

CHAPTER 23

MILITARY ASSISTANCE TO CIVIL AUTHORITIES

Military operations are the sole responsibility of the operational chain of command, which does not include the Military Departments. While removing “operations” from the responsibility of the Secretary of the Army for this important purpose, the Committee agrees that each Secretary of a Military Department would retain authority to use military equipment and forces for activities such as disaster relief, response to domestic disturbances, public affairs, the operations of non-combatant forces, and many training activities.

Public Law 99-433, 14 April 1986 (Goldwater-Nichols Reorganization Act of 1986)

SECTION I INTRODUCTION

23-1. Constitutional and policy basis for military assistance to civil authorities

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 IV, Section 4 expands this authority—“The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them ... against domestic violence.”

b. The Army serves to support and defend the Nation; this responsibility extends to military responses to domestic 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 National security strategy 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 in times of need contributes significantly to satisfying these national security concerns. The National Military Strategy recognizes that America's military may respond to a variety of national needs other than waging war. It specifies that: “Terrorism, weapons of mass destruction, illegal drug trafficking, and other threats at home or abroad may exceed the capacity of other agencies and require the use of military forces.”

23-2. Overview

a. Military assistance to civil authorities 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 for certain unique and restricted missions. 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.

23-3. Military assistance definitions

The terminology for military assistance in response to civil emergencies is evolving. This adds to the complexity of an already intricate system of systems. The broad term of military assistance to civil authorities (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), plus DOD assistance in response to civil disturbances (MACDIS), and in counterdrug operations, sensitive support, counterterrorism, and law enforcement.

b. MSCA. DOD activities and measures to assist and support any civil government agency in planning or 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 in the United States, its territories, and possessions to prepare for or respond to civil disturbances, including response to terrorist incidents.

23-4. Component of homeland security

a. Military assistance to civil authorities (MACA) is a key component of homeland security. Natural disasters, major accidents, and terrorist threats present a complex and potentially catastrophic impact on the American Homeland. An overriding consideration of all emergency response operations is insuring the continuity of government (COG). The COG component of homeland security includes providing for the stability and restoration of all levels of government—Federal, State, and local:

- At the Federal level, COG ensures the integrity of constitutional authority.
- At the State and local level, COG operations can facilitate the quick restoration of civilian authority and essential government functions and services. COG reassures citizens and helps affirm that military support for consequence management activities is not an imposition of undue military involvement or control.

b. MACA cuts across the spectrum of military operations. While a Department of Defense (DOD) concept for homeland security (HLS) is still evolving, the Army has begun drafting HLS Strategic Planning Guidance. The guidance includes a working definition of HLS:

Active and passive measures taken to protect the area, population, and infrastructure of the United States, its possessions, and territories by: (1) Deterring, defending against and mitigating the effects of threats, disasters and attacks; (2) Supporting civil authorities in crisis and consequence management; and (3) Helping to ensure the availability, integrity, survivability and adequacy of critical national assets.

c. The military's rapid, effective, and often extensive response in support of civil authorities facilitates homeland security. The military also benefits from its participation in these operations. MACA usually exercises the military's force projection capability, employs soldiers in duties related to their military occupational specialties and involves units and equipment in complex real-world missions.

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. As a result 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 were 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 (EO) 12148 and 12656 established the current interagency responsibilities and organizations. EO 12148 established the Federal Emergency Management Agency (FEMA) and delegated most of the President's authority under the Stafford Act to the Director, FEMA. Similarly, EO 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 Continental Army Command (CONARC) and, in large measure, reflect how CONARC organized the various agencies to perform the civil defense mission. Subsequently, EO 12148 transferred many of the missions formerly performed by CONARC from the Secretary of the Army (SECARMY) to FEMA.

d. Historically, the U.S. Army Corps of Engineers (USACE) has also played a central role in MACA due to their unique resources and on-going domestic missions (see Chapter 21, paragraph 21-5e). One of the USACE existing missions is to provide assistance, within its authorities, when natural disasters or other emergencies occur and when the nature of the disaster exceeds local and State 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 authorities. For such cases, military resources can supplement Federal response efforts.

b. Civil emergencies. Include 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 authorities require military support.

