

SUBCHAPTER H—CIVIL DEFENSE

PART 185—MILITARY SUPPORT TO CIVIL AUTHORITIES (MSCA)

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AUTHORITY: 50 U.S.C. 2251, as amended; E.O. 12148, 3 CFR 1979 Comp. p. 412.

SOURCE: 58 FR 52667, Oct. 12, 1993, unless otherwise noted.

§ 185.1 Purpose.

This part:

(a) Consolidates all policy and responsibilities previously known as “Military Assistance to Civil Authorities (MACA),” applicable to disaster-related civil emergencies within the United States, its territories, and possessions under DoD Directive 3025.1¹ with those related to attacks on the United States, which previously were known as “Military Support to Civil Defense (MSCD)” under DoD Directive 3025.10.²

(b) Provides for continuation of the DoD Regional Military Emergency Coordinator (RMEC) teams, previously developed under DoD Directive 5030.45³, to facilitate peacetime planning for MSCA and to provide trained teams of DoD liaison personnel to represent essential DoD Components, as appropriate, for response to any national security emergency.

(c) Constitutes a single system for MSCA, by which DoD Components (as defined in § 185.2) shall plan for, and respond to, requests from civil government agencies for military support in dealing with the actual or anticipated consequences of civil emergencies requiring Federal response, or attacks, including national security emer-

gencies as defined in E.O. 12656, 53 FR 47491, 3 CFR 1988 Comp., p. 585.

(d) States the policy and responsibilities by which the Department of Defense responds to major disasters or emergencies in accordance with the Stafford Act, as amended, and supports the national civil defense policy and Federal or State civil defense programs, in cooperation with the Federal Emergency Management Agency (FEMA), under the authority of The Federal Civil Defense Act of 1950.

(e) Designates the Secretary of the Army as the DoD Executive Agent for MSCA.

(f) Authorizes the publication of DoD 3025.1–M, “DoD Manual for Civil Emergencies,” consistent with DoD 5025.1–M.⁴

§ 185.2 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (when it is operating, or planning for operations, as a Service in the Navy).

(b) Shall govern MSCA activities of all DoD Components in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions.

(c) Does not apply to foreign disasters covered by DoD Directive 5100.46.

(d) Focuses on the assignment and allocation of DoD resources to support civilian authorities during civil emergencies arising during peace, war, or transition to war.

(e) Does not integrate contingency war planning as a subelement of MSCA.

¹The May 23, 1980 edition of this Directive has been canceled by DoD Directive 3025.1 dated January 15, 1993.

²Canceled by DoD Directive 3025.1, dated January 15, 1993.

³See footnote 2 to § 185.1(a).

⁴Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

and does not relieve the Chairman of the Joint Chiefs of Staff of his authority to supervise contingency planning.

(f) Does not include military support to civil law enforcement. (See § 185.4(b).)

§ 185.3 Definitions.

Attack. Any attack or series of attacks by an enemy of the United States causing, or that may cause, substantial damage or injury to civilian property or persons in the United States (or its territories) in any manner, by sabotage or by the use of bombs, shellfire, or nuclear, radiological, chemical, bacteriological, or biological means, or other weapons or processes (Federal Civil Defense Act of 1950).

Civil defense. All those activities and measures designed or undertaken to:

(1) Minimize the effects upon the civilian population caused, or that would be caused, by an attack upon the United States or by a natural or technological disaster;

(2) Deal with the immediate emergency conditions that would be created by any such attack or natural or technological disaster; and

(3) Effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack or natural or technological disaster.

Civil disturbances. Group acts of violence and disorders prejudicial to public law and order within the 50 States, District of Columbia, Commonwealth of Puerto Rico, U.S. possessions and territories, or any political subdivision thereof. The term *civil disturbance* includes all domestic conditions requiring the use of Federal Armed Forces, as more specifically defined in DoD Directive 3025.12.⁵

Civil emergency. Any natural or man-made disaster or emergency that causes or could cause substantial harm to the population or infrastructure. This term can include a “major disaster” or “emergency,” as those terms are defined in the Stafford Act, as amended, as well as consequences of an attack or a national security emergency. Under 42 U.S.C. 5121, the terms “major disaster” and “emergency” are

defined substantially by action of the President in declaring that extant circumstances and risks justify his implementation of the legal powers provided by those statutes.

Civil emergency preparedness. The non-military actions taken by Federal agencies, the private sector, and individual citizens to meet essential human needs, to support the military effort, to ensure continuity of Federal authority at national and regional levels, and to ensure survival as a free and independent nation under all emergency conditions, including a national emergency caused by threatened or actual attack on the United States.

