CURTIS E. LEMAY CENTER
FOR DOCTRINE DEVELOPMENT AND EDUCATION

ANNEX 3-27 HOMELAND OPERATIONS

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INTRODUCTION TO HOMELAND OPERATIONS

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The greatest responsibility of the federal government is protecting the American people.[1] As such, great emphasis is placed on homeland security—"a concerted national effort to prevent terrorist attacks within the US; reduce America's vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that do occur."[2] The Department of Defense contributes to this aspect of national security by conducting homeland defense (HD) and defense support of civil authorities (DSCA), both supported by emergency preparedness (EP).

Operating within the homeland is not the same as homeland operations. Though operating within the same geographic area of responsibility, Service Department activities undertaken to accomplish the Title 10, U.S. Code (U.S.C.), and responsibilities to organize, train and equip forces are not considered within the purview of the homeland operations construct.

For the Air Force, homeland operations is the umbrella construct through which it supports HD and DSCA. It incorporates all operations planning and execution designed to detect, preempt, respond to, mitigate, and recover from the full spectrum of incidents and threats to the homeland, whether man-made or natural. The geographic homeland boundaries include the 50 states, four territories, and numerous island possessions.[3] The US also enjoys exclusive sovereignty 12 nautical miles out to sea and exercises responsibilities extending 200 nautical miles from the coast.[4]

In summary, homeland security is a national objective to protect people and territories.[5] The Air Force supports this objective via homeland operations: HD and DSCA.

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[1] *National Security Strategy*
[2] *National Strategy for Homeland Security*, October 2007
[3] The territories and insular possessions of the United States are enumerated in Title 48, U.S. Code (U.S.C).
[4] The 1982 United Nations Convention on the Law of the Sea, to which the United States is a signatory, establishes the 12 nautical mile limit for territorial waters and the 200 nautical mile limit for an exclusive economic zone.
[5] *National Security Strategy* and the *National Health Security Strategy and Implementation Plan*

HOMELAND OPERATIONS CONSTRUCT

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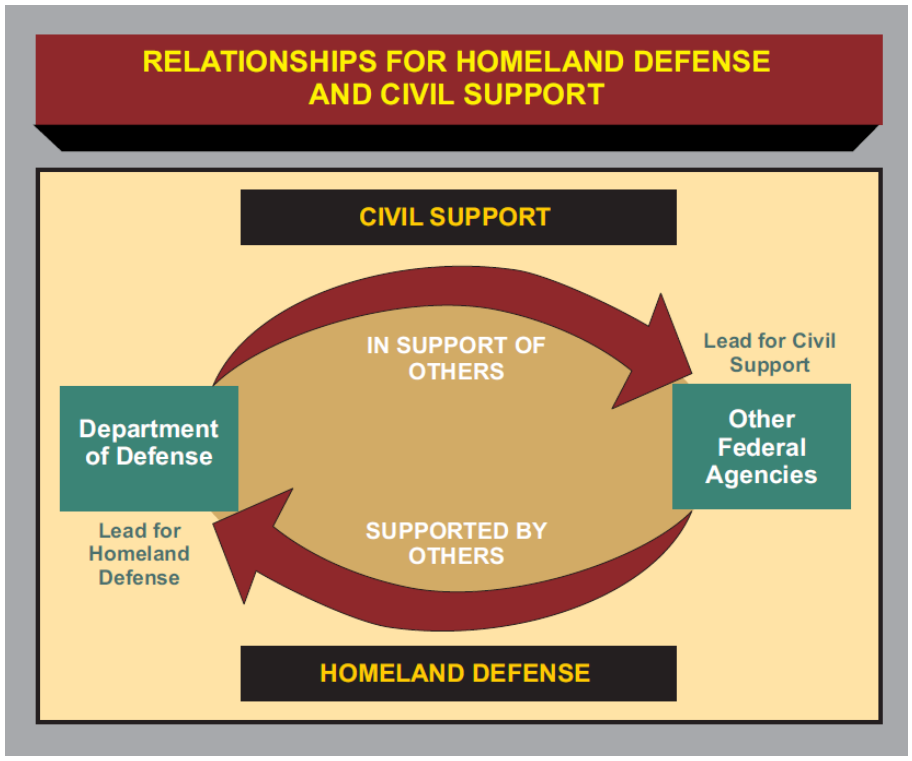
A key distinction between homeland defense (HD) and defense support of civil authorities (DSCA) is that in HD, the Department of Defense (DOD) is the lead federal agency (LFA), while in DSCA, another federal organization is the LFA, with DOD acting in support (see figure, Relationships for HD and DSCA).[1]



Relationships for HD and DSCA

HOMELAND DEFENSE

HD is defined as "the protection of US sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President."[2]

[1] Joint Publication (JP) 3-27, *Homeland Defense*, and JP 3-28, *Defense Support of Civil Authorities*
[2] JP 3-27

For the Air Force, HD operations involve significant counterair emphasis. In addition, special operations forces operating to locate, characterize, and secure weapons of mass destruction (WMD) provide another option to defend and respond against WMD attacks or threats.[3] Cyberspace and space capabilities are continuing to develop, and are ready to support and defend US assets if directed by the President.