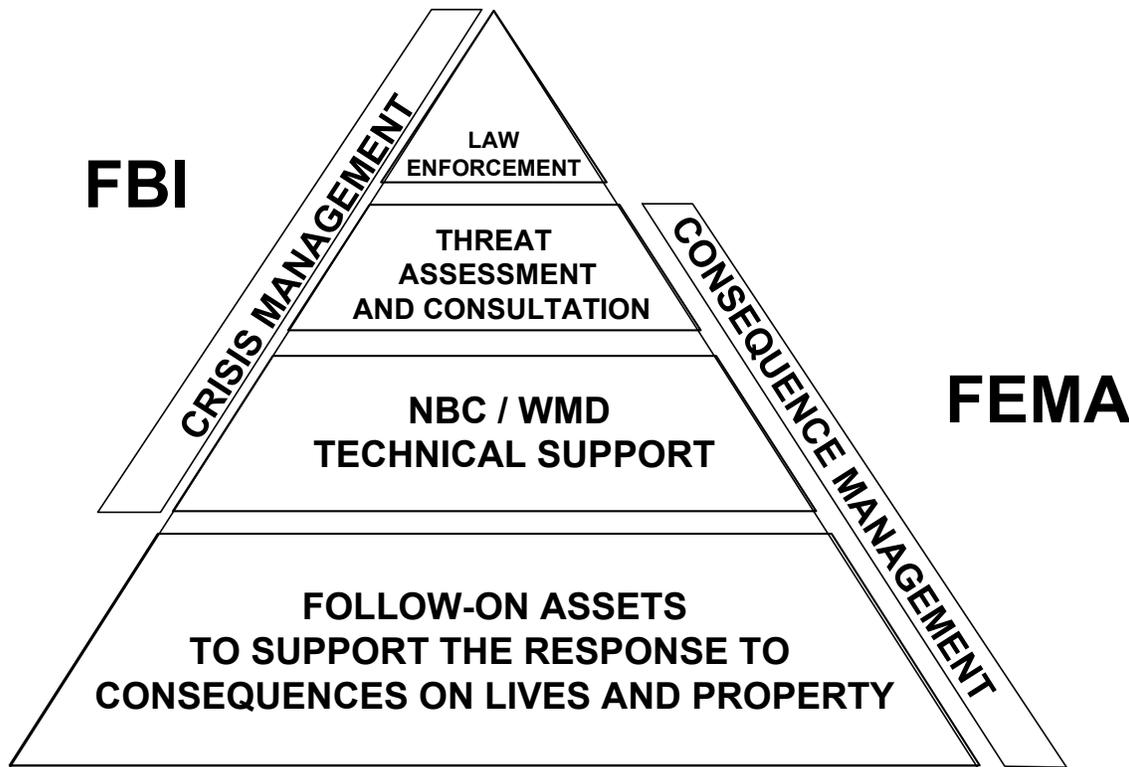


Figure 23-1. Crisis and Consequence Management

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 Department of Justice (DOJ) serving as the Lead Federal Agency (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 (ESFs) to the appropriate Federal agencies.

e. Technical assistance. Technical assistance includes actions to identify, assess, or decontaminate personnel and/or property potentially exposed to hazardous materials; and to dismantle, transfer, and/or dispose of contaminated/contaminating materials, equipment, or property. Technical assistance operations may occur during crisis or 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. 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 National Command Authority (NCA) 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, SecDef personally approves deployment orders prepared by the Joint Staff for the appropriate forces. Normally DOD provides a JSOTF and Special Mission Units with unique capabilities, such as those to render safe weapons of mass destruction. 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 NCA. DOD assets normally deployed in support of crisis management operations do not remain to support consequence management operations.

23-8. Federal domestic disaster response is a tiered, escalating process

a. Three tiers of support. Domestic consequence management response includes three tiers of support - local, State, and Federal (see 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, State authorities are next involved. If the State capability proves insufficient, Federal support is requested. Military forces and assets provide assistance when the circumstances warrant and 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 (Active Army and U.S. Army Reserve forces).

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 hazardous materials (HAZMAT) teams. At the incident site, local authorities organize the various responders under the Incident Command System.

(1) Incident Command System (ICS).

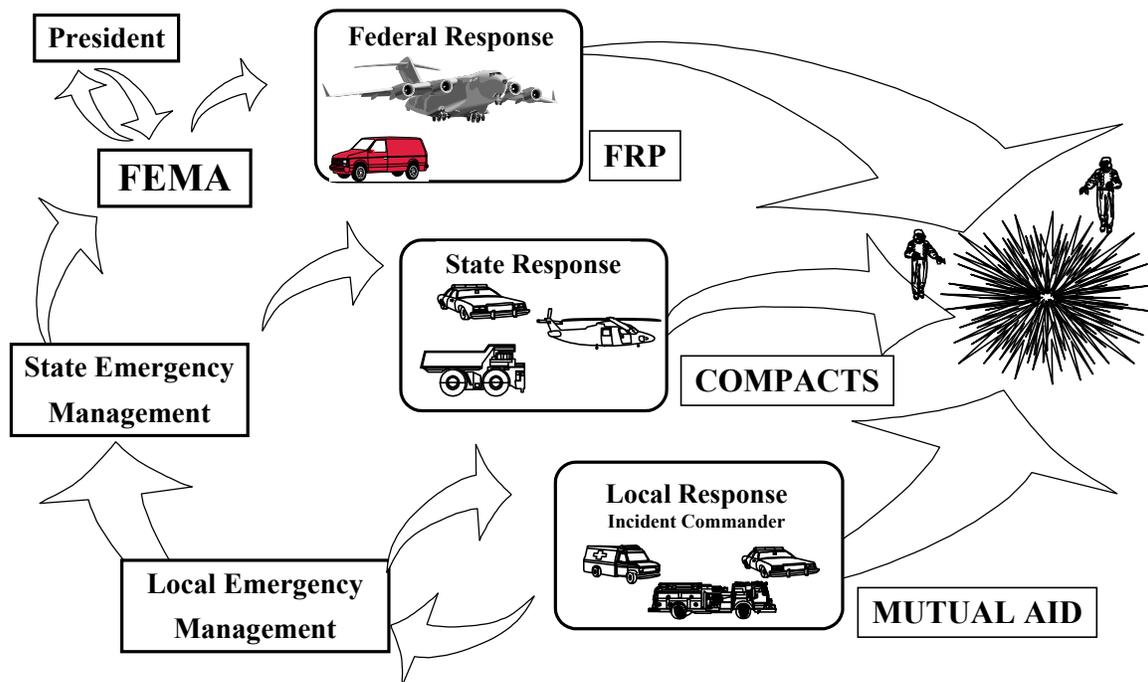
(a) The Incident Command System has the flexibility for one or more agencies to coordinate and combine independent efforts in an effective and efficient response. It provides a

action oriented system with one commander with reasonable span of control, 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 (for example, 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. ICS provides for unity of command. There is only one incident commander for each incident.

(b) The incident commander will establish an incident command post to direct operations. An additional emergency operations center (EOC) may support and complement the incident command post. Within the Incident Command System there are four major functional areas: 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.