Civil government resources. Civil resources owned by, controlled by, or under the jurisdiction of civilian agencies of the U.S. Government, or of State and local government agencies.

Civil resources. Resources that normally are not controlled by the Government, including workforce, food and water, health resources, industrial production, housing and construction, telecommunications, energy, transportation, minerals, materials, supplies, and other essential resources and services. Such resources cannot be ordered to support needs of the public except by competent civil government authority.

Continental United States Airborne Reconnaissance for Damage Assessment (CARDA). A system of aerial reconnaissance of the Continental United States for determining the effects of a nuclear attack. CARDA integrates the combined resources of all government agencies and Military Services for the National Command Authority.

Defense Coordinating Officer (DCO). A military or civilian official of any DoD Component, who has been designated by the DoD Executive Agent to exercise some delegated authority of the DoD Executive Agency to coordinate MSCA activities under this Directive. The authority of each DCO will be defined in documentation issued or authorized by the DoD Executive Agent, and will be limited either to the requirements of a specified interagency planning process or to a specified geographic area or emergency. (The DoD

⁵ See footnote 4 to § 185.1(f).

Executive Agent also may delegate authority to designate DCOs to any DoD Planning Agent specified in this part.)

Defense Emergency Response Fund. Established by Pub. L. 101-165 (1989). That law provides that, “The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal departments and agencies and from State and local governments for assistance on a reimbursable basis to respond to natural or manmade disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received.” The Fund is applicable to Foreign Disaster Assistance under DoD Directive 5100.46⁶ and to MSCA under the authority of this part.

DoD executive agent. The individual designated by position to have and to exercise the assigned responsibility and delegated authority of the Secretary of Defense, as specified in this part.

DoD planning agent. An individual designated by position to facilitate and coordinate MSCA contingency planning (and MSCA operations when ordered) by all DoD Components within an assigned geographic area in accordance with the requirements of this part.

DoD resources. Military and civilian personnel, including Selected and Ready Reservists of the Military Services, and facilities, equipment, supplies, and services owned by, controlled by, or under the jurisdiction of a DoD Component.

Federal function. Any function, operation, or action carried out under the laws of the United States by any department, agency, or instrumentality of the United States, or by an officer or employee thereof.

Federal property. Property that is owned, leased, possessed, or occupied by the Federal Government.

Federal Region. A grouping of States and territories of the United States, by which FEMA coordinates responsibil-

ities of the State governments with those of Federal departments and agencies, for disaster relief, civil defense, and planning for both civil and national security emergencies. These regions are sometimes referred to as “FEMA Regions” to distinguish them from any one of the various regional alignments of other Federal Departments and Agencies, all of which are circumscribed by FEMA’s coordination authority. Today, there are ten Federal Regions, but the term is used generally to facilitate MSCA regardless of the number of Federal Regions at any time.

Federal response plan. The inter-departmental planning mechanism, developed under FEMA leadership, by which the Federal Government prepares for and responds to the consequences of catastrophic disasters. Federal planning and response are coordinated on a functional group basis, with designated lead and support agencies for each identified functional area.

Immediate response. Any form of immediate action taken by a DoD Component or military commander, under the authority of this part and any supplemental guidance prescribed by the Head of a DoD Component, to assist civil authorities or the public to save lives, prevent human suffering, or mitigate great property damage under imminently serious conditions occurring where there has not been any declaration of major disaster or emergency by the President or attack.

Imminently serious conditions. Emergency conditions in which, in the judgment of the military commander or responsible DoD official, immediate and possibly serious danger threatens the public and prompt action is needed to save lives, prevent human suffering, or mitigate great property damage. Under these conditions, timely prior approval from higher headquarters may not be possible before action is necessary for effective response.

Military resources. Military and civilian personnel, facilities, equipment, and supplies under the control of a DoD Component.

Military Support to Civil Authorities (MSCA). Those activities and measures

⁶See footnote 4 to § 185.1(f).

taken by the DoD Components to foster mutual assistance and support between the Department of Defense and any civil government agency in planning or preparedness for, or in the application of resources for response to, the consequences of civil emergencies or attacks, including national security emergencies.

National Disaster Medical System (NDMS). An inter-departmental national mutual aid system developed by Federal departments and agencies to provide for the medical needs of victims of major disasters, and to provide backup support for medical systems of the Departments of Defense and Veterans Affairs in caring for casualties from military conflicts. The Department of Health and Human Services serves as the lead Federal agency for administering NDMS, and would coordinate NDMS operations in response to civil emergencies. The Department of Defense could activate and coordinate NDMS operations in support of military contingencies.

National security emergency. Any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States (E.O. 12656).