DEFENSE SUPPORT OF CIVIL AUTHORITIES

DSCA, often referred to as civil support, is defined as support provided "in response to requests for assistance from civil authorities, for domestic emergencies, law enforcement support, and other domestic activities, or from qualifying entities for special events."[4] It includes military assistance for civil law enforcement operations in very limited circumstances. In all these missions, various federal, state, or local civilian agencies are responsible for the management of the particular incident. The National Guard Bureau uses the term National Guard Civil Support, which it defines as the civil support provided to civil authorities by forces in State Active Duty or Title 32 status.[5]

DOD operations within the US are governed by law, including the Posse Comitatus Act, that prohibits use of the military for law enforcement purposes, except as authorized by Congress and the US Constitution. For DSCA, the Air Force's involvement is supportive, and dependent on a request to the DOD from the designated lead federal agency.

Many of the same forces needed to support military operations overseas and at home may be highly sought by the civil community when a crisis occurs. The Secretary of Defense determines the scope of a DSCA mission so that it will not interfere with higher priority missions. Combat operations remain the highest priority for the Air Force; these operations take precedence over noncombat operations unless directed by higher authority.

Examples of DSCA Missions

DSCA missions can include support to the Department of Justice in preventing or defeating terrorist attacks, or aiding local agency response to natural disasters and terrorist use of chemical, biological, radiological and nuclear weapons, among others.

They can also include countering cyberspace attacks against command and control networks and supervisory control and data acquisition applications used on critical infrastructure.

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[3] JP 3-40, *Countering Weapons of Mass Destruction*
[4] DOD Directive (DODD) 3025.18, *Defense Support of Civil Authorities (DSCA)*
[5] National Guard Regulation 500-1/Air National Guard Instruction 10-8101, *Military Support to Civil Authorities.*

Air Force organizations that provide support for domestic emergencies use the Air Force incident management system (AFIMS) structure to comply with Homeland Security Presidential Directive 5, *Management of Domestic Incidents*. The AFIMS structure mirrors the national incident management system (NIMS) structure used by civil response agencies and outlined in the National Response Framework.[6]

EMERGENCY PREPAREDNESS

The Air Force includes emergency preparedness (EP) within the homeland operations umbrella as an integral subset mission of both HD and DSCA. EP is defined as "the measures taken in advance of an emergency to reduce the loss of life and property, and to protect a nation's institutions from all types of hazards through a comprehensive emergency management program of preparedness, mitigation, response and recovery."[7]

Homeland operations routinely involve a unique collaboration of federal, state, local, and tribal agencies, which present a number of challenges. These agencies may have different resources, levels of experience, and legal considerations. Regional partnerships should also be considered.

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[6] For detailed information, see Air Force Instruction (AFI) 10-2501, *Air Force Emergency Management Program Planning and Operations.*
[7] JP 3-28, *Defense Support of Civil Authorities*

NATIONAL POLICY FOR HOMELAND SECURITY

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As with any Air Force mission, the Service role in homeland operations is directed and guided by national policy. The National Security Strategy (NSS) provides the overarching national guidance for providing a safe and secure environment for the American people. It lists national level priorities in pursuit of US security objectives. Two major documents further detail the Department of Defense (DOD) role in homeland operations: the National Response Framework (NRF) and the National Strategy for Homeland Security (NSHS).

NATIONAL RESPONSE FRAMEWORK

The NRF is a guide to how the Nation conducts all-hazards response. It is built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Nation. It describes specific authorities and best practices for managing incidents that range from the serious but purely local, to large-scale terrorist attacks or catastrophic natural disasters.

The term “response” as used in the NRF includes immediate actions to save lives, protect property and the environment, and meet basic human needs. Response also includes the execution of emergency plans and actions to support short-term recovery. The NRF is always in effect, and elements can be implemented as needed on a flexible, scalable basis to improve response.

It is written especially for government executives, private sector and nongovernmental organization leaders, and emergency management practitioners. First, it is addressed to senior elected and appointed leaders, such as federal department or agency heads, state governors, mayors, tribal leaders, and city or county officials—those who have a responsibility to provide for effective response. For the nation to be prepared for any and all hazards, its leaders should have a baseline familiarity with the concepts and mechanics of the NRF.