Figure 23-2. Tiered Disaster/Emergency Response

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; for example, Division of Emergency Government, Emergency Management Agency, Department of Public Safety, or Office of Emergency Preparedness. Generally, the OES is either organized as a standalone office under the Governor or aligned under the adjutant general (TAG) of the State or the State police. The OES operates the State emergency operations center 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 adjutant general (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, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Missouri, Montana, New York, North Dakota, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, U.S. Virgin Islands, Washington, 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. 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.*

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 National Guard (ANG) for managing requests for assistance and activation of ANG forces, and serves in a chief of staff role to the assistant adjutant for air. The ESSO handles legislative matters, statewide ANG recruiting, Congressional inquiries, position classifications, liaison to the ANG Operations Center, and management of current issues impacting on ANG mission. The ESSO is the ANG MSCA and National Security Emergency Preparedness Program point of contact in each State.

(2) *Emergency assistance compacts.*

(a) Similar to local mutual aid agreements, States may be able to call upon other States for help through the use of interstate compacts. These compacts are legal agreements between two or more States, and may be general or limited in nature. They expedite 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 they are providing assistance. 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) *Several compacts exist (see Table 23-1).* Under terms set by Congress, other States may join the Emergency Management Assistance Compact (EMAC) without prior Federal Government approval.

(c) State assets deploy to support the city or county incident commander. If the State assets, including the National Guard, are not sufficient the Governor may request Federal support.

Table 23-1. Emergency assistance compacts	
Mutual Aide Compact (1952)	Pennsylvania, New York, and New Jersey
Southern Region Emergency Management Assistance Compact (1993)	Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, U.S. Virgin Islands, Virginia, and West Virginia
Southwest Governors Compact (Amended)	California, Nevada, Arizona, New Mexico, Colorado, and Utah
Emergency Management Assistance Compact (EMAC)	Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, North Dakota, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia

SECTION III FEDERAL RESPONSE PROCESS

23-9. Key authorities.

The authorities and constraints on Federal support efforts are codified in a wide range of laws, executive orders, Presidential Decision Directives and National Plans. Most are listed in Table 23-2. The noted authorities are not all-inclusive, but provide the basis for FEMA, the interagency community, and DOD to provide support to local and State entities.

Table 23-2. Key authorities

Federal Laws	Public Law 100-707; The Stafford Act (with revisions) Public Law 104-201; Defense Against Weapons of Mass Destruction Act of 1996 (Nunn-Lugar-Domenici) Public Law 106-65; National Defense Authorization Act for FY 2000, Section 1023 Public Law 84-99 10 USC 331-335, Insurrection 10 USC 372-380, Military Support for Civilian Law Enforcement Agencies 10 USC 2554, Provision of Support to Certain Sporting Events 10 USC 12304, Reserve and IRR Order to Active Duty Other Than During War or a National Emergency 18 USC 1385 Use of Army and Air Force as posse comitatus
Executive Orders	12148, FEMA, July 20, 1979 12656, Assignment of Emergency Preparedness Responsibilities, November 18, 1988
Presidential Decision Directives	PDD #39, U.S. Policy on Counterterrorism, June 21, 1995 PDD #62, Protection Against Unconventional Threats to the Homeland and Americans Overseas, May 22, 1998 PDD #63, Critical Infrastructure Protection, May 22, 1998 PDD #67, Continuity of Government and Continuity of Operations, October 1998
National Plans	Federal Response Plan with Terrorism Annex (FEMA) Federal Radiological Emergency Response Plan (FEMA) National Oil and Hazardous Substances (EPA) National Contingency Plan (NCP) (EPA) Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological Terrorism (DHHS/PHS) National Plan for Telecommunications Support in Non-Wartime Emergencies (National Communications System (NCS) Chemical/Biological Incident Contingency Plan (DOJ/FBI) Mass Immigration Emergency Plan "DISTANT SHORE" (DOJ/INS)

23-10. Federal Response Plan

a. The Federal Response Plan (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 Federal Response Plan (Figure 23-3) with 29 department/agency signatories. The FRP organizes emergency response into twelve Emergency Support Functions (ESFs). The FRP describes how the Federal Government will mobilize resources and conduct activities to assist States in coping with significant disasters. 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.

(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, 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 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 emergency support team (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 Disaster Field Offices.

(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 ERT, which operates from an established DFO. FEMA regional program and support staff and selected representatives from the ESFs compose the ERT-A. The ERT-A organizes with administration and logistics, information and planning, and operations groups, and includes staff for public information, 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 requirement for Federal response assistance. Needs assessment begins with accurate and timely reporting from those in authority at the disaster 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, State EOCs have 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, communication and procurement representatives, logistical and other support staff from FEMA, the General Services Administration (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 Federal coordinating officer (FCO) after the Presidential disaster declaration.

(c) *Emergency response team (ERT)*. 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 (DFO)*.

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 ESFs 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 to coordinate these requirements with the agencies/departments responsible for those ESFs
- 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. The Director of Military Support (DOMS) represents DOD on the CDRG.

(b) *Emergency Support Team (EST).* 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 general 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 emergency operations center, 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 DOMS staff serves on the EST.