Planning agent. A military or civilian official of any DoD Component, who has been designated by the head of that Component to exercise delegated authority for MSCA planning for the entire Component (i.e., “principal planning agent”) or for certain subordinate elements or a specified geographic area (e.g., “regional planning agents”). Authority and responsibilities of each planning agent will be defined by the Component, and may include MSCA response as well as planning at the election of any Component. The actual authority of planning agents will be communicated to others, as determined by the DoD Component, or when requested by the DoD Executive Agent.

Regional Military Emergency Coordinator (RMEC). An individual, designated on behalf of the Secretary of Defense and the DoD Executive Agent, to perform coordination, information exchange, and liaison functions on behalf of the Department of Defense with

any Federal emergency management structure established at the Region level. Alternate RMECs are designated by other DoD Components, as required, in accordance with this part; and the RMECs and alternates collectively are referred to as “RMEC Teams.”

Residual Capability Assessment (RECA). An assessment of the effects of a nuclear or conventional attack on U.S. resources, or of a major peacetime disaster that results in the declaration of a national security emergency. Such an assessment is made (through all appropriate means) to determine the remaining capabilities of the United States with emphasis on military preparedness.

Resource claimancy. The procedure, employed during any period of attack or national security emergency, whereby authorized Federal agencies determine definitive requirements and justify the allocation of civil government and civil resources needed to support programs under their cognizance. It does not imply procurement activity, nor does it involve the Government as an intermediary in the normal mechanisms of trade other than in expediting essential activities and ensuring equitable distribution of civil resources. Resource claimancy occurs at both the national and regional levels.

State Area Commands (STARCs). Specific headquarters units of the Army National Guard for each State, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

§ 185.4 Policy.

(a) *National policy.* (1) Planning and preparedness by the Federal Government for civil emergencies and attacks are important due to the severity of the consequences of emergencies for the nation and the population, and to the sophistication of means of attack on the United States and its territories.

(2) Under the Stafford Act, as amended, it is the policy of the Federal Government to provide an orderly and continuing means of supplemental assistance to State and local governments in their responsibilities to alleviate the suffering and damage that result from major disasters or emergencies. Upon

declaring a major disaster or emergency under the Stafford Act, the President may direct any agency of the Federal Government to undertake missions and tasks (on either a reimbursable or non-reimbursable basis) to provide assistance to State and local agencies. The President appoints a Federal Coordinating Officer (FCO) to operate in the affected area, and delegates authority to the FCO. The President has delegated to the Director of FEMA the authority to appoint FCOs; and FEMA officials frequently serve as FCOs.

(3) In accordance with the Federal Civil Defense Act of 1950, as amended, the national civil defense policy is to have a civil defense program to develop capabilities common to all catastrophic emergencies and those unique to attack emergencies, which will support all-hazard emergency management at State and local levels, in order to protect the population and vital infrastructure. Under the national civil defense policy, the Department of Defense will support civil authorities in civil defense, to include facilitating the use of the National Guard in each State for response in both peacetime disasters and national security emergencies.

(4) Under E.O. 12656, it is the policy of the Federal Government to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency.

(b) *Scope.* This part governs all planning and response by DoD Components for civil defense or other assistance to civil authorities, with the exception of military support to law enforcement operations under DoD Directive 3025.12 and contingency war plans.

(c) *Delegations of authority.* The Secretary of Defense shall be assisted in executing his responsibility for MSCA by the following:

(1) The Secretary of the Army shall be the DoD Executive Agent and shall act for the Secretary of Defense in accordance with this part and any supplemental direction or guidance received from the Secretary of Defense. In that capacity, the DoD Executive Agent will develop planning guidance, plans, and procedures for MSCA in accordance with this part. The DoD Executive

Agent has the authority of the Secretary of Defense to task the DoD Components to plan for and to commit DoD resources, in response to requests from civil authorities under MSCA. The Secretary of the Army shall coordinate with the Chairman of the Joint Chiefs of Staff any commitment of military forces assigned to the Unified and Specified Commands.

(2) The Chairman of the Joint Chiefs of Staff shall communicate to the Commanders of the Unified and Specified Commands appropriate guidance issued by the Secretary of the Army for their compliance with this part, and also shall assist the DoD Executive Agent in developing MSCA planning guidance for all conditions of war or attacks on the United States or its territories.

(3) The Commander in Chief, Forces Command (CINCFOR); the Commander in Chief, U.S. Atlantic Command (USCINCLANT); and the Commander in Chief, U.S. Pacific Command (USCINCPAC), shall serve as "DoD Planning Agents" for MSCA. Pursuant to guidance issued by the DoD Executive Agent, after coordination with the Chairman of the Joint Chiefs of Staff, the DoD Planning Agents shall conduct MSCA planning, and shall lead MSCA planning activities of all DoD Components within the following geographic areas:

(i) CINCFOR (48 contiguous States and the District of Columbia).