The NRF defines the principles, roles, and structures that organize how the US responds as a nation. The NRF:

- Describes how communities, tribes, states, the federal government, private sectors, and nongovernmental partners work together to coordinate national response.

- Describes specific authorities and best practices for managing incidents.

- Builds upon the national incident management system, which provides a consistent template for managing incidents.

Dealing with the immediate consequences of a catastrophic event is a local responsibility. State or federal involvement is usually contingent on a request for support from the local authorities. Terrorist events, however, such as 9/11 or those preceded by substantial threat warning, may involve the overlapping authorities of local, state, and federal agencies. Each of these agencies has a role in data collection, analysis, threat response, and response and recovery. While every attempt is made to maintain local and state control of domestic incidents, attacks and disasters deemed of significance to national security may be managed under federal jurisdiction.

This federal involvement has the potential for conflict, with local authorities in the lead for managing the consequences of an event, while federal authorities lead the effort when national security is at stake. The numerous local, state, and federal agencies that may participate in homeland operations, each with a differing chain of command, can complicate response efforts. By establishing an integrated response capability to support these efforts, the DOD and the Air Force are capable of supporting any mission they may be called upon to perform.

NATIONAL STRATEGY FOR HOMELAND SECURITY

The NSHS is designed to mobilize and organize the nation to secure the US homeland from terrorist attacks. The strategic objectives of homeland security and how the Air Force supports them are to:

- **Prevent and disrupt terrorist attacks.** To prevent attacks against the US, Air Force forces deter, detect, predict, plan for, and preempt threats to the homeland. Air Force operations can prevent attack through early warning and military operations overseas.

- **Protect the American people, critical infrastructure, and key resources**. Air Force operations can reduce America's vulnerability to terrorist attacks by air patrols over specific locations or resources. Examples include military support to law enforcement during special events or national special security events such as the Olympics, the Super Bowl, and Presidential movements. In addition, the Air Force places special emphasis on securing and safeguarding stockpiles of nuclear and conventional weapons and associated facilities, whether operationally deployed, in storage, in transit, or awaiting disposal.

- **Respond to and recover from incidents that do occur.** Through defense support of civil authorities, Air Force forces respond with such resources as rapidly deployable medical capabilities and civil engineer expertise as key contributors. The

Air Force has the ability to provide logistics at all levels of operation, from bare base to main operating base support.

- **Continue to strengthen the foundation to ensure long-term success.** Joint planning and mutual training exercises with civil authorities well before an incident occurs reduce America's vulnerability and provide force protection for Air Force forces.

ANNEX 3-27-HOMELAND OPERATIONS

USAF SUPPORT OF DOD HOMELAND SECURITY

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Within the United States, the national strategy for homeland security envisions circumstances under which the Department of Defense (DOD) and therefore the Air Force would be involved in improving security at home. Specific instances where the Air Force could play a key role include:

- Air surveillance, airspace control alert, and direct air defense operations to defend US citizens and territory. The extraordinary events of 9/11 increased steady-state air defense operations, which have since been normalized and now adjust as needed to known and perceived threats.

- Cyberspace operations. Because the nation has become more dependent on information technology, defense of the cyberspace domain has become more critical. The Air Force may have a role in this effort, primarily as a force provider to US Cyber Command.

- Space Defense. The Air Force ensures the nation maintains access to, in, and through the space domain to ensure critical capabilities across the range of military operations.

- Quick response in support of civilian agencies by providing forces and capabilities during an emergency such as an attack or natural disaster.

- Participation in “limited scope” missions where other agencies have primary responsibility for security such as at national special security events like the Olympics or the State of the Union address.

- Support to a joint task force or federal coordinating officer under defense support of civil authorities as a designated incident support base. Support may include use of the installation infrastructure, personnel, equipment, and ancillary resources.

All requests from civilian agencies for DOD assistance, except those provided under mutual aid agreements or in response to imminently serious conditions, flow through the Joint Staff’s Joint Director of Military Support (JDOMS). JDOMS is the clearinghouse for accepting interagency mission assignments. JDOMS routes their recommendation to the Chairman of the Joint Chiefs of Staff for Secretary of Defense (SecDef) approval.

Regular Air Force Airmen and activated Reservists are always under the command of military commanders up through the SecDef and the President. When Air Force capabilities are provided to civil authorities, the relationship is similar to the direct support role of one military force in support of another. Air Force commanders' priorities should be consistent with DOD guidance in these areas. The same is true when Air National Guard forces are federalized under Title 10, United States Code (U.S.C.); if in Title 32, U.S.C., or state active duty status, they are under the command authority of the state's Adjutant General, responsible to the state governor. In the case of Washington, D.C., where there is no governor, the Adjutant General (TAG) reports to the Commanding General of the District of Columbia. Additionally, at the request of the SecDef, a governor may direct the state's National Guard to directly support a Federal mission or operation while in Title 32, U.S.C., status under a command authority established in a command arrangements agreement and exercised by a combatant commander through a dual-status commander.

