

Chapter 5

DOMESTIC OPERATIONS

Domestic HA operations include military support to civil authorities (MSCA) in the event of a disaster or emergency. This chapter offers insight into the differences between foreign HA support operations and MSCA. The NCA direct both MSCA and international HA operations. The primary difference between these operations is that during MSCA operations military support supplements rather than replaces civil agency operations. Local civil authorities are primarily responsible for the security and welfare of their citizens. They request assistance from county, state, or federal agencies when their resources are insufficient. MSCA support is organized on the *unmet* needs philosophy.

A disaster or domestic emergency that requires MSCA is any event that threatens to or actually inflicts damage to property or people. An example of a natural disaster might be a hurricane, earthquake, flood, or fire. An example of a man-made disaster might be a hazardous chemical spill, radiological accident, or massive electrical power disruption. Domestic emergencies include civil defense emergencies, environmental disasters, and mass immigration emergencies. A disaster or domestic emergency may overwhelm the capabilities of a state and its local governments.

LEGAL AUTHORITY

A significant difference between foreign HA and MSCA involves laws. During foreign operations commanders must be concerned with international laws, including the Geneva and Hague Conventions and applicable agreements, customs, and plans.

POSSE COMITATUS ACT

While conducting MSCA operations, commanders must be aware of and follow the tenets of the *Posse Comitatus Act* (18 US Code, Section 1385), as well as the directives, statutes, and regulations that support the civilian agencies and law enforcement organizations. The *Posse Comitatus Act* prescribes criminal penalties for use by the US Army or Air Force to execute the laws or perform civilian law enforcement functions within the US. DOD policy extends this philosophy to the US Navy and Marine Corps. Exceptions to the act are discussed in FM 100-19¹, AFP 110-3², and AFR 55-35³.

NATIONAL SECURITY STRATEGY

Congress and the NCA have directed that the military should become more engaged in supporting domestic needs. In addition, the *National Security Strategy* affirms that national security must be viewed in the context of the nation's well-being, acknowledging the inherent capabilities the military possesses for supporting federal, state, and local governments. The fundamental tenet for employing military resources is the recognition that civil authorities have the primary authority and responsibility for disaster assistance. The National Guard, in state active duty status (Title 32 of the US Code), has primary responsibility to provide military disaster assistance in its state.

STAFFORD ACT

Under the authority and provisions of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, the Federal

Emergency Management Agency (FEMA) coordinates the federal government's response to state and local authorities for disasters and civil emergencies. The support that DOD provides under the provisions of the *Stafford Act* is on a reimbursable basis. Commanders must properly manage incremental costs associated with disaster assistance and expend resources properly.

FEDERAL RESPONSE PLAN

DOD most often provides disaster assistance to other agencies in accordance with the Federal Response Plan (FRP). This plan describes how the federal government responds to a declared disaster in order to save lives and safeguard property. Along with DOD, 26 other federal agencies provide support when the FRP is fully implemented. The FRP groups the types of disaster assistance into 12 functional areas called emergency support functions (ESFs). During disaster response operations, some or all of these ESFs may be activated. The FRP assigns responsibility for each of the 12 ESFs to a lead agency, based on that agency's authority or capability. Each ESF also has assigned supporting agencies. DOD is the lead federal agency for one ESF: public works and engineering. DOD is a supporting agency in the remaining ESFs. Consequently, DOD may have resources committed in all 12 ESFs. See Figure 5-1.

The FRP is designed to address the consequences of any disaster or emergency situation in which a need exists for federal response assistance under the authorities of the *Stafford Act*. The plan describes basic mechanisms and structures by which the federal government mobilizes resources and conducts activities to augment state and local response efforts. Federal assistance is provided to the affected state or area under the management of FEMA and the overall coordination of a federal coordinating officer (FCO) appointed by the director of FEMA on behalf of the President.

Public Works and Engineering Support

Public works and engineering support includes technical advice and evaluations,

¹ *Domestic Support Operations*, 1 July 1993.

² *Civil Law*, December 1987.

³ *Air Force Assistance to Civilian Law Enforcement Official*, December 1986.