(ii) USCINCLANT (Puerto Rico and the U.S. Virgin Islands).

(iii) USCINCPAC (Alaska, Hawaii, and U.S. possessions and territories in the Pacific area).

(4) The Commanders of the Unified and Specified Commands shall provide MSCA response, as directed by the DoD Executive Agent.

(5) The Secretary of Defense reserves the authority to modify or terminate the executive agency established by this part if operational needs so require in a particular situation.

(d) *MSCA policy.*

(1) MSCA shall include (but not be limited to) support similar to that described for immediate response (paragraph (e) of this section), in either civil emergencies or attacks, during any period of peace, war, or transition to war.

It shall include response to civil defense agencies, but shall not include military assistance for civil law enforcement operations.

(i) DoD Directive 3025.12 governs use of military resources in the event of civil disturbances, which may include providing physical security for DoD Key Assets, as defined in DoD Directive 5160.54.⁷

(ii) Material, logistic, communications, and other assistance to law enforcement (especially during enforcement operations) is provided under DoD Directive 5525.⁸

(2) The DoD Components shall respond to requirements of the DoD Executive Agent and DoD Planning Agents for MSCA, as authorized by this part.

(3) To ensure sound management of DoD resources, MSCA planning will stress centralized direction of peacetime planning with civil authorities, with decentralized planning by DoD Components with civil agencies, where appropriate, and decentralized execution of approved plans in time of emergency.

(4) Subject to priorities established by the President or the Secretary of Defense, all DoD resources are potentially available for MSCA. MSCA planning and execution will encourage and adhere to the following premises:

(i) That civil resources are applied first in meeting requirements of civil authorities.

(ii) That DoD resources are provided only when response or recovery requirements are beyond the capabilities of civil authorities (as determined by FEMA or another lead Federal agency for emergency response).

(iii) That specialized DoD capabilities requested for MSCA (e.g., airlift and airborne reconnaissance) are used efficiently.

(iv) Generally, military operations other than MSCA will have priority over MSCA, unless otherwise directed by the Secretary of Defense.

(5) MSCA shall provide a mechanism to facilitate continuous and cooperative civil and military planning and preparedness to mobilize all appro-

priate resources and capabilities of the civil sector and the Department of Defense, whenever required for any form of national security emergency.

(6) DoD planning shall recognize that:

(i) Army and Air National Guard forces, acting under State orders (i.e., not in Federal service), have primary responsibility for providing military assistance to State and local government agencies in civil emergencies.

(ii) The Army National Guard State Area Command (STARC), when ordered to Federal Active Duty, will be the DoD focal point for delivery of MSCA at State and local levels in time of war.

(iii) Plans and preparedness measures of MSCA must foster close and continuous coordination for efficient employment of DoD resources of the National Guard (whether employed under State or Federal authority), as well as resources of the DoD Components, in time of peace, war, or transition to war.

(iv) In the event of an attack on the United States, its territories, or possessions, the scope of MSCA in each geographical area will depend upon the commitment of military resources to military operations, the extent of damage sustained by the civilian communities, and the status of Active and Reserve Component forces.

(7) DoD Components shall augment staffs responsible for MSCA, as appropriate, with personnel from Reserve components of all Military Services who are specifically trained for civil-military planning and emergency liaison duties. (See enclosure 3 in DoD Directive 1215.6.)⁹ The Military Services also shall ensure that all Active or Reserve component military personnel assigned or attached to FEMA are appropriately trained and employed to enhance DoD capabilities for MSCA in time of war or attack on the United States or its territories.

(8) The DoD Components ordinarily shall provide DoD resources in response to civil emergencies on a cost reimbursable basis. However, see paragraph (e)(2) of this section for circumstances in which an inability or unwillingness

⁷ See footnote 4 to § 185.1(f).

⁸ See footnote 4 to § 185.1(f).

⁹ See footnote 4 to § 185.1(f).

of a requester to commit to reimbursement will not preclude action by DoD components.

(i) The DoD Components shall comply with legal and accounting requirements for the loan, grant, or consumption of DoD resources for MSCA, as necessary, to ensure reimbursement of costs to the DoD Components under the Stafford Act, as amended; the Defense Emergency Response Fund established by Public Law 101-165 (1989); or other applicable authority.

(ii) The DoD Components shall not procure or maintain any supplies, material, or equipment exclusively for providing MSCA in civil emergencies, unless otherwise directed by the Secretary of Defense.

(iii) Planning for MSCA during any time of attack on the United States shall assume that financial requirements will be met through appropriate legal processes.

(9) Military forces employed in MSCA activities shall remain under military command and control under the authority of the DoD Executive Agent at all times.