HOMELAND SECURITY RELATIONSHIPS

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JOINT AND MULTINATIONAL ENVIRONMENT

The majority of recent military actions within the homeland have been executed by a joint or combined command structure. Traditional Air Force homeland operations, even if still executed by a commander, Air Force forces, are normally executed within a joint organizational structure. Understanding partner roles and missions, as well as supported command direction, is paramount for successful actions.

Geographic combatant commanders (GCC) support homeland defense (HD) through a layered defense construct (in the forward areas, the approaches, and the homeland itself). US Northern Command (USNORTHCOM), US Pacific Command (USPACOM), and the North American Aerospace Defense Command (NORAD) provide HD in the US, and USNORTHCOM and USPACOM also accomplish defense support of civil authorities (DSCA). The GCCs typically serve as the joint force commanders for their respective areas of responsibility (AORs).

The NORAD treaty established the alliance to conduct airspace warning, airspace control, and maritime warning for a defined portion of North America. USNORTHCOM's AOR also encompasses a defined portion of North America with a broad spectrum of missions assigned in the Unified Command Plan (UCP). Deconflicting the NORAD, USNORTHCOM, and USPACOM missions within the overlapping geographic areas is accomplished by Secretary of Defense (SecDef) orders and the UCP.

Various other alliances may be a source of additional HD support. For example, Article 5 of the North Atlantic Treaty states: "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence . . . " When the US was attacked on 11 September 2001 the North Atlantic Treaty Organization invoked Article 5 and provided NATO Airborne Warning and Control System to help patrol US airspace and initiated Operation ACTIVE ENDEAVOUR as part of an antiterrorism effort.

The multitude of commands operating within the US drives the need to deconflict roles, responsibilities, and missions. Successful actions have typically been a result of early planning engagements and understanding the supporting combatant commander's

(CCDR's) role in relation to the supported CCDR using wide socialization of organizational structures and procedures, as well as continual information flow both vertically and horizontally.

FEDERAL AND STATE AUTHORITIES AND AIR FORCE INVOLVEMENT

Within the homeland, Air Force forces may operate in different statuses. Regardless of the status the forces are in, there should be clarity of the chain of command to support unity of effort. There are specific federal laws affecting Air Force personnel and operations in the homeland. The Posse Comitatus Act (PCA) and the Enforcement of the Laws to Restore Public Order Act (formerly the Insurrection Act) place limitations on Air Force forces; all Air Force personnel, regardless of status, should be aware of this information.

Posse Comitatus Act, 18 U.S.C §1385. PCA does not apply outside of the homeland. However, for homeland operations within the US, this federal statute and the court cases that interpret it place limits on the use of military personnel for civilian law enforcement duties, except as expressly authorized by the Constitution or act of Congress. Specifically prohibited activities include: search and seizure; arrest, apprehension, "stop-and-frisk" detentions, and similar activities; and use of military personnel for surveillance or pursuit of individuals, or as undercover agents, informants, investigators, or interrogators. DOD Instruction 3025.21, *Defense Support of Civilian Law Enforcement Agencies*, identifies several forms of assistance to civilian authorities, which are allowed under the PCA. Exceptions to the PCA include but are not limited to:

- Support to law enforcement agencies under 10 U.S.C., Chapter 18.
- Protection of federal property.
- Presidential directed support under the Enforcement of the Laws to Restore Public Order Act (see below).
- Emergency situations involving weapons of mass destruction (10 U.S.C. §382).
- Prohibited transactions involving nuclear materials (18 U.S.C. §831).
- Counterintelligence support and other missions as approved by the President and the SecDef.

Chapter 18 of 10 U.S.C. (§§371-382) addresses military support for civilian law enforcement agencies and provides statutory authority for specific types of military support of law enforcement. 10 U.S.C. §375 directs the SecDef to promulgate regulations that prohibit "direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law."

Enforcement of the Laws to Restore Public Order Act, 10 U.S.C. §§331-335. These statutory provisions allow the President, at the request of a state governor or legislature, or unilaterally in some circumstances, to employ the armed forces to suppress insurrection against state authority, to enforce federal laws, or to suppress rebellion.

America's constitutional foundations of federalism and limited government place significant trust and responsibility in the capabilities of state and local governments to help protect the American people. State, local, and tribal governments, which best understand their communities and the unique requirements of their citizens, provide first response to incidents through law enforcement, fire, public health, and emergency medical services. They play a prominent, frontline role in helping prevent terrorist attacks as well as in preparing for and responding to a range of natural and manmade emergencies.