(4) *Military.*

(a) *DOMS as action Agent.* DOMS will generally serve as the single interagency POC for military support requests and interface with national-level agencies. The Office of the

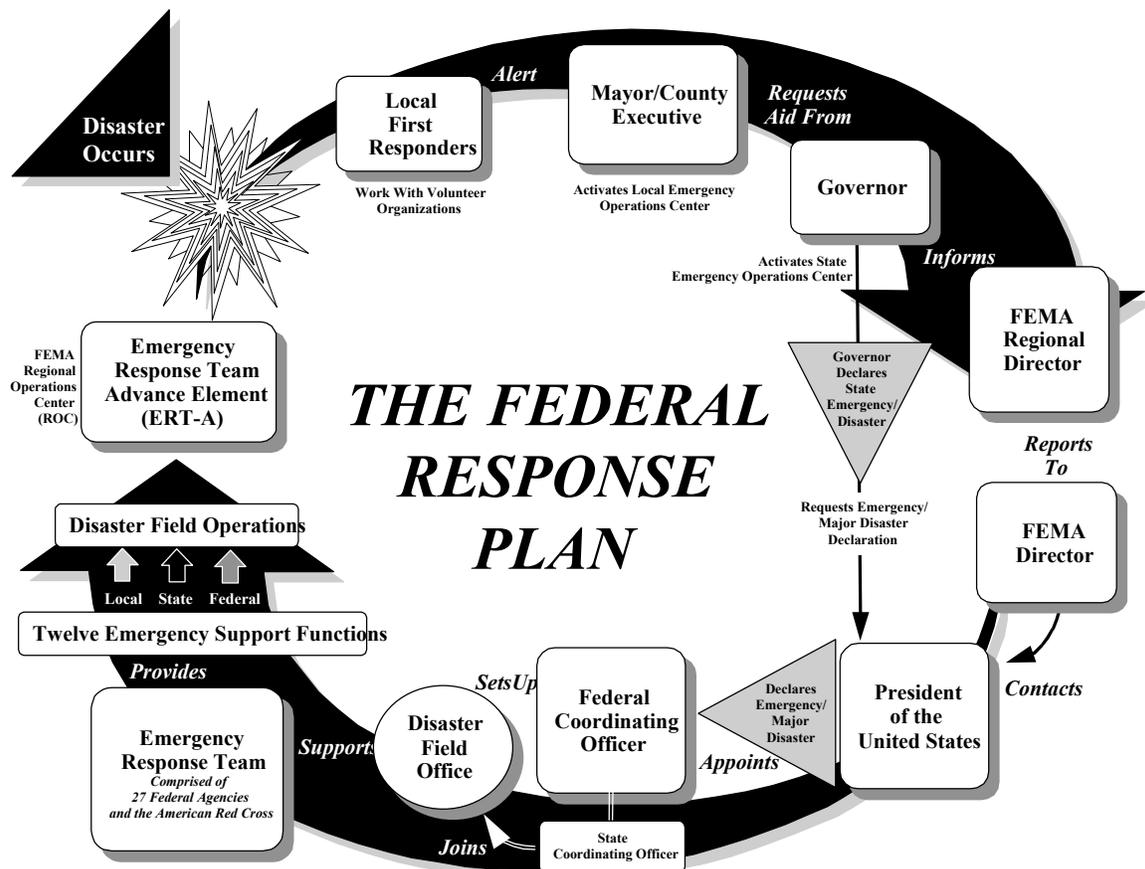
SecDef Executive Secretary can also serve as an entry point for military support requests from the interagency process.

(b) *Emergency preparedness liaison officers (EPLO)*. Each State, territory, and FEMA Federal region has assigned Reserve officers from the Air Force, Army, and Navy, 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 assigned area. As a service liaison to the Governor or Federal regional director, EPLOs assist in determining what DOD resources exist within the State, territory, or region. When a Defense coordinating officer (DCO) is appointed, the EPLOs 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) *DCO*. The DCO represents DOD as the DOD single point of contact in the DFO.

(e) *Joint task force (JTF)*. Based on the level of DOD military support, the supported CINC may establish a JTF to provide command and control of DOD assets. In such



cases, the DCO will generally report to the JTF commander.

Figure 23-3. The Federal Response Plan

b. The FRP groups disaster assistance into 12 functional areas called Emergency Support Functions (ESF), and assigns primary and support responsibilities for those ESF activities (see Table 23-3). During an emergency, some or all of the emergency support functions may be activated. Activation of the ESFs is based on the nature and scope of the event and the level of Federal resources required. The emergency support functions are outlined below, along with a list of the responsible primary departments and agencies.

ESF	Responsibility	Primary Agency
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 responsible for ESF #3 (Public Works and Engineering), with the USACE as the DOD lead agency. Additionally, the DOMS is the DOD point of contact for military support related to ESF #5 (Info and Planning) and ESF #9 (Urban Search and Rescue).

23-11. 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 emergency support function 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, the 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

23-12. Civilian control

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 requested and 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 is a critical issue for the civilian leadership of DOD. Besides the SecDef, Deputy Secretary of Defense (DepSecDef), or SECARMY as decision-makers, 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 emergency situations.

b. Under Secretary of Defense for Personnel and Readiness develops DOD policy and provides oversight for support to international sporting competitions.

c. Assistant Secretary of Defense for Special Operations/Low Intensity Conflict (ASD(SO/LIC)) is principal staff advisor to the SecDef and USD(P) on special operations and crisis management support to the 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) consequence management.

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 emergency situations.

f. Special Assistant to SECARMY for Military Support (SASA-MS) serves as Secretariat's principal assistant for policy oversight of the DOMS operations.

23-13. Policy principles

The following principles serve as the foundation for civilian 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 must remain in a supporting role to the lead civilian agencies (domestic crisis management—FBI, domestic consequence management—FEMA; overseas—Department of State).

c. DOD support should emphasize its appropriate role among participating agencies, and its unique skills and structures such as 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 “new missions” or greater authority.

23-14. DOD Executive Agent

a. The SECARMY is the DOD Executive Agent for providing DOD resources to civil authorities. As the Executive Agent, the SECARMY oversees planning guidance and tasks DOD components (combatant command commanders in chiefs (CINCs), Services, and Defense agencies) to plan for and commit DOD resources in response to requests from civil authorities.

b. As Executive Agent, the SECARMY can approve most requests for DOD support. In cases of terrorism or civil disturbance, the SecDef must approve requests for use of CINC-assigned forces or when use of lethal force by military personnel in support to law enforcement is anticipated.

c. SASA-MS has been delegated as the Secretariat's principal assistant for policy oversight of MSCA operations.