(10) The DoD Components shall not perform any function of civil government unless absolutely necessary on a temporary basis under conditions of Immediate Response. Any commander who is directed, or undertakes, to perform such functions shall facilitate the reestablishment of civil responsibility at the earliest time possible.

(e) *Immediate Response.* (1) Imminently serious conditions resulting from any civil emergency or attack may require immediate action by military commanders, or by responsible officials of other DoD Agencies, to save lives, prevent human suffering, or mitigate great property damage. When such conditions exist and time does not permit prior approval from higher headquarters, local military commanders and responsible officials of other DoD Components are authorized by this part, subject to any supplemental direction that may be provided by their DoD component, to take necessary action to respond to requests of civil authorities. All such necessary action is referred to in this part as "Immediate Response."

(2) While Immediate Response should be provided to civil agencies on a cost-reimbursable basis if possible, it should not be delayed or denied because of the inability or unwillingness of the requester to make a commitment to reimburse the Department of Defense.

(3) Any commander or official acting under the Immediate Response authority of this Directive shall advise the DoD Executive Agent through command channels, by the most expeditious means available, and shall seek approval or additional authorizations as needed.

(4) Immediate Response may include DoD assistance to civil agencies in meeting the following types of need:

(i) Rescue, evacuation, and emergency medical treatment of casualties, maintenance or restoration of emergency medical capabilities, and safeguarding the public health.

(ii) Emergency restoration of essential public services (including firefighting, water, communications, transportation, power, and fuel).

(iii) Emergency clearance of debris, rubble, and explosive ordnance from public facilities and other areas to permit rescue or movement of people and restoration of essential services.

(iv) Recovery, identification, registration, and disposal of the dead.

(v) Monitoring and decontaminating radiological, chemical, and biological effects; controlling contaminated areas; and reporting through national warning and hazard control systems.

(vi) Roadway movement control and planning.

(vii) Safeguarding, collecting, and distributing food, essential supplies, and material on the basis of critical priorities.

(viii) Damage assessment.

(ix) Interim emergency communications.

(x) Facilitating the reestablishment of civil government functions.

(f) *Military cooperation with civil agencies.* (1) Under E.O. 12148 (44 FR 43239, 3 CFR 1979 Comp., p. 412) and E.O. 12656, FEMA is responsible for coordinating Federal plans and programs for response to civil emergencies at the national and regional levels, and for Federal assistance to the States in civil

emergencies. Other Federal departments and agencies have specific responsibilities for emergency planning and response under E.O. 12656, and under statutory authorities not listed in this part. The DoD Executive Agent shall ensure:

(i) Coordination of MSCA plans and procedures with FEMA, and with other civil agencies as appropriate, at the national and Federal Region level.

(ii) Facilitation of direct planning for MSCA by DoD facilities and installations with their local communities, and with their respective STARCs, as appropriate.

(2) The DoD Executive Agent also shall provide appropriate guidance to facilitate MSCA planning and response with the American Red Cross and other civilian disaster and emergency assistance organizations where authorized by law.

(g) *Response under other authorities.* DoD response to emergencies under authorities not cited in this Directive also may be directed, coordinated, or supplemented by the DoD Executive Agent, as circumstances require. For example:

(1) The U.S. Coast Guard (USCG) or the U.S. Environmental Protection Agency (EPA) will coordinate Federal response to oil or hazardous material spills, other than those occurring within DoD jurisdictions. The DoD Executive Agent will provide MSCA to the USCG or the EPA; but responsibilities of DoD Components in areas under DoD jurisdiction are covered by DoD Directive 5030.41¹⁰.

(2) Emergencies or other incidents involving radiological materials shall be handled in accordance with DoD Directive 5100.52¹¹.

(3) The Secretary of the Army shall ensure the implementation of DoD responsibilities for emergency water requirements, as specified in E.O. 12656, and response to flooding, as provided in Public Law 84-99 (1941), as amended.

(4) Forest fire emergencies are responsibilities of the U.S. Department of Agriculture or Interior. The Boise Interagency Fire Center (BIFC) may request DoD assistance; and specific

details regarding DoD support are covered by agreements between the Department of Defense and the BIFC that are administered by the DoD Executive Agent.

(5) The DoD Executive Agent is delegated the authority to direct DoD Components in planning for and responding to any civil emergency that may arise out of any mass immigration by aliens into the land territory of the United States, its territories and possessions, consistent with applicable law and this part. The DoD Executive Agent should ensure appropriate coordination with Federal law enforcement authorities in exercising this authority.