RANGE OF MILITARY OPERATIONS

The US employs its military capabilities at home and abroad in support of its national security goals in a variety of operations. These operations vary in size, purpose, and combat intensity within a range of military operations (ROMO) that extends from military engagement, security cooperation, and deterrence activities to crisis response and limited contingency operations, and if necessary, major operations and campaigns. Most operations within the homeland are at the lower end of the spectrum.

Within the homeland, the concept of the ROMO takes on an expanded dimension with respect to authorities and command direction. Civil security and emergency response forces can gain access to a stratum of DOD resources and training through requests supported by the Economy or Stafford Acts. State National Guard forces using either state funded or federally funded equipment can respond at the direction of the state's governor or these forces may be federalized (come under command authority of the President with funding from the federal level) and with other regular and Reserve forces to accomplish DSCA.

COMMAND

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An understanding of the basic military principles of unity of command and unity of effort is necessary to understand operational command relations within the Homeland.

Unity of command ensures concentration of effort for every objective under one responsible commander. This principle emphasizes that all efforts should be directed and coordinated toward a common objective. **Unity of effort** is critical during interagency operations and can best be achieved through consensus building. The main effort in interagency planning should be to develop a shared, detailed understanding of the situation. This allows the various agencies to better understand how they can best apply their respective capabilities and measure success.

The missions of homeland operations are normally accomplished either within a "whole of government" environment through an interagency process, or through a military structure. The complexity and basic premise of the interagency process for homeland operations, as well as the potential for a surprise terrorist event on American soil, differentiate operations in the homeland from

Quick Response through Standing Command Elements

When the alert fighters scrambled during the response to 9/11, the fact they were on alert and tied to a 24/7 chain of command allowed their response to be nearly instantaneous.

This rapid response was again demonstrated by AFNORTH through their staff and standing air operations center (AOC) in 2005 during the preparations for and the aftermath of Hurricanes Katrina and Rita.

Similarly, alert air forces assigned to the Alaskan NORAD Region are on 24/7 tasking from the combined AOC-Alaska to protect critical oil resources and the national missile defense sites in the remote Alaskan homeland.

These standing organizations provide the operational command and control capability necessary for homeland operations in the continental US, Alaska, and Asia-Pacific territories.

traditional Air Force missions overseas. These differences affect how the Air Force organizes and presents forces.

An air expeditionary task force (AETF) provides the most efficient organizational basis for the Air Force to conduct operations in the homeland, including a command element with A-staff functions, an appropriately tailored air operations center, and a clearly identified commander. By having a pre-identified or standing command element, key relationships can be established with interagency participants prior to an event. In addition, the staff can be educated and trained on the interagency processes, the national response framework (NRF), and other areas that add to the complexity of homeland operations. The AETF provides an Air Force command and control structure to the combatant command, or North American Aerospace Defense Command (NORAD), or an incident commander under the NRF to achieve operational unity of command and unity of effort when employed in defense support of civil authorities (DSCA). Also, each state has a Joint Force Headquarters-State (JFHQ-State) to ensure unity of command and effort within the local Air National Guard (ANG) forces, and to provide the interface with the AETF. It may be advantageous to have the commander of the AETF in dual status, and all Air Force forces, regardless of legal status employed under that commander's authority.

A standing command element, combined with forces capable of response, decreases response time. Asymmetric terrorist attacks often come with minimal or no warning. This stands in contrast to the build-up time typically available before initiation of traditional combat operations. Numerous natural disasters, the response to which may include an Air Force element, may also occur without warning. As a result, homeland operations often require immediate or near-immediate response. To help address the lack of warning, some ANG forces are on a standby basis day-to-day under their governor's authority.

Operational Control and Administrative Control

Authorities and responsibilities for the two branches of command (operational and administrative) within the homeland are the same as those in any area of responsibility (AOR). Additionally, the ANG may conduct state-level homeland operations under the executive authority of a governor, with commensurate state command authorities.[13]

Delegation of operational control (OPCON) over assigned and attached federal military forces conducting homeland operations is accomplished through the commander of US Northern Command or US Pacific Command; and, for specified missions, the NORAD commander. With five combatant commands, NORAD, the Department of the Air Force, and each state's ANG all operating within the homeland, it is important to understand the command relationships when forces are conducting homeland operations. Unity of command of Air Force forces, whether in Title 10, Title 32, or State Active Duty (SAD), in homeland operations is maintained through presentation of forces to the appropriate

[13] Air National Guard (ANG) operations under gubernatorial control are often labeled Domestic Operations or DOMOPs. For purposes of this document, homeland operations include DOMOPS.

joint force commander at the combatant command, subordinate joint task force, NORAD, incident command system, or state level.