Humanitarian Assistance

No.	1	2	3	4	5	6	7	8	9	10	11	12
ESF	Transportation	Communication	Public Works & Engineering	Firefighting	Information & Planning	Mass Care	Resource Support	Health & Med Services	Urban Search & Rescue	Hazardous Materials	Food	Energy
ORG												
USDA	S	S	S	P	S	S	S	S	S	S	P	S
DOC		S	S	S	S	S	S			S		
DOD	S	S	P	S	S	S	S	S	S	S	S	S
DOEd					S							
DOE	S		S		S		S			S		P
DHHS			S		S	S	S	P	S	S	S	
DHUD						S						
DOI		S	S	S	S					S		
DOJ					S			S		S		
DOL			S				S		S	S		
DOS	S									S		S
DOT	P	S	S		S	S	S	S	S	S	S	S
TREAS					S							
VA			S			S	S	S				
USAID								S	S			
ARC					S	P		S			S	
EPA			S	S	S			S	S	P	S	
FCC		S										
FEMA		S		S	P	S	S	S	P	S	S	
GSA	S	S	S		S	S	P	S	S	S		S
ICC	S											
NASA					S							
NCS		P			S		S	S				S
NRC					S					S		S
OPM							S					
TVA	S		S									S
USPS	S					S		S				

P – Primary agency – responsible for management of the ESF
S – Support agency – responsible for supporting the primary agency

Figure 5-1 Emergency Support Assignment Matrix

engineering services, potable water, construction management and inspection, emergency contracting, emergency repair of waste water and solid waste facilities, and real estate support as required. Activities within the scope of this ESF include emergency clearance of debris, temporary construction of emergency access routes, emergency restoration of critical public services and facilities, emergency demolition or stabilization of damaged structures and facilities, technical assistance and damage assessment, and support to other ESFs. The US Army Corps of Engineers (USACE) is the operating agent for planning, preparedness, and response operations on behalf of DOD for this ESF.

Other Emergency Support Functions

DOD support to other ESFs under the FRP may come from one of two sources. First, when the primary agency for an ESF determines that it requires support or resources from outside its own agency, that agency may coordinate with FEMA through its regional and national headquarters for the required support or resources. FEMA then determines how to provide the required support or resources from any source nationwide. DOD, as a designated supporting agency, may be tasked. Second, the FCO may task DOD to provide the required support or resources from military assets already within the disaster area or available through DOD channels. The FCO gets this support through coordination with the defense coordinating officer (DCO).

RESPONSIBILITIES

The Secretary of the Army (as the DOD executive agent), the DOD director of military support (DOMS), and the unified commands coordinate military support for domestic operations.

components to plan for and commit DOD resources in response to requests for MSCA.

EXECUTIVE AGENT

The DOD executive agent is defined by DOD Directive 3025.1,⁴ which states that the Secretary of the Army is the DOD executive agent for the provision of DOD resources to civil authorities. The DOD executive agent has the authority of the SECDEF to task DOD

DIRECTOR OF MILITARY SUPPORT

The DOMS and his supporting staff ensure the performance of all planning and execution responsibilities of the DOD executive agent for domestic emergency preparedness. DOMS is the DOD primary contact for all federal departments and agencies during periods of domestic civil emergencies or disaster response. The chain of command is depicted in Figure 5-2.

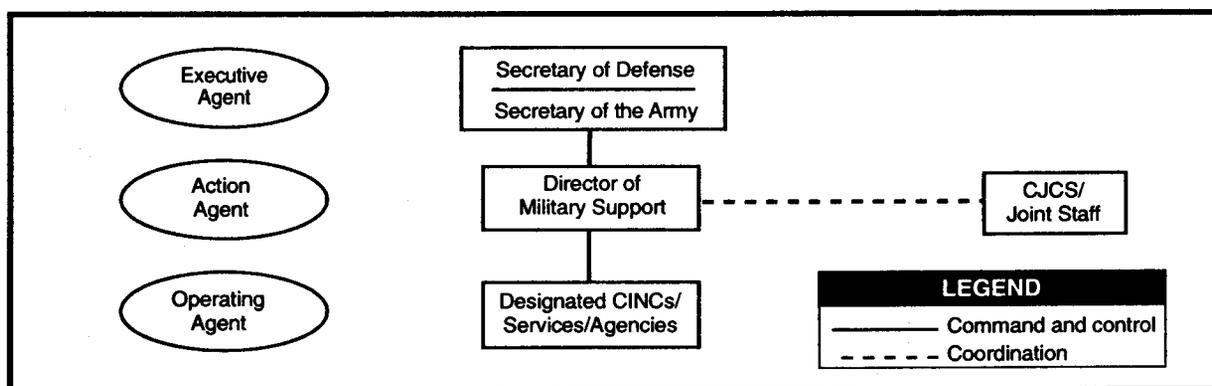


Figure 5-2. Domestic Chain of Command

⁴Military Support to Civil Authority, January 1993.

