

equipment procured under title 10 U.S.C. 2553, 2554, and 2564.

(iv) Procure goods and services through contracting, when necessary and authorized by law.

(8) Administer the expenditure of appropriated funds, and ensure that the Department of Defense is reimbursed for its support of special events when required by law or DoD policy.

(i) With the assistance of the DoD Components, provide cost estimates of DoD support to a special event that is under consideration for approval.

(ii) Upon approval, administer the execution of funding for DoD support of special events.

(iii) At the conclusion of DoD support to a special event, collect and provide a financial accounting for all DoD funds expended in support of that special event.

(9) Establish and maintain effective liaison with DoD Components for the timely exchange of information about special event projects.

(10) Provide other support of special events as directed.

(j) The Chief, National Guard Bureau (NGB), under the authority, direction, and control of the Secretary of Defense through the Secretary of the Army and the Secretary of the Air Force, shall:

(1) Serve as the channel of communications for all matters pertaining to the National Guard between DoD Components and the States in accordance with DoDD 5105.77 (see <http://www.dtic.mil/whs/directives/corres/pdf/510577p.pdf>).

(2) Report National Guard special event support of civil authorities or qualifying entities when using Federal resources, equipment, or funding to the National Joint Operations and Intelligence Center.

(3) Serve as an advisor to the Combatant Commanders on National Guard matters pertaining to the combatant command missions, and support planning and coordination for DoD support of special events as requested by the CJCS or the Combatant Commanders.

(4) Ensure that National Guard appropriations are appropriately reimbursed for special event activities.

(5) Advocate for needed special event capabilities.

(6) Develop, in accordance with DoDD 5105.77 and in coordination with the Secretaries of the Army and Air Force and the ASD(HD&ASA), guidance regarding this part as it relates to National Guard matters.

§ 183.6 Procedures.

(a) *General Provisions.* (1) This section provides the basic procedures for DoD support to special events.

(2) As appropriate, amplifying procedures regarding DoD support to special events shall be published separately and maintained by the Office of the ASD(HD&ASA) and released as needed in the most effective medium consistent with DoD Directive 8320.02 (see <http://www.dtic.mil/whs/directives/corres/pdf/832002p.pdf>).

(b) *Special Event Process.* (1) *Engagement.* (i) Engagement may be initiated by the Department of Defense, civil authorities, or qualifying entities. If the initial engagement is not a written request for assistance (RFA), representatives of the ASD(HD&ASA) and the Joint Staff will confer to determine actual requirements.

(ii) Engagement may involve informational briefings and meetings between DoD representatives and special event organizers, civil authorities, or qualifying entities. These informal engagements may result in non-DoD entities submitting an RFA to the DoD Executive Secretary, requesting DoD support for a special event.

(iii) Once an RFA is received, it will be sent to the ASD(HD&ASA) and the CJCS simultaneously for staffing and recommendation. Additional engagement with the requestor may be required to quantify the scope and magnitude of the support requested.

(2) *Planning.* (i) The direction and focus of DoD special-event planning will depend on the nature of the event and scope and magnitude of the support requested or anticipated. International events may require additional planning, procedures, and coordination with the government of the host country.

(ii) For National Special Security Events (NSSEs) and events that may require the employment of military forces and centralized command and control, the CJCS will issue a planning

order requesting a Combatant Commander to initiate planning and notify potential supporting commands or organizations and the Chief, NGB, as appropriate. When possible, established CJCS-directed planning procedures will be used for the Combatant Commander to provide an assessment and request for forces.

(A) The NSSE designation process generally is initiated by a formal written request to the Secretary of Homeland Security by the State or local government hosting the event. In other situations where the event is federally sponsored, an appropriate Federal official will make the request.

(B) Once the request is received by DHS, the USSS and the FBI will send an NSSE questionnaire to the responsible host official for completion. The request, completed questionnaires, and other supporting information are reviewed by the NSSE Working Group (which includes a non-voting DoD member), which provides a recommendation to the Secretary of Homeland Security regarding NSSE designation.