When personnel are attached to an Air Force Service component for homeland operations, detailed administrative control (ADCON) authorities to be exercised by the gaining commander should be specified in appropriate orders. The ADCON requirements associated with Air Reserve Component forces are complex and require legal consideration.

Command Arrangements Agreements

Given increasing reliance on the National Guard (NG) for supporting civil authorities and the concomitant requirement for unity of command to achieve unity of effort when supporting civil authorities across several civil jurisdictions, command arrangements agreements covering operations by forces in a mix of Title 5, Title 10, and Title 32, U.S.C., are imperative. Legitimacy of command arrangements agreements should rest on application of the following principles:

- The use of attached forces should be limited to a specific mission or operation.
- Roles, functions, and use of forces in accomplishing the given mission or operation should be specified.
- Conditions of attachment should be established.
- The command authority should define the nature, extent, and degree of control a combatant commander and his subordinate commanders have over forces in Title 32 status in terms of operational aspects of directing forces, and planning the mission or operation.
- Administrative aspects of "command" are reserved to the nation, state, or Services.
- Agreements should be negotiated at the senior levels of command and agreed to by the appropriate executive agents, e.g., Secretary of Defense or state governors.
- Agreements should be promulgated using or referring to relevant memoranda of agreement, doctrine, or other appropriate documents.

Command of Air Force Formations in Different Legal Statuses

Airmen accomplish homeland defense (HD) and provide support to civil authorities under multiple laws and authorities. The Air Force consists of the regular Air Force, the Air National Guard of the United States, the ANG while in the service of the US,[14] the

[14] "Air National Guard (ANG) means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—(A) is an air force; (B) is trained, and

Air Force Reserve, and the Air Force Auxiliary. The authorities are derived from law and statutes which may enable or restrict Airmen's actions.

The status of Airmen is commonly referred to by the legal authority under which they are authorized to perform their assigned missions. These statuses are commonly grouped as:

- **Title 10, United States Code (U.S.C.).** The regular Air Force, Air Force Reserve, and Air National Guardsmen in federal active duty status are referred to as operating in Title 10 status. Under Title 10, the Civil Air Patrol is a volunteer civilian Air Force auxiliary. Forces are under the authority of the President as commander in chief.[15]

- **Title 5, U.S.C.** Federal civilian employees, including air reserve technicians (ART) in civilian status, fall under Title 5. ARTs are full-time Department of Defense (DOD) civilian employees, required to serve as members of the Air Force Reserve. They serve under the authority of Title 5 when in civilian status, and under Title 10 when serving as a Reservist.

- **Title 32, U.S.C.** Air National Guardsmen may also be requested to accomplish federal activities, both DSCA and HD, while remaining under the control of the governor. This is referred to as Title 32 status. They are under the authority of the state governor, but funding is from the federal government.[16]

- **State Active Duty.** For Air National Guardsmen, when the governor of a state mobilizes the National Guard, the forces are typically in SAD status. They remain under the command and control of the governor, exercised through the state's adjutant general, and are funded by the state. SAD forces conduct all state missions in accordance with the needs of the state and within the guidelines of state laws and statutes.

In short, ANG assets can be classified into three categories within the law. With the exception of dual status command under 32 U.S.C. §§315 and 325 (see below) requiring approval of the President, they can only be in one status at a time. The joint definition of "coordinating authority" allows the state governor to have ANG forces respond to the direction of a Title 10 commander.[17] The Guard forces are still under the authority of the governor, but coordination between the ANG commander and Title 10 commander (i.e., regular Air Force officer) is required to achieve unity of effort. Coordination challenges can be overcome through the use of command arrangements agreements.

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has its officers appointed, under the sixteenth clause of section 8, article I of the Constitution; (C) is organized, armed, and equipped wholly or partly at Federal expense; and (D) is federally recognized. Air National Guard of the United States means the reserve component of the Air Force all of whose members are members of the ANG." (32 U.S.C. §101)

[15] 10 U.S.C.

[16] 32 U.S.C. Chapter 1

[17] For a discussion on coordinating authority, see JP 1, *Doctrine for the Armed Forces of the United States*.

Special considerations exist in determining command relationships when dealing with the ANG. **The commander, Air Force forces (COMAFFOR), exercises OPCON of applicable ANG units and members when they are federalized and in Title 10, U.S.C., status for homeland operations.** ADCON for discipline, personnel support, and administration for these federalized units or members of the ANG is maintained by the ANG Readiness Center. However, if full mobilization has occurred, ADCON is transferred to the gaining command. When ANG personnel are involved in training for federal missions (Title 32 status), the commander of the providing command may exercise training and readiness oversight, but not command. Command remains with the state authorities. Guard members in Title 32 status fall under the authority of The Adjutant General (TAG) of their state and therefore their governor. If Guard members operate in Title 32 status outside of their state but within the US, authority will remain with the TAG but be subject to any coordinating authority or state-to-state agreements such as emergency management assistance compacts. If no pre-negotiated agreement exists, responsibilities should be coordinated between applicable commanders.