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UNIFIED COMMANDS

The following selected commands have domestic support responsibilities: Atlantic Command (USACOM), Pacific Command (USPACOM), and USTRANSCOM. In addition, the US Special Operations Command (USSOCOM) may be tasked as a supporting CINC.

Commander in Chief, Atlantic Command

CINCUSACOM serves as the DOD principal MSCA planning and operating agent for all DOD components in the 48 contiguous states, the District of Columbia, and all US territories and administrative possessions (Virgin Islands, Puerto Rico) within the Atlantic Command AOR. Commander, US Army Forces Command serves as USACOM lead operational authority.

Commander in Chief, Pacific Command

USCINCPAC serves as the DOD principal planning and operating agent for military support to civil authorities for all DOD components in Hawaii, Alaska, and Pacific territories within the Pacific Command AOR.

Commander in Chief, Transportation Command

USCINTRANS serves as the DOD single manager for transportation, providing air, land, and sea transportation to meet national security objectives.

DISASTER RELIEF ORGANIZATIONS

In the event of a disaster, relief assistance is first provided by local emergency organizations. The next level of disaster assistance is provided by state organizations, including the state National Guard. States prepare plans to respond to disasters within their jurisdictions. Each state has an office of emergency services (OES) or a similar agency responsible to its governor for coordinating the state's efforts in disaster response situations.

State Organizations

Prior to or immediately following a disaster, the state activates an emergency

operations center (EOC) to begin gathering information, assessing damage, and advising the governor of the disaster situation. The state OES, through its EOC, coordinates the local and state disaster response operations. In every case, the state's adjutant general and National Guard have a key role in disaster assistance. If local and state capabilities are insufficient, then the state governor can request a Presidential declaration of major disaster or emergency for commitment of federal resources. At that time, FEMA takes the lead as the coordinator of federal disaster assistance.

Federal Organizations

While FEMA is the lead federal agency in most disaster scenarios (hurricanes, earthquakes, floods), the Department of Energy (DOE) has the lead for civil radiological emergencies. In accordance with the *National Oil and Hazardous Substance Contingency Plan*, the Environmental Protection Agency and US Coast Guard share the federal lead for hazardous chemical spill response that includes oil spills.

Following a Presidential declaration of a major disaster or emergency under the provisions of the FRP, the President appoints an FCO to manage the federal assistance efforts. The DCO, appointed by the supported CINC, serves as the principal DOD point of contact at the disaster field office for providing military support in disaster assistance. The decision sequence for disaster support is illustrated at Figure 5-3.

Regardless of the disaster scenario, however, DOD should be prepared to provide its resources to support the lead federal agency. As an example, the US Army Chemical Corps is trained to deal with radiological and chemical disasters. The Secretary of the Army, as the DOD executive agent, coordinates with CJCS and the joint staff and issues an execute order, through DOMS, to the appropriate CINCs, services, and agencies.

Imminently serious conditions resulting from a disaster or domestic emergency may