(6) Use of DoD transportation resources in response to a non-declared civil emergency shall be directed by the DoD Executive Agent under this part. (See also DoD Directive 4500.9¹²

(h) *Non-declared emergencies.* The DoD Executive Agent may direct DoD Components to respond to any emergency, based on authority that is provided by this part or obtained from the Secretary or Deputy Secretary of Defense. If an emergency of any kind or size requires a response on behalf of the Department of Defense, where there has not been any declaration of major disaster or emergency by the President, or if reimbursement of funds to the Department of Defense is otherwise not certain, the DoD Executive Agent shall ascertain the authority necessary to commit DoD resources for response to requests from civil authorities.

(1) Authorizations by the DoD Executive Agent under this paragraph shall include (but not be limited to) commitment of funds from the Defense Emergency Response Fund in anticipation of reimbursements to that fund.

(2) The DoD Executive Agent shall obtain authorization from the Secretary of Defense or Deputy Secretary of Defense to provide support in those cases in which DoD response is not clearly required by Federal law or by DoD plans approved by the DoD Executive Agent.

(i) *Emergency priorities.* When guidance cannot be obtained from higher headquarters on a timely basis, due to

¹⁰ See footnote 4 to § 185.1(f).

¹¹ See footnote 4 to § 185.1(f).

¹² See footnote 4 to § 185.1(f).

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attack on the United States or other emergency circumstances, the DoD Components should apply DoD resources to MSCA in the following order of priority:

(1) To save human life and mitigate human suffering, and to protect essential U.S. Government capabilities, including:

(i) Continuity of the U.S. Government.

(ii) Protection of U.S. Government officials.

(iii) Prevention of loss or destruction to Federal property.

(iv) Restoration of essential Federal functions.

(2) To preserve or restore services of State and local government.

§ 185.5 Responsibilities.

(a) *The Under Secretary of Defense For Policy* shall:

(1) Exercise policy oversight of MSCA for the Secretary of Defense, and ensure compatibility of MSCA with National Security Emergency Preparedness, in accordance with DoD Directive 3020.36¹³ and E.O. 12656.

(2) Coordinate DoD policy governing plans and operations with FEMA; and assist the DoD Executive Agent, the Chairman of the Joint Chiefs of Staff, and others, as appropriate, in their coordination with FEMA.

(b) *The Assistant Secretary of Defense For Health Affairs* shall coordinate policy for emergency medical support to civil authorities in consonance with this part, to include participation by the Department of Defense in the National Disaster Medical System (NDMS).

(c) *The Assistant Secretary of Defense (Reserve Affairs)* shall advise the DoD Executive Agent, the Chairman of the Joint Chiefs of Staff, the USD(P), and the Secretaries of the Military Departments, as required, on Reserve component matters impacting on MSCA.

(d) *The Comptroller of the Department of Defense* shall:

(1) Facilitate accounting procedures that will enable the Department of Defense to respond on a timely basis to all emergency requirements for MSCA; and

(2) In conjunction with the DoD Executive Agent, provide for accounting and other procedures necessary to manage expenditures for MSCA from the Defense Emergency Response Fund.

(e) *The Chairman of the Joint Chiefs of Staff* shall:

(1) Advise the Secretary of Defense and the DoD Executive Agent on policies, responsibilities, and programs bearing on MSCA.

(2) In coordination with the DoD Executive Agent, facilitate communications by the DoD Executive Agent with commanders, as appropriate.

(3) Ensure the compatibility of MSCA plans with other military plans.

(4) Facilitate CINCFOR's development of an MSCA data base and emergency reporting system, as described in paragraph (j) of this section.

(5) Facilitate coordinated evaluation of MSCA plans and capabilities by the Commanders of the Unified and Specified Commands through exercises or other means, as appropriate.

(f) *The Secretaries of the Military Departments* shall:

(1) Provide for participation by the Military Services in MSCA planning, in accordance with this part and with guidance of the DoD Executive Agent; and ensure readiness of Active and Reserve components to execute plans for MSCA.

(2) Ensure the designation of a principal planning agent and regional planning agents of MSCA for each Military Service, and advise the DoD Executive Agent and the Chairman of the Joint Chiefs of Staff of such agents.

(3) Ensure effective and efficient coordination of MSCA planning by Service installations with Federal Regions, STARCs, and State and local civil authorities, through the DoD Planning Agents, as directed by the DoD Executive Agent.

(4) Furnish available resources for MSCA when directed by the DoD Executive Agent.

(5) Identify to the DoD Executive Agent the resources of their respective Military Services that are potentially available for MSCA within the parameters of the DoD Resources Data Base (DODRDB) for MSCA, which is described in paragraph (n) of this section.

¹³ See footnote 4 to § 185.1(f).

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Facilitate use of that data base to support decentralized management of MSCA in time of emergency, as appropriate.