Dual-Status Commanders

A unique command and control relationship may be established when federal and state forces operate together. The following information describes circumstances where regular Air Force and NG officers may be appointed to command both federal and state forces pursuant to a command arrangements agreement promulgated as a memorandum of agreement (MOA) between a governor and the Secretary of Defense. The intent of dual status command is to improve unity of effort in an operational environment where there are forces in different legal statuses, and it is advantageous to have a single commander direct operations.

NG Dual-Status Commander. Title 32, U.S.C., §325 authorizes a federally-recognized NG officer to exercise command on behalf of, and receive separate orders from, a federal Title 10 chain of command and exercise command on behalf of, and receive separate orders from, a state chain of command. The NG officer is not relieved from duty in the NG if the President authorizes such service in both duty statuses and the governor of the NG state or territory (or the Commanding General of the District of Columbia NG) consents to such service in both duty statuses.

Regular Air Force Dual-Status Commander. Title 32, U.S.C., §315 authorizes a commissioned regular Air Force officer to exercise command on behalf of, and receive separate orders from, a federal Title 10 chain of command and exercise command on behalf of, and receive separate orders from, a state chain of command. The Secretary of the Air Force (SECAF) details the regular Air Force officer to duty with a state NG unit. With the permission of the President, the officer may accept a commission in the NG without prejudicing his rank and without vacating his regular commission.

Upon approval of the dual status, the officer may be appointed to command both state and federal forces through distinct, separate chains of command. The MOA is signed by the governor and the President or their respective designees before a dual-status command can be established and includes command arrangements as agreed to by the

parties. MOAs are reviewed by judge advocates from both chains of command to ensure the concerns of both are addressed.

Although the dual-status commander is empowered to exercise command on behalf of, and may receive orders from, two separate chains of command, those chains of command must recognize and respect the dual-status commander's duty to exercise all authority in a completely mutually exclusive manner, i.e., either in a federal or state capacity. Forces assigned or attached to the dual-status commander are not in dual status; federal forces can only be placed under the command of Title 10 authorities (e.g., COMAFFOR) while state forces can only be placed under the command of state authorities while operating in a Title 32 or state active duty status. Therefore, the commander gives orders on behalf of or relays orders from the federal chain of command to federal military forces and gives orders on behalf of or relays orders from the state chain of command to state military forces, but never relays federal orders to state military forces or state orders to federal military forces. To ensure the two chains of command remain separate and distinct, the commander maintains separate federal and state staffs.

Because the dual-status commander must comply with all applicable state and federal laws appropriate to the assigned mission while executing his or her duties, operational plans, execution orders, and command arrangements agreements should address procedures and processes for resolving potential conflicts in policy or process. If the dual-status commander perceives that orders provided by the state or federal chains of command may violate state or federal law or create a potential conflict of interest in policy or process, the commander must refrain from executing such orders and advise the state and federal chains of command requesting resolution of the potential conflict of interest.

The NG may be the first military organization engaged at the state level at the incident area. The National Guard Coordination Center, in coordination with JFHQ and state joint operation centers, provides situational awareness and status information to the combatant commander (CCDR) and other federal stakeholders as the "first line of situational awareness." Likewise, due to the NG's proximity and speed of response, the CCDRs can leverage NG resources and capabilities, including existing command and control structures, into homeland operations.

Coordination within Air Force Channels

When considering federal operations, the COMAFFOR should coordinate with the NGB prior to contacting the state JFHQ and establishing a working relationship to ensure proper state National Guard involvement. The COMAFFOR may also benefit from placing a liaison at the JFHQ-State or the staff of an appointed dual-status commander. Once forces are attached to the COMAFFOR, the COMAFFOR is able to communicate directly with the attached forces. Geographic combatant commander force protection policies take precedence over all force protection policies for programs of any other DOD component deployed in that command's AOR. The defense coordinating officer

(DCO) is the Secretary of Defense point of contact for DOD response. Typically, an Air Force emergency preparedness liaison officer (EPLO) is deployed with the DCO to represent the service to the DCO and assist in recommending Air Force capabilities to support the lead federal agency. For most major DSCA events, the state EPLO deploys to the state emergency operations center or JFHQ-State during an event and can provide situational awareness to the COMAFFOR.

ORGANIZATION

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Unlike other geographic combatant commands, there are Air Force forces permanently located within the boundaries of the US Northern Command (USNORTHCOM) area of responsibility (AOR) that are not assigned or attached to that combatant command.