23-15. Executive Agent missions

a. Standing missions. As the Executive Agent for MACA, the SECARMY is responsible for a wide range of standing missions, including the National Disaster Medical System (NDMS). These standing missions include wildland fire fighting; civil disturbances; military assistance to civilian law enforcement agencies; immigration emergencies; postal disruptions; animal disease eradication; DOD support for special events; military assistance to safety and traffic (MAST); military assistance to the District of Columbia in combating crime; and continuity of operations program. This executive agency does not include CBRNE events if OSD directs special management by the Joint Staff.

b. Directed missions. Supplementing the standing missions, the SECARMY frequently is designated the Executive Agent for selected missions (those that do not occur on a routine basis). Examples include Presidential Inaugurations, National Boy Scout Jamborees (assigned by separate legislation), and the NATO 50th Anniversary Summit.

c. Other Army leading roles. The SECARMY's role as Executive Agent for a number of these missions also reflects the Army's broad leading roles in support of DOD missions. Examples include: Chemical Stockpile Emergency Preparedness Program (CSEPP); chemical-biological expertise; anthrax vaccination program; veterinary services; and population control (for example, civil unrest). Additional, as previously outlined, there is the separate Army role with the USACE public works and engineering mission.

23-16. Director of Military Support (DOMS)

a. DOMS serves as Action Agent for the DOD Executive Agent (SECARMY) and ensures the performance of all planning and execution responsibilities for MACA. Organizationally, DOMS is located within the staff of the HQDA Deputy Chief of Staff for Operations and Plans.

b. DOMS has responsibility for communicating and coordinating policy guidance and for the execution of standing and directed missions. DOMS conducts planning and prepares warning and execution orders that task DOD resources in response to specific requests from civil authorities.

c. DOMS is a joint organization that includes flag officers from all Services, including the U.S. Marine Corps and Coast Guard, which serve as Deputy DOMS. Deputy DOMS responsibilities include:

- Maintain service staff knowledgeable on MACA
- Provide service related advice and recommendations to DOMS
- Advocate appropriate service MACA mission assignment within the Service staff
- Provide assessment of DOD and service-specific MACA issues and work to and resolve service-related MACA issues
- Maintain active mission execution coordination with DOMS; provide information to DOMS of service MACA on-going activities

- Assist DOMS manning of crisis action team (CAT) or crisis response center (CRC) staffs
 - Support the EPLO and the Individual Mobilization Augmentation Program
- d. Since DOD provides support to a LFA, a key to success is maintaining an informed relationship with Federal partners consistent with the FRP. DOMS competencies in support of DOD and the SECARMY Executive Agent mission are:

- Proven historical success
- Extensive mission area knowledge base
- Efficiency in timely responses, effective planning, and multi-component/Service engagement
- Inherent organizational situational awareness (since the preponderance of military response is generally land-based forces)
- Established infrastructure and linkage with Federal partners
- Meeting legislative intent for Service Secretaries to manage non-combatant operations

23-17. Combatant command CINCs

a. Generally, CINCs serve as the DOD principal planning agents and supported organizations for various geographic areas outside the U.S. 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 Joint Forces Command (JFCOM), Southern Command (SOUTHCOM), and Pacific Command (PACOM).

(1) 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 assist civil government agencies, including MACA (including CBRNE consequence management response), MSCA, and MACDIS subject to SecDef or SECARMY approval. Because of the residual MACA expertise within the Army components, the U.S. Army Forces Command (FORSCOM), U.S. Army Southern Command (USARSO), and U.S. Army Pacific Command (USARPAC) were designated as the respective lead operational authority (LOA) for their respective CINCs.

(2) FORSCOM is JFCOM's LOA for MSCA and executes support to domestic emergencies through the Continental United States Armies (CONUSAs) and regional planning agents. First United States Army is located at Fort Gillem, GA, and is responsible for the States East of the Mississippi River, and Minnesota. Fifth United States Army is located at Fort Sam Houston, TX, and is responsible for the States west of the Mississippi River (except Minnesota). CONUSAs 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 respective their AORs. To facilitate identification of DOD assets that might be applied to an emergency situation, FORSCOM maintains and updates the DOD Resource Data Base listing military equipment and facility support assets.

(3) USSOUTHCOM and USPACOM provide MACA (including CBRNE consequence management response), MSCA, and MACDIS subject to SecDef or SECARMY approval for areas of the U.S. and its territories and possessions in its assigned AOR.

SECTION V

MILITARY SUPPORT PROCESS

23-18. 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.

23-19. 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 unduly impact 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; appropriateness; and readiness.

23-20. Planning parameters

- a.** National Guard forces, serving on State Active Duty, 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.