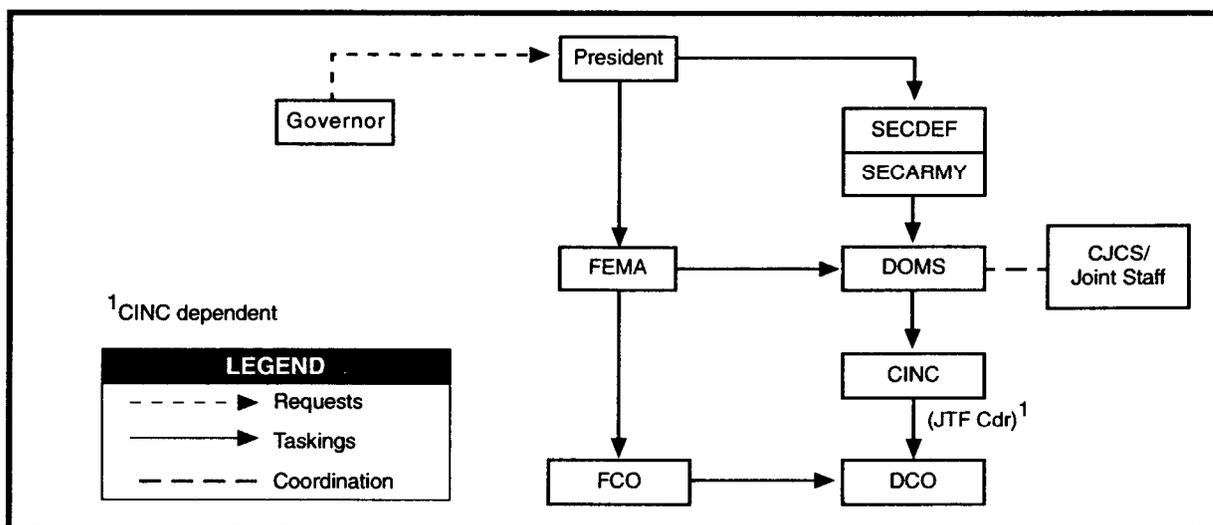


Figure 5-3. Decision Sequence for Disaster Support

require immediate action by military commanders to save lives, prevent human suffering, or mitigate great property damage. When such conditions occur and time does not permit approval from higher headquarters, military commanders are authorized to respond to requests of civil authorities. All such necessary action is referred to as immediate response.

Immediate response is a short-term emergency supplement to government authorities. These actions do not supplant established DOD plans for providing support to civil authorities. Commanders may use immediate response authority to assist in the rescue, evacuation, and emergency treatment of casualties; in the restoration of emergency medical capabilities; and in the safeguarding of public health. Commanders may also elect to assist in the provision of essential public services and utilities. Commanders use their assessment of mission requirements and the capabilities of their commands to judge the extent of immediate assistance they choose to provide.

Immediate response by commanders does not take precedence over their primary mission. Commanders notify their senior commander and seek guidance for continuing assistance whenever DOD resources are committed under immediate response circumstances. Although immediate assistance is given with the

understanding that its costs will be reimbursed, it should not be delayed or denied when the requester is unable to make a commitment to reimburse. When the President determines that federal assistance will be provided in response to a natural or man-made disaster, the military commander continues to provide immediate response assistance, adjusting his operations to conform with the tasks assigned by his higher headquarters and/or within the FRP.

DEFENSE COORDINATING OFFICER

The supported CINC appoints the DCO. The DCO serves as the central point of contact in the field to the FCO and ESF managers regarding requests for military support. The Commander, US Army Forces Command—as USACOM lead operational authority—usually tasks the continental United States Armies (CONUSAs) to conduct planning and coordination for disasters and domestic emergencies as well as to appoint DCOs following a disaster declaration. The DCO supervises the defense coordination element, a staff that can support both the administrative and ESF functional areas (1 through 12) for all coordination and decisions. At the discretion of the CINC, the DCO may assume control of all federal military units involved in the disaster.

STATE COORDINATING OFFICER

The state coordinating officer (SCO) represents the governor and is responsible for emergency management, disaster response, and recovery activities. The state coordinating officer is the primary point of contact for the FCO in facilitating disaster assistance.

The state area command (STARC) has developed disaster emergency plans in coordination with other state and local agencies. The STARC and DCO establish liaison so that local, state, and federal activities can be coordinated and managed effectively. The STARC can assist the federal forces with contracting support as well as logistical support from National Guard resources not otherwise committed.

JOINT TASK FORCE

The severity of the disaster may warrant the establishment of a JTF to provide comprehensive support. The DCO continues to serve as DOD's central point of contact for all requests for military support from the FCO and ESF managers. The DCO's expertise and constant liaison with the FCO, local officials, and other ESF managers become critical to the effective coordination and integration of the federal and state disaster assistance efforts. The CINC may designate the DCO as the CJTF. If the size of the JTF expands and the CINC designates another, more senior, officer as the CJTF, then the DCO becomes a special staff officer for the CJTF.

DISASTER ASSISTANCE

The military role in domestic emergencies is well defined and by law is limited in scope and duration. Military resources temporarily support and augment, but do not replace local, state, and federal civilian agencies that have primary authority and responsibility for domestic disaster assistance. Command relationships for disaster relief response are depicted in Figure 5-4.