(6) Prepare to support civil requests for damage and residual capability assessment following civil emergencies or attacks, to include providing aerial reconnaissance as appropriate.

(7) Provide Military Department representatives to serve on RMEC teams, as requested by the DoD Executive Agent.

(8) Based on validated military planning and operational requirements, assign individual Reservists from Military Services to FEMA and other appropriate civil government offices and headquarters to provide liaison for planning and emergency operations for MSCA. (See enclosure 3 in DoD Directive 1215.6.)

(9) Provide available Military Service personnel for MSCA training, including courses conducted by CINCFOR and FEMA.

(10) Provide for application of critical emergency capabilities of the Services (such as disposal of explosive ordnance and nuclear devices) for MSCA, as required.

(g) In addition to the responsibilities assigned under paragraph (f) of this section, the *Secretary of the Army*, as DoD Executive Agent, shall:

(1) Coordinate with the Chairman of the Joint Chiefs of Staff, in advance, for the employment of forces assigned to the Unified and Specified Commands in MSCA missions.

(2) Establish a single headquarters element (to be denominated the "Directorate of Military Support (DOMS)") under the Secretary of the Army, through which the Secretary of the Army issues orders necessary to perform the duties of the DoD Executive Agent under this part. The Secretary of the Army shall ensure that the staff element includes specially qualified and trained officers of all Military Services, including those at senior levels within the element.

(3) Manage expenditures for MSCA from the Defense Emergency Response Fund. (See § 185.4(d)(8).)

(4) Direct and coordinate the development of both generic and incident-specific plans for MSCA through the DoD

Planning Agents designated in § 185.4(c)(3), and through the DoD Components, as appropriate.

(5) Establish appropriate guidance, through the National Guard Bureau, for the Adjutants General of the 50 States, District of Columbia, Guam, Puerto Rico, and the Virgin Islands to ensure compliance by the Army National Guard with this part. Such guidance shall provide for the following, as appropriate:

(i) Resourcing the STARCs for MSCA planning and response tasks.

(ii) STARC interfaces with commands and installations of all Services, including the DoD Planning Agents, and with State civil agencies.

(iii) STARC acceptance, support, and utilization of liaison and augmentation from all Military Services, as appropriate.

(6) Provide for the manning and operation of RMEC teams to coordinate the interface between the Defense Components and all Federal regional emergency management structures established by FEMA that may affect MSCA.

(7) Provide for effective utilization in MSCA planning of the U.S. Army Corps of Engineers, the Naval Construction Force, and the U.S. Air Force Civil Engineers, to include all civil works authorities and other unique civil emergency capabilities, as permitted by law.

(8) Delegate as appropriate authority under this part to the DoD Planning Agents, to Defense Coordinating Officers (DCOs) appointed for response to civil emergencies under the Stafford Act, as amended, or to other DoD officials to accomplish any requirement for MSCA planning or operations under this part.

(9) Provide guidance to CINCFOR for content, dissemination, and use of the DODRDB for MSCA, which is described in paragraph (j) of this section and ensure opportunity for input by the Chairman of the Joint Chiefs of Staff in the continuing development of that data base.

(10) Maintain national-level liaison with FEMA for MSCA.

(11) Provide Army Reserve support to FEMA, on a reimbursable basis, for emergency communications, security

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operations, and associated management support, at the Federal Regions, as determined by agreement between FEMA and the DoD Executive Agent; and ensure the availability of such support during any time of war or national mobilization.

(12) Provide full-time Army personnel, as required, to manage the Military Support Liaison Office established by agreement between the Secretary of Defense and the Director of FEMA. Utilize that office to facilitate requirements and communications of the DoD Executive Agent under this part.

(13) Develop training courses for MSCA, including specialized training for Reserve component emergency preparedness liaison officers of all Military Services who will work with civilian communities and agencies as authorized for MSCA missions.

(14) Provide authorizations to DoD Components to perform emergency work under Section 403(c) of the Stafford Act, as amended. That statute provides that, when authorized by the President at the request of a State Governor, under certain conditions, the Department of Defense may perform on public or private lands emergency work that is essential for the preservation of life or property. Emergency work by the Department of Defense under that provision may be carried out only for a period not to exceed 10 days, and is only 75 percent funded by Federal funds.

(h) In addition to the responsibilities assigned under paragraph (f) of this section, the Secretary of the Navy shall:

(1) Maintain liaison and coordinate planning with the Department of Transportation for participation by USCG forces in MSCA.

(2) Furnish technical advice and support for MSCA planning and implementation in areas that are uniquely within the competence of the Navy, Marine Corps, or USCG (e.g., nuclear material disposal for coastal and maritime areas, and emergency protection or restoration of seaport capabilities).