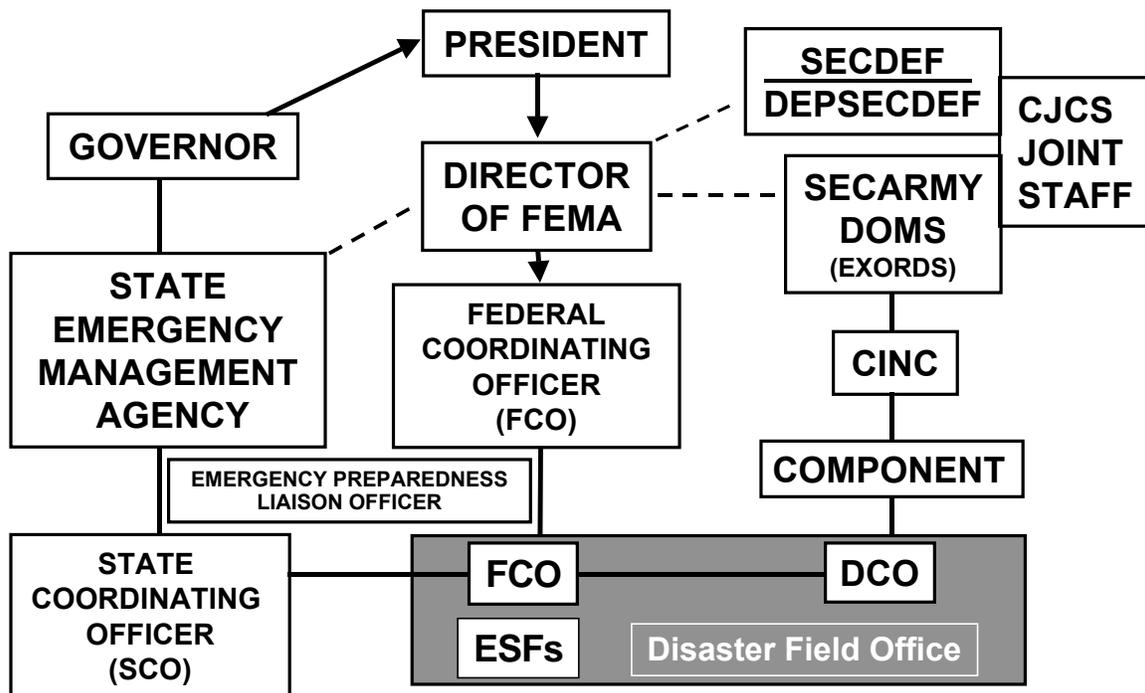


Figure 23-4. Sequence for Disaster Support (MSCA)

23-21. MSCA request and response process

Figure 23-4 illustrates a typical DOD response to a disaster.

a. When a disaster occurs, local authorities (for example, city and county fire fighters, HAZMAT teams, ambulances and police) respond to the event. Under the Incident Command System, 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 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 its 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. The FEMA regional director activates the ROC and FEMA dispatches an ERT-A to the affected State. FEMA assesses the situation and advises the President on the appropriate Federal response. The ERT-A forms the nucleus of the developing FEMA DFO. FEMA designates a FCO to coordinate the all on-scene Federal efforts.

d. DOD involvement in disaster relief 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 executive agent (SECARMY). At the direction of the SECARMY, DOMS dispatches an Execute Order designating the supported CINC (usually JFCOM), establishing necessary supporting DOD agencies for the CINC's mission, and requires the CINC to appoint a DCO. If the situation warrants, a JTF will also be established. The DCO team sets up in or near the DFO to coordinate all DOD support for the disaster. The State and regional EPLOs serves as advisors to the DFO staff. 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 supported CINC will designate a Base Support Installation.

e. There will generally be at least one base support installation (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 JFCOM's LOA for developing and executing domestic emergency contingency plans to support other Federal Agencies, will designate BSIs. 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 (to include mission tasking numbers and cost estimates). 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. BSIs 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 4 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.

23-22. 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, prevent human suffering, and to mitigate great property damage.

c. Once initiated, the installation commander must inform the DOD Executive Agent (DOMS) 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).

23-23. National special security event

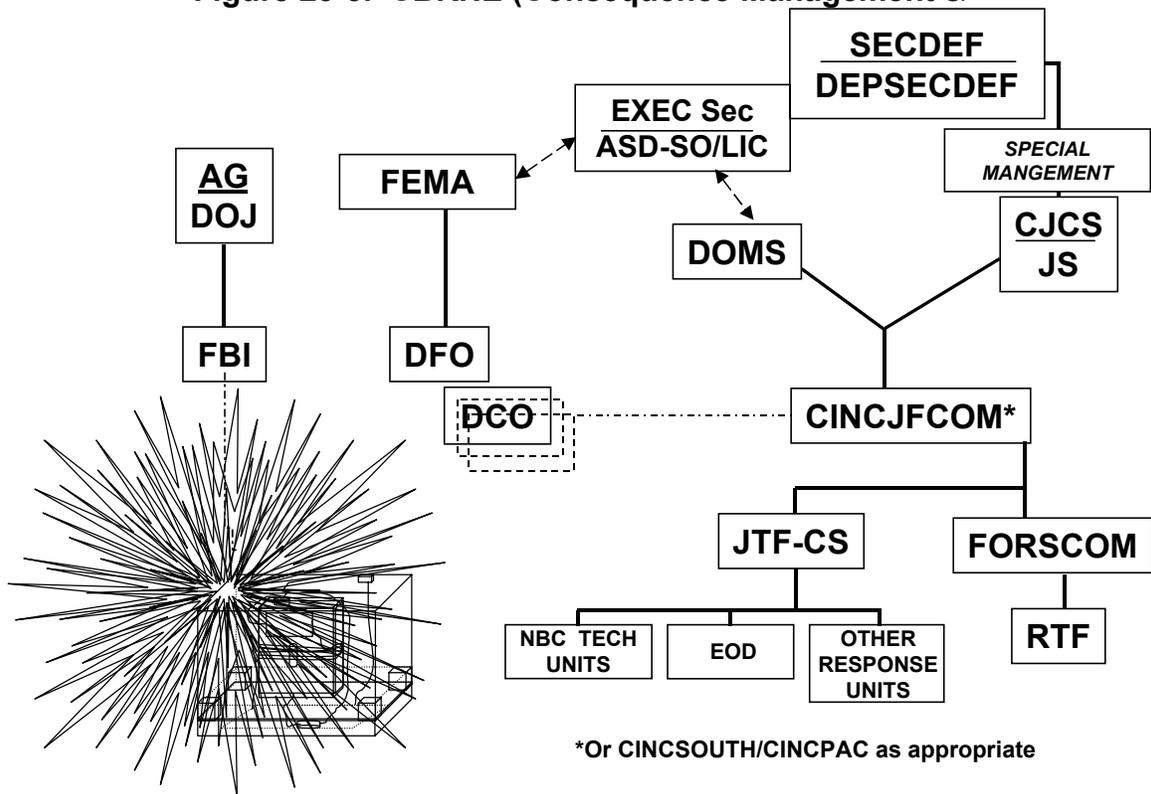
To ascertain the full scope of DOD support to a potential terrorist situation (crisis and consequence management), DOD uses the Crisis Coordination Group (CCG). Through the CCG, DOD identifies known and likely DOD support for a potential or actual terrorist situation and then assesses the ability to meet the requirements.