PLANNING CONSIDERATIONS

Commanders can best prepare for disaster assistance operations by understanding the appropriate laws, policies, and directives that govern employing the military in domestic emergencies. The military does not stockpile resources intended solely for domestic disaster assistance. Also, special authorization must be granted to use military medical assets to treat civilians. In summary, disaster planning and coordination must occur between appropriate agencies at the appropriate level, such as between DOMS and FEMA, and between CINCs and regional federal agencies or states.

DISASTER RELIEF STAGES

Domestic disaster operations are normally conducted in three stages: response, recovery, and restoration. The role of the military is most intense in the response stage, decreasing steadily as the operation moves into the recovery and restoration stages.

Response

Response operations focus on those life-sustaining functions required by the population in the disaster area. Immediate response is discussed previously in this chapter.

Recovery

Recovery operations begin the process of returning the community infrastructure and services (both municipal and commercial) to a status that satisfies the needs of the population.

Restoration

Restoration is a long-term process that returns the community to predisaster normalcy. While the military has an important role in the relief and recovery stages, restoration is primarily a civilian responsibility. Military forces will redeploy as operations transition from the response and/or recovery stage to the restoration stage.

ASSESSMENT

When a disaster is imminent or has occurred, the assessment of the potential or real damage and the anticipated military support requirements must precede the commitment of military resources. This ensures both the efficient use of limited