(i) In addition to the responsibilities assigned under paragraph (f) of this section, the Secretary of the Air Force shall:

(1) Establish appropriate guidance, through the National Guard Bureau, for the Adjutants General of the 50 States, District of Columbia, Guam, Puerto Rico, and the Virgin Islands to ensure compliance by the Air National Guard with this part.

(2) Facilitate planning by the Civil Air Patrol for participation in MSCA.

(3) Furnish technical advice and support for MSCA planning and implementation in areas that are uniquely within the competence of the Air Force and its wartime augmentation elements (e.g., coordination with the Federal Aviation Administration, the National Aeronautics and Space Administration, and the National Oceanic and Atmospheric Administration).

(4) Facilitate the conduct and coordination of aerial reconnaissance missions to perform damage assessment in support of MSCA.

(j) In addition to serving as a DoD Planning Agent under paragraph (k) of this section, the Commander in Chief, Forces Command (CINCFOR), subject to the direction of the DoD Executive Agent, shall:

(1) Maintain liaison with FEMA to facilitate cooperative civil and military planning and training for MSCA.

(2) Lead DoD liaison with FEMA and other Federal Agencies at the Federal Regions, including utilization of the RMEC Teams.

(3) Continue to develop, maintain, and disseminate the DODRDB.

(i) The DODRDB shall support MSCA planning for civil emergencies or attacks, as well as post-disaster and post-attack damage and residual capability assessment by field elements of the DoD Components. It shall include essential information on resources routinely held by the DoD Components and directly applicable to lifesaving, survival, and immediate recovery aspects of MSCA.

(ii) Forces to be included in the DODRDB are those that are based in the United States and its territories and most capable of supporting civil emergency functions. Those forces include (but are not limited to) construction, airlift, medical, signal, transportation, and military police elements, and training base forces of all Services. The DODRDB will not include strategic

forces or any other forces identified for exclusion by the Chairman of the Joint Chiefs of Staff, unless otherwise directed by the Secretary of Defense.

(iii) The DODRDB shall serve as the basis for emergency reports under continuity of operations, damage assessment, and residual capabilities, and shall include (but not be limited to) reports through the STARCs required by subsection F.2. of DoD Directive 3020.26.¹⁴

(4) Plan and conduct civil-military training courses and exercises in conjunction with FEMA.

(k) The Commander in Chief, Forces Command; the Commander in Chief, U.S. Atlantic Command; and the Commander in Chief, U.S. Pacific Command, shall:

(1) In accordance with guidance from the DoD Executive Agent communicated through the Chairman of the Joint Chiefs of Staff—

(i) Serve as DoD Planning Agents for MSCA for the areas specified in §185.4(b)(3); and develop MSCA plans and preparedness measures for their MSCA areas of responsibility.

(ii) Ensure cooperative planning for MSCA operations between DoD Components, FEMA, and other Federal or State civil agencies, as required.

(iii) Utilize RMEC teams to assist in plan development.

(iv) Coordinate with the STARCs through channels established by the Secretary of the Army; and utilize liaison officers provided for in DoD Directive 1215.6 and others, as appropriate, to facilitate coordination of emergency planning.

(v) Plan to perform any designated function of the DoD Executive Agent under this part, if ordered by the Sec-

retary of Defense in time of war or attack on the United States.

(vi) Evaluate MSCA plans, preparedness measures, and training in joint civil military exercises.

(2) Furnish MSCA as directed by the DoD Executive Agent. Employ RMEC Teams and liaison officers, as appropriate, to coordinate emergency response operations with civil agencies, the National Guard, the Military Departments and the CINCs.

(3) Furnish assistance to civil authorities in non-declared emergency situations when directed by the DoD Executive Agent.

(1) The Directors of the Defense Agencies shall:

(1) Designate a principal planning agent and regional planning agents for MSCA, and advise the DoD Executive Agent of such designated agents.

(2) Ensure effective and efficient coordination of planning by subordinate elements with Federal Regions, STARCs, and State and local civil authorities, through the DoD Planning Agents, as directed by the DoD Executive Agent.

(3) Furnish resources for MSCA when directed by the DoD Executive Agent.

(4) Make DoD resources available for technical support to the other DoD Components for MSCA, when required.

(5) Respond to requests by the DoD Executive Agent to identify resources for the DODRDB.

(6) Provide representatives to serve on RMEC teams, as requested by the DoD Executive Agent.

§ 185.6 Information requirements.

The reporting requirements in §185.5 are exempt from licensing in accordance with paragraph E.4.b. of DoD 8910.1-M.¹⁵

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¹⁴ See footnote 4 to §185.1(f).

¹⁵ See footnote 4 to §185.1(f).