SECTION VI SPECIAL MACA SITUATIONS

23-24. Consequence management for chemical-biological-radiological-nuclear and high yield explosives (CBRNE)

a. While the interagency community, in accordance with the FRP, views consequence management from an “all hazards” approach, DOD has further delineated consequence management for a subset of CBRNE. The interagency community refers to CBRNE as weapons of mass destruction (WMD).

Figure 23-5. CBRNE (Consequence Management &



Technical Operations Support)

b. SecDef memorandum of 9 May 2001, Civilian Oversight of DOD Combating Terrorism and Consequence Management Activities, stipulates that the SecDef or DepSecDef personally approve deployment orders for combating terrorism and domestic CBRNE consequence management activities (see Figure 23-5). If an incident involving the deliberate, inadvertent, or potential release of CBRNE warrants special management procedures for the DOD response effort, the Joint Staff issues the necessary support orders. If special management procedures are not warranted, the SECARMY issues orders through DOMS.

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

(1) USCINCFJCOM has established the Joint Task Force-Civil Support (JTF-CS). The mission of JTF-CS 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 military assistance to civil authorities to save lives, prevent injury, and provide temporary critical life support.”

(2) The CONUSAs 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 CINC 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 Civil Support Teams

e. Civil support teams (CST) are made up of 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 CST is organized as an element under the peacetime control of the State adjutant general. During wartime, the CSTs provide force protection support within the State during mobilization. As with the other elements of the DOD response, these teams can also be used as part of a Federal (Title 10) response to support civil authorities.

23-25. Special event sporting competitions

a. The DOD special event mission to support international sporting competitions was transferred to the Department of the Army in January 1997. This coincided with the enactment of 10 U.S.C. §2554, 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. DOMS plans, coordinates, and monitors execution of approved DOD support to international sporting competitions (SISC) and other special events. It 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 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 (MACDIS)

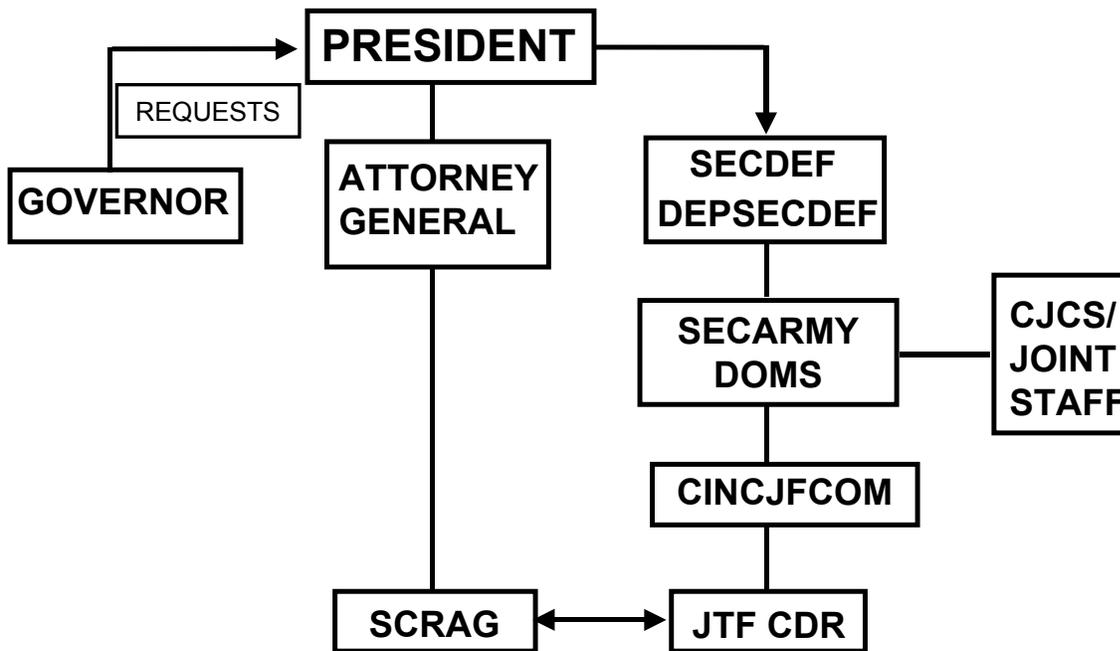


Figure 23-6. Civil Disturbance Support Command and Control

23-26. MACDIS

a. Responsibilities. The Department of Justice (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 IAW rules of engagement approved by the General Counsel of DOD and the Attorney General.

b. Planning. Operations Plan 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.

c. Concept of operations (see Figure 23-6). The first use of military forces in support of local government would most likely be the State's National Guard, under State active duty. The authority to call out the National Guard resides with the Governor. Using the Guard in State militia status avoids the restrictions of the Posse Comitatus Act (18 U.S. Code 1385) on aiding civil authorities with law enforcement. The Posse Comitatus Act prohibits the use of Army or Air Force personnel to execute or enforce the laws, except as authorized by the Constitution or act of Congress. As a matter of DoD policy, this prohibition is also applicable to Navy and Marine Corps personnel.