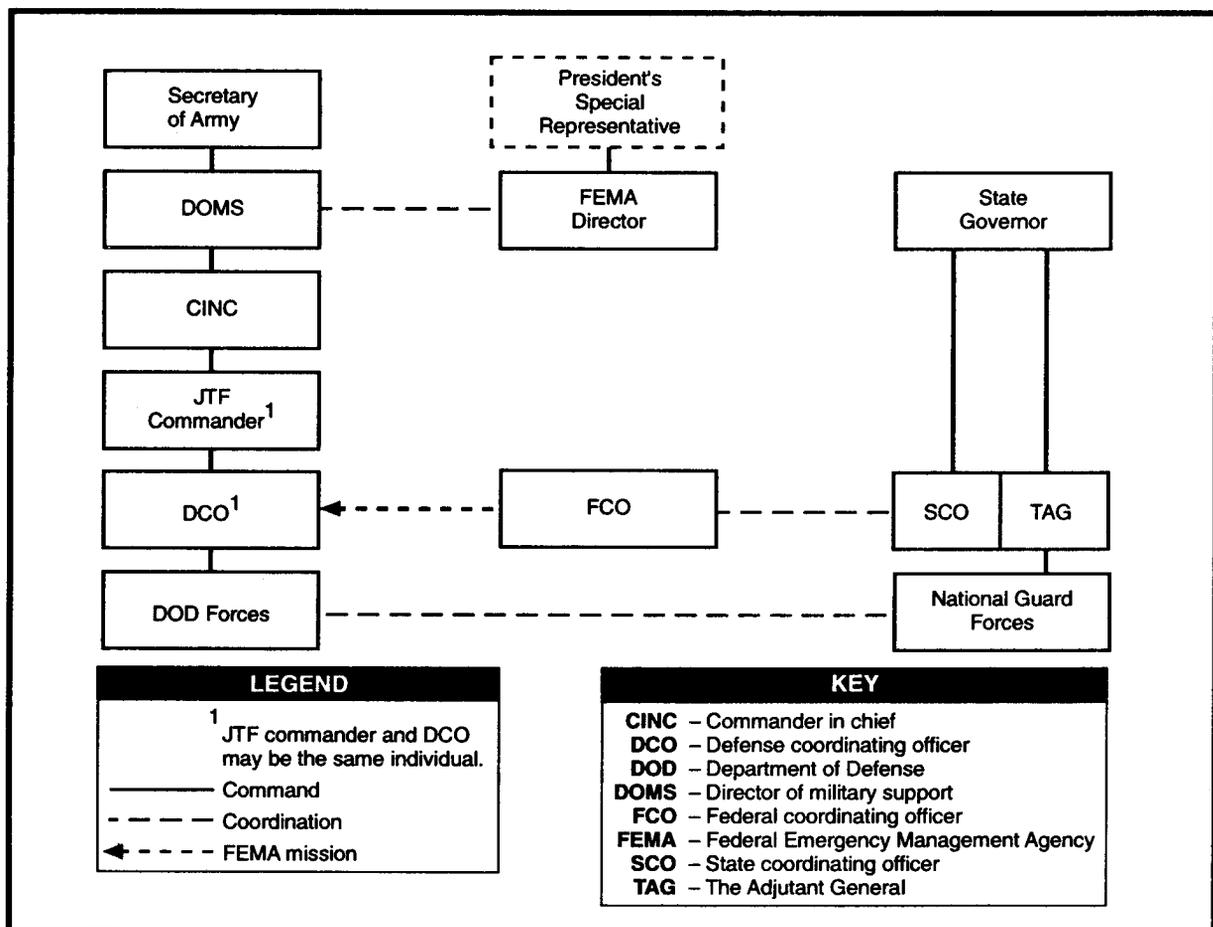


Figure 5-4. MSCA Command Relationship

deployment assets and that the resources/forces deployed are appropriate for the mission. This assessment responsibility is shared by federal, state, and local agencies and military services.

The earliest information requirements for the assessment process must include the impact on the population, available critical infrastructure facilities, and any serious environmental hazards. The status of the road/rail systems, airports, and ports must be determined. Identifying major fires, hazardous chemical spills, ruptured petroleum/natural gas pipelines, and downed electrical power lines, especially in populated areas, is a priority. Determining the status of local emergency services, police, firefighters, and health service providers is essential.

As the federal relief effort escalates, including the deployment/employment of

federal military resources in the disaster area, critical relief facilities must be made operational and accessible. These facilities include municipal offices, hospitals, water treatment plants, sanitary waste disposal facilities, ice manufacturing and storage plants, electrical power stations and lines, and telecommunications nodes. Sites for the emergency shelter, feeding, and medical treatment of displaced civilians must be identified and prepared. These life support centers are required within the first few days after a disaster. Sites for the reception, storage, and distribution of supplies in the affected area must be identified.

Assessment is a fundamental task for providing effective disaster assistance. The assessment process requires the integration and analysis of information from many different sources. This process is not

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exclusively a DOD responsibility. It is first and foremost a local and state agency task. Federal agencies, including DOD, assist and cooperate in the information-gathering and assessment process.

Laws limit the types and ways military agencies can gather information in domestic situations. Commanders must ensure that all requests for information, both before and during a domestic emergency, comply with the applicable laws and are handled in the appropriate military channels.

TERMINATION

The military's role in disaster assistance must end as soon as practical. The objective of the federal disaster response effort is to assist the local community to return to a self-sustaining status. Consequently, the military should expect to be heavily committed during the response phase of the operation. The military's involvement decreases progressively during the recovery phase. As a principle, the military does not compete with civilian commercial enterprises. As commercial enterprises become more available in the community, the military's provision of support and services must diminish.

Disaster assistance operations require the establishment of end states or conditions to be achieved in determining the completion of disaster assistance missions. Conditions must be definable and attainable.

End states must be developed from the highest (national) perspective down to the lowest county and municipal levels. They provide a road map that all government and nongovernment agencies involved in disaster assistance can follow. The affected local population must know when military operations will terminate or transition to local supporting organizations. Mission success is tied directly to the military's ability to accomplish specific end state objectives.

In conjunction with federal, state, and local officials, commanders at all levels must understand the desired community objectives or goals, which affect the termination standards for the military's involvement, as well as other federal agencies. The return to normalcy requires a progressive downsizing of the military's role.

Military commanders establish termination standards in coordination with the FCO and state and local authorities. Standards must be clearly stated and understood by all. Standards can usually be expressed in terms of percentage of predisaster capability by specific function; for example, 70 percent of electrical power restored. In an operation such as disaster support, redeployment of forces becomes a sensitive issue since it may create misperceptions and anxiety in the population with respect to needed sustained support and the ability of local government and contractors to handle the support as federal forces are redeployed.

The criteria for mission success and completion must be defined, articulated, and disseminated as soon as possible. Civil authorities and military personnel must know when the operation has reached completion and when DOD assets will be withdrawn. Mission success should be directly proportional to the military's ability to accomplish specific milestones. Planners need to identify these milestones in their functional areas and use them to reduce further military support requirements. All parties must understand that even though the mission may not be fully complete from the civilian authorities' perspective, DOD support may have to be replaced by civilian assets and local support organizations to continue the restoration mission.