to their wartime missions, the commitment of those units detracts from their ability to respond to possible combat missions and usually adversely affects readiness. DOD leaders must be very judicious in determining when and how to provide support to civil authorities, scrupulously adhere to approval and employment rules, and be mindful that DOD resources are always in a support role.

d. Given the nature of the real and potential threats and likely military missions, it is unlikely that preparation can cover all possible scenarios. Thus, tailored responses must be formulated, coordinated, and when required, implemented to minimize casualties and unnecessary damage to property. Responsible government organizations at all levels must continue to develop and refine programs and processes that will provide effective responses. Existing local, state, and national response systems provide a solid framework on which DOD can provide support.

e. The military continues to provide reliable and responsive MACA. Moreover, the Army's extensive experience in supporting civil authorities during peacetime disasters, national security emergencies, and special events enhances HLS and has kept the U.S. Army in the forefront of domestic disaster response. The military's force projection capability, designed to respond quickly and decisively to global requirements, also allows its rapid response to domestic incidents that occur within the United States and its territories and possessions. The judicious use of military forces in support of civil requirements complements the military's war fighting and force projection capabilities, while insuring the American people get maximum return from their military investment.

#### 23–28. References

a. Law

- (1) Public Law 100–707, *The Stafford Act* (with revisions)
- (2) Public Law 104–201, *Defense Against Weapons of Mass Destruction Act of 1996 (Nunn-Lugar-Domenici)*
- (3) Public Law 106–65, *National Defense Authorization Act for FY 2000, Section 1023*
- (4) Public Law 84–99
- (5) 10 U.S. Code, Section 331–335, *Insurrection*
- (6) 10 U.S. Code, Section 372–380, *Military Support for Civilian Law Enforcement Agencies*
- (7) 10 U.S. Code, Section 2552, *Equipment for American Red Cross*
- (8) 10 U.S. Code Section 2553 *Inaugural*
- (9) 10 U.S. Code Section 2554 *Boy Scout Jamboree*
- (10) 10 U.S. Code Section 2564 *Sporting Events (Olympics, Goodwill, World Cup, etc)*
- (11) 18 U.S. Code, Section 1385 *Use of Army and Air Force as posse comitatus*

- (12) 31 U.S. Code, Section 1535 *Economy Act*
- (13) 10 U.S. Code, Section 12304 *Reserve and IRR Order to Active Duty Other Than During War or a National Emergency*.

*b. Presidential Directives and Executive Orders:*

- (1) Executive Order 12148, *Establishment of FEMA*, July 20, 1979
- (2) Executive Order 12656, *Assignment of Emergency Preparedness Responsibilities*, November 18, 1988
- (3) HSPD #1 *Homeland Security Council*, October 29, 2001
- (4) HSPD #2 *Combating Terrorism Through Immigration Policies*, October 29, 2001
- (5) HSPD #3 *Homeland Security Advisory System*, March 11, 2002
- (6) HSPD #4 *National Strategy to Combat Weapons of Mass Destruction*, December 11, 2002
- (7) HSPD #5 *Management of Domestic Incidents*, February 28, 2003
- (8) PDD #39, *U.S. Policy on Counterterrorism*, June 21, 1995
- (9) PDD #62, *Protection Against Unconventional Threats to the Homeland and Americans Overseas*, May 22, 1998
- (10) PDD #63, *Critical Infrastructure Protection*, May 22, 1998
- (11) PDD #67, *Continuity of Government and Continuity of Operations*, October 1998

*c. National strategies:*

- (1) National security Strategy
- (2) National Strategy for Homeland Security
- (3) National Strategy for Combating Weapons of Mass Destruction

*d. DOD Directives (DODD and Manuals):*

- (1) DODD 1215.6, *Uniform Reserve Training*
- (2) DODD 2000.12, *DOD Antiterrorism/Force Protection(AT/FP) Program*
- (3) DODD 2000.15, *Support to Special Events*
- (4) DODD 3020.26, *Continuity of Operations (COOP)*
- (5) DODD 3020.36, *National Security Emergency Preparedness(NSEP)*
- (6) DODD 3025.1, *Military Support to Civil Authorities(MSCA)*
- (7) DODD 3025.12, *Military Assistance to Civil Disturbances(MACDIS)*
- (8) DODD 3025.13, *United States Secret Service Support*
- (9) DODD 3025.15, *Military Assistance to Civil Authorities(MACA)*
- (10) DODD 3025.16, *Military Emergency Preparedness Liaison Officer Program*
- (11) DODD 3150.5, *Response to Improvised Nuclear Devices*
- (12) DODD 3150.8, *Response to Radiological Accident*
- (13) DODD 4500.9, *Transportation and Traffic Management*
- (14) DODD 5025.5, *Military Assistance to Civilian Law Enforcement Agencies*
- (15) DODD 5030.41, *Oil and Hazardous Substances*
- (16) DODD 5030.46, *Assistance to District of Columbia in Combating Crime*
- (17) DODD 5030.50, *Employment of Department of Defense Resources in Support of the United States Postal Service*
- (18) DODD 5160.54, *Critical Asset Assurance Program*
- (19) DODD 5525.5, *DOD Cooperation with Civilian Law Enforcement Officials*
- (20) DODD 6010.17, *National Disaster Medical System*
- (21) DOD Manual 3025.1, *Manual for Civil Emergencies*

*e. Plans:*

- (1) Federal Response Plan
- (2) U.S. Government Interagency Domestic Terrorism Concept of Operations Plan, January 2001.
- (3) DOD Civil Disturbance Plan - "GARDEN PLOT"
- (4) DOD Postal Augmentation Plan - "GRAPHIC HAND"