(C) The Secretary of Homeland Security makes the final determination to designate an event as an NSSE pursuant to Homeland Security Presidential Directive 7 (see <http://www.gpo.gov/fdsys/pkg/PPP-2003-book2/pdf/PPP-2003-book2-doc-pg1739.pdf>).

(iii) There are numerous events where DoD support should be anticipated and a planning order issued to the appropriate Combatant Commander. These include, but are not limited to:

(A) The President's State of the Union Address or other addresses to a Joint Session of Congress.

(B) Annual meetings of the United Nations General Assembly.

(C) National Presidential nominating conventions.

(D) Presidential inaugural activities.

(E) International summits or meetings.

(F) State funerals.

(G) The National Boy Scout Jamboree.

(H) Certain international or domestic sporting competitions.

(iv) There are other events that the Department of Defense supports that

do not involve the assignment of military forces or centralized command and control by Combatant Commanders, which include planning requirements by the host organizations. These include, but are not limited to:

(A) Military Department or Service-sponsored events, such as:

(1) The Marine Corps Marathon.

(2) The Army 10-Miler.

(3) Navy Fleet Weeks.

(4) Installation or Joint Service Open Houses.

(5) Service or Joint Air Shows.

(B) Community relations activities authorized in accordance with DoDI 5410.19.

(v) The Department of Defense may provide support to certain sporting events that are included under subsection (c) of section 2564 of title 10, U.S.C., by providing technical, contracting, and specialized equipment support. These events may be funded by the SISC Defense Account pursuant to title 10 U.S.C. 2564 and include:

(A) The Special Olympics.

(B) The Paralympics.

(C) Sporting events sanctioned by the United States Olympic Committee (USOC) through the Paralympic Military Program.

(D) Other international or domestic Paralympic sporting events that are held in the United States or its territories, governed by the International Paralympic Committee, and sanctioned by the USOC:

(1) For which participation exceeds 100 amateur athletes.

(2) In which at least 10 percent of the athletes participating in the sporting event are either members or former members of U.S. Military Services who are participating in the sporting event based upon an injury or wound incurred in the line of duty or veterans who are participating in the sporting event based upon a service-connected disability.

(vi) Planning for DoD support to the Olympics and certain other sporting events requires additional considerations.

(A) Subsections (a) and (b) of section 2564 of title 10, U.S.C., authorize the Secretary of Defense to provide assistance for the Olympics and certain other sporting events. Unless the event

meets the specific requirements stated in paragraph (b)(2)(v) of this section, the Attorney General must certify that DoD security and safety assistance is necessary to meet essential security and safety needs of the event.

(B) The Department of Defense, led by the ASD(HD&ASA), will collaborate with the CJCS, the Department of Justice, including the FBI, and other appropriate DoD Components and Federal departments or agencies, usually as part of a Joint Advisory Committee (JAC), to provide a recommendation to the Attorney General on what categories of support the Department of Defense may be able to provide to meet essential security and safety needs of the event.

(C) Support other than safety and security may be authorized for sporting events, but only to the extent that:

(1) Such needs cannot reasonably be met by a source other than the Department of Defense.

(2) Such assistance does not adversely affect military preparedness.

(3) The requestor of such assistance agrees to reimburse the Department of Defense, in accordance with the provisions of title 10 U.S.C. 377, 2553–2555, and 2564; title 31 U.S.C. 1535–1536; and other applicable provisions of law.

(vii) Types of support that the Department of Defense can provide include, but are not limited to:

(A) Aviation.

(B) Communications (*e.g.*, radios, mobile telephones, signal integrators).

(C) Security (*e.g.*, magnetometers, closed-circuit televisions, perimeter alarm systems, undercarriage inspection devices).

(D) Operations and Command Centers (*e.g.*, design and configuration, video walls).

(E) Explosive ordnance detection and disposal (technical advice, explosive ordnance disposal teams, explosive detector dog, dog teams).