(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 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. 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 Justice Department with the Senior Civilian Representative of the Attorney General (SCRAG).

(3) After a Presidential Executive order has been issued and the execute order approved by the SecDef and directed by the SECARMY, JFCOM normally would deploy a quick reaction force (up to a brigade) for this mission. USCINCJFCOM has designated CDRFORSCOM as the coordinating authority for MACDIS planning within the USCINCJFCOM area of interest. The last time DOD forces were employed in a MACDIS operation was in May 1992, in Los Angeles, CA.

(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.

d. Civil disturbance conditions (CIDCONs). There are five conditions of increasing preparedness of military forces to prepare for deployment to an area operation 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

23-27. Role of Reserve Component forces (see chapter 7, paragraph 7-50).

The U.S. Army Reserve (USAR) is capable of extensive support to domestic emergencies. Besides individuals serving as EPLOs, 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.

23-28. 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?”—the DOD 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

23-29. Summary

a. Our Nation has a time-tested tradition of civilian control over the military and of limiting military activity within the U.S. Balancing that valued tradition with the need for military support in response to disaster and acts or threats of terrorism within the U.S. 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; must scrupulously adhere to approval and employment rules; and must be mindful that DOD resources are always in a support role.

d. Moving into the 21st century, the topic of Federal response to domestic terrorism will continue to be dynamic. Numerous issues may influence the future of DOD involvement:

- Is a national strategy needed to address the issues of domestic preparedness and response to terrorist incidents involving CBRNE materials?
- What is the optimal organizational structure within the Federal Government to combat terrorism?
- How might legislation produce more effective and efficient Federal organizations to counter terrorism?

- What is the appropriate role for the military in counter-terrorism and CBRNE incidents?
- e. Given the nature of the 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 upon which DOD can provide support.

f. 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 homeland security, 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 possessions. The judicious use of military forces in support of civil requirements complements the military's warfighting and force projection capabilities while insuring the American people get maximum return from their investment in the military.

23-30. References

a. Executive Orders (EOs):

- (1) EO 12148, Establishment of FEMA, July 20, 1979.
- (2) EO 12656, Assignment of Emergency Preparedness Responsibilities, November 18, 1988.

b. DOD Directives (DODDs):

- DODD 1215.6, Uniform Reserve Training.
- DODD 2000.12, DOD Antiterrorism/Force Protection (AT/FP) Program.
- DODD 2000.15, Support to Special Events
- DODD 3020.26, Continuity of Operations (COOP).
- DODD 3020.36, National Security Emergency Preparedness (NSEP).
- DODD 3025.1, Military Support to Civil Authorities (MSCA).
- DODD 3025.12, Military Assistance to Civil Disturbances (MACDIS).
- DODD 3025.13, United States Secret Service Support.
- DODD 3025.15, Military Assistance to Civil Authorities (MACA).
- DODD 3025.16, Military Emergency Preparedness Liaison Officer Program
- DODD 3150.5, Response to Improvised Nuclear Devices.
- DODD 3150.8, Response to Radiological Accident.
- DODD 4500.9, Transportation and Traffic Management.
- DODD 5025.5, Military Assistance to Civilian Law Enforcement Agencies.
- DODD 5030.41, Oil and Hazardous Substances.
- DODD 5030.46, Assistance to District of Columbia in Combating Crime.
- DODD 5030.50, Employment of Department of Defense Resources in Support of the United States Postal Service.
- DODD 5160.54, Critical Asset Assurance Program.

- DODD 5525.5, DOD Cooperation with Civilian Law Enforcement Officials.
- DODD 6010.17, National Disaster Medical System.
- c. DOD Manual 3025.1, Manual for Civil Emergencies.

d. Plans:

- (1) Federal Response Plan.
- (2) DOD Civil Disturbance Plan - "GARDEN PLOT".
- (3) DOD Postal Augmentation Plan - "GRAPHIC HAND".
- (4) Joint Staff CONPLANS 0400 and 0500.
- (5) Unified Command Plan.
- (6) OPLAN Garden Plot, 15 Feb 91.
- (7) JFCOM Functional Plans (FUNCPLANS):
 - (a) 2501-97, Domestic Disaster Relief.
 - (b) 2502-98, Civil Disturbance Plan.
 - (c) 2503-97, Mass Immigration Plan.
 - (d) 2504-99, Radiological Emergency Response.
 - (e) 2508-96, Medical Mobilization.
- (8) USPACOM Functional Plan 5210-95, Domestic Disaster Response.
- (9) USSOUTHCOM Functional Plan 6175-98, Domestic Disaster Operations – Puerto Rico/U.S. Virgin Islands.

e. **World Wide Web resources:**

- (1) FEMA: www.fema.gov.
- (2) DOMS: www.doms.pentagon.mil/ (restricted to .MIL or .GOV domains).
- (3) FORSCOM: www.freddie.forscom.army.mil/maca/default.htm (for official use only and restricted to .MIL, .GOV, or authorized .US domains).
- (4) NGB:
 - (a) www-ngb5.ngb.army.mil/.
 - (b) www.ngb.dtic.mil/.
- (5) USACE: www.usace.army.mil/.
- (6) NDMS: www.oep.dhhs.gov/NDMS/ndms.html.
- (7) DHHS:
 - (a) www.oep.dhhs.gov/CT_Program/ct_program.html.
 - (b) www.cdc.gov/.
- (8) DOJ:
 - (a) www.ndpo.gov/.
 - (b) www.ojp.usdoj.gov/terrorism/whats_new.htm.

- (9)** NOAA: <http://www.nws.noaa.gov/mission.shtml>.
- (10)** SBCCOM: www.natick.army.mil/soldier/npc/index.htm
- (11)** Homeland Defense: www.homelanddefense.org.