(F) Logistics (transportation, temporary facilities, food, lodging).

(G) Ceremonial support (in coordination with the ASD(PA)).

(H) Chemical, biological, radiological, and nuclear threat identification, reduction, and response capabilities.

(I) Incident response capabilities (in coordination with the Department of Justice, DHS, the Department of Health and Human Services, and in consultation with appropriate State and local authorities).

(viii) DoD personnel support of special events is provided using a total force sourcing solution that may include Active Duty and Reserve Component military personnel, DoD civilian personnel, and DoD contractor personnel. The Department of Defense also may decide to respond to requests for assistance by approving, with the consent of the Governor(s) concerned, National Guard forces performing duty pursuant to title 32 U.S.C. 502.

(A) National Guard personnel conducting support of special events while on State active duty, at the direction of their Governor or Adjutant General, are not considered to be providing DoD support of special events.

(B) This part does not limit or affect Department of Defense and National Guard personnel volunteering to support special events during their non-duty time. This volunteer support is not considered as part of DoD support of special events. Volunteers are prohibited from obligating or using DoD resources to support a special event while in a volunteer status except as authorized by separate statute or authority.

(3) *Coordination.* (i) Coordination of DoD support of special events will likely take place simultaneously with engagement and planning; operate across the full spectrum of strategic, operational, and tactical levels; and occur internally among DoD Components and externally with supported civil authorities and qualifying entities.

(A) Policy coordination at the departmental level between the Department of Defense and other Federal departments or agencies is the responsibility of the ASD(HD&ASA). Other DoD Components may send representatives to these meetings with the prior concurrence of the ASD(HD&ASA). Standing departmental-level special events coordination meetings include:

(1) USSS-led NSSE Working Group.

(2) DHS-led Special Events Working Group.

(3) Department of State, Bureau of Diplomatic Security-led International Sporting Event Group.

(B) Coordination within the Department of Defense is led by the ASD(HD&ASA) and is facilitated by the CJCS for the Combatant Commands and other joint commands and by other DoD Component Heads for their constituent elements.

(C) The CJCS will work with the Military Service Chiefs, the Chief of the National Guard Bureau, and the Heads of DoD Components when subject matter expertise is needed for the event organizers. This will be based upon location and other criteria, as needed.

(ii) Inputs to the DHS-produced Integrated Federal Support Overview (IFSO) will be solicited by the CJCS and sent to the ASD(HD&ASA) for consolidation and deconfliction prior to final submission to DHS. DoD Component Heads not tasked by the Joint Staff will submit their input directly to the ASD(HD&ASA).

(iii) RFAs for DoD support will adhere to the following:

(A) An RFA for DoD support to a special event may be made by Federal, State, or local civil authorities, or by qualifying entities.

(B) RFAs will be in writing and addressed to the Secretary of Defense, the Deputy Secretary of Defense, or the DoD Executive Secretary, 1000 Defense, Pentagon, Washington, DC 20301-1000. DoD Components who receive RFAs directly from the requestor will immediately forward them to the DoD Executive Secretary for disposition, distribution, and tracking.

(C) At a minimum, the RFA will be distributed to the ASD(HD&ASA) and the CJCS for staffing and recommendation. If the RFA is for a single capability for which a DoD Component is the OPR or serves as a DoD Executive Agent, the RFA is sent to that Component for action with an information copy provided to the ASD(HD&ASA) and the CJCS.

(D) Vetting of RFAs will be in accordance with the DoD Global Force Management process and consistent with criteria published in DoD 8260.03-M, Volume 2 (see <http://www.dtic.mil/>

[whs/directives/corres/pdf/826003m_vol2.pdf](#)).

(E) Heads of DoD Components will consult with the DoD Executive Secretary on which DoD official will communicate DoD special event support decisions to the requesting authorities.

(4) *Execution.* Execution of DoD support of special events is a shared responsibility. The scope and magnitude of the support being provided will determine the OPR and level of execution.

(i) When joint military forces or centralized command and control of DoD support to a special event are anticipated or required, a Combatant Commander may be identified as the supported commander in a properly approved order issued by the CJCS. The designated Combatant Command shall be the focal point for execution of DoD support to that special event with other DoD Components in support. Reporting requirements shall be in accordance with the properly approved order issued by the CJCS and standing business practices.

(ii) When there are no joint military forces required and there is no need for centralized command and control, DoD support of special events shall be executed by the CJCS or the Head of a DoD Component, as designated in a properly approved order or message issued by the CJCS. Oversight of DoD support will be provided by the ASD(HD&ASA).

(iii) As described in the Joint Action Plan for Developing Unity of Effort, when Federal military forces and State military forces are employed simultaneously in support of civil authorities in the United States, appointment of a dual-status commander is the usual and customary command and control arrangement. Appointment of a dual-status commander requires action by the President and the appropriate Governor (or their designees).

(5) *Recovery.* (i) Durable, non-unit equipment procured by the Department of Defense to support a special event shall be retained by the CJCS for use during future events in accordance with § 183.5(i)(7) of this part.

(ii) An after-action report shall be produced by the Combatant Command or OPR and sent to the ASD(HD&ASA)

and the CJCS within 60 days of completion of the event.

PART 185—DEFENSE SUPPORT OF CIVIL AUTHORITIES (DSCA)

Sec.

185.1 Purpose.

185.2 Applicability and scope.

185.3 Definitions.

185.4 Policy.

185.5 Responsibilities.

AUTHORITY: Legal authority includes, 10 U.S.C. sections 113, 331–335, 371–382, 2553, 2554, 2555, and 2564; 31 U.S.C. 1535–1536 (Economy Act); 42 U.S.C. section 5121 et seq. (Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act)); and Public Law 94–524, as amended (Presidential Protection Assistance Act of 1976).

SOURCE: 76 FR 2248, Jan. 13, 2011, unless otherwise noted.

§ 185.1 Purpose.

This part:

(a) Establishes policy and assigns responsibilities for DSCA, also referred to as civil support.

(b) Supplements the regulations (in DoD Directive 5525.5)¹ required by section 375 of title 10, United States Code (U.S.C.), regarding military support for civilian law enforcement.

(c) Sets forth policy guidance for the execution and oversight of DSCA when requested by civil authorities or by qualifying entities and approved by the appropriate DoD official, or as directed by the President, within the United States, including the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States or any political subdivision thereof.

(d) Authorizes immediate response authority for providing DSCA, when requested.

(e) Authorizes emergency authority for the use of military force, under dire situations, as described in § 185.4(i) of this part.

¹Available for downloading at <http://www.dtic.mil/whs/directives/corres/pdf/552505p.pdf>

§ 185.2 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”).

(b) Applies to the Army National Guard and the Air National Guard (hereafter referred to collectively as the “National Guard”) personnel when under Federal command and control. Also applies to National Guard personnel when the Secretary of Defense determines that it is appropriate to employ National Guard personnel in title 32, U.S.C., status to fulfill a request for DSCA, the Secretary of Defense requests the concurrence of the Governors of the affected States, and those Governors concur in the employment of National Guard personnel in such a status.

(c) Applies to all DSCA (except the specific forms of DSCA listed in paragraph (d) of this section), including but not limited to:

(1) Mutual or automatic aid, also known as reciprocal fire protection agreements (see chapter 15A of title 42 U.S.C.).

(2) DoD fire and emergency services programs (see DoD Instruction 6055.06)².

(3) Support of special events in accordance with applicable laws and DoD policy (see DoD Directive 2000.15)³.

(4) United States Army Corps of Engineers (USACE) activities as the DoD Coordinating and Primary Agency for Emergency Support Function #3, Public Works and Engineering, of the National Response Framework.

²Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/605506p.pdf>.

³Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/200015p.pdf>.