Joint and Multinational C2 Elements

While all combatant commanders have a role in homeland defense (HD), USNORTHCOM and US Pacific Command (USPACOM) share the primary role in direct defense of the homeland. USNORTHCOM's mission is to conduct HD within its assigned AOR of the continental US, Alaska, Canada, Mexico, and parts of the Caribbean.[18] It conducts defense support of civil authorities in the continental US, Alaska, Puerto Rico, and the US Virgin Islands. USNORTHCOM has Air Forces Northern (AFNORTH) as its Air Force component. USNORTHCOM and AFNORTH are assisted by North American Aerospace Defense (NORAD) Command, which is a binational command (US and Canada) that conducts aerospace warning, control, and maritime warning in defense of North America. The NORAD focus is on three regions: Continental NORAD Region (CONR), Alaskan NORAD Region (ANR), and Canadian NORAD Region. To achieve unity of effort, USNORTHCOM has designated the First Air Force (1 AF) commander as commander and commander, Air Force Forces (COMAFFOR) for both AFNORTH and CONR.

USPACOM's AOR includes Hawaii, the US territories of Guam and American Samoa, and several smaller nations in free association with the US such as Micronesia, the Marshall Islands, and Palau. Pacific Air Forces (PACAF) serves as USPACOM's Air Force component. The Air Force component in Alaska, PACAF's 11 AF, serves multiple roles. USNORTHCOM has established the subunified Alaska Command, with 11 AF as the air component. The 11 AF commander serves as both commander of Alaskan Command and its COMAFFOR. The 11 AF commander also serves as commander of NORAD's ANR.

Aligning joint and combined commands and responsibilities with identified Service components achieves unity of effort if not unity of command. When several senior level commands are operating within the same geospatial areas, arranging to have one

[18] *Unified Command Plan*

Service component support all the different higher headquarters achieves unity of effort. Resourcing the Service component and enabling subordinate commands assist in maintaining unity of effort.

Service Force Provider Responsibility for Organizing the Force

With the exception of these command and control nodes, few standing organizations are in place to accomplish homeland operations. Since many homeland operations are in response to emergency or crisis-driven events, organizations should be pre-established to cover response activities.[19] Advance documentation to activate the organization and attach forces can speed the overall deployment process. Force providing organizations should ensure responding forces are provided with the appropriate level of administrative support.

The COMAFFOR, in conjunction with the joint force commander, may create organizational templates during the deliberate planning process. They can be built within the joint adaptive planning and execution system, deliberate and crisis action planning and execution segments, concept plans, or standing operation orders as a starting point to establish organizational structures that can ease the transition to contingency operations. These documents can be refined in crisis action planning (for example, if threatening weather is developing, or there is an increased terrorist threat).

Air Expeditionary Task Force and Subordinate Organizations

A theater COMAFFOR, such as the AFNORTH commander, should be prepared to transfer Air Force forces to a joint task force (JTF) upon direction. In such cases, the COMAFFOR should establish an air expeditionary task force (AETF) attached to the JTF as in any other AOR. For example, when Air Force forces are employed in support of USNORTHCOM, they should be presented in the form of an AETF.

Regardless of the organizational model used, Airmen tend to be spread out during homeland operations, both geographically and organizationally. It is critical that Air Force leadership at all levels maintain accountability of—and full support to—their Airmen.

Integrating with National Guard Operating in Support of Civil Authorities

During an operation, the COMAFFOR should be aware that the initial Air Force response will likely be from the state National Guard. Coordination or integration of the federal response with ongoing state operations supporting civil authorities is arranged through the state joint force headquarters.[20]

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[19] For specific guidance, see AFI 38-101, *Air Force Organization*

[20] For specific guidance, see AFTTP 3-2.67, *Multi-Service Tactics, Techniques, and Procedures for Defense Support of Civil Authorities and Integrating with National Guard Civil Support*.

Force Presentation for Defense Support of Civil Authorities (DSCA)

DSCA may be provided to civil organizations through a variety of methods. The vehicle by which the request is made will shape how the Department of Defense (DOD) response occurs. For instance, the National Oceanic and Atmospheric Administration (NOAA) receives support from an Air Force Reserve weather reconnaissance squadron (the "Hurricane Hunters") via memoranda of agreement between Air Force Reserve Command and NOAA, by congressional stipulation in the annual DOD appropriation process. Alternatively, the National Interagency Fire Center receives the support of C-130s carrying modular airborne firefighting systems through Economy Act agreements. The most visible means of providing DSCA, particularly when natural disasters occur, is when Air Force capabilities are provided to assist through the national response framework (NRF), as authorized by the Stafford Act.

The overall coordination of federal response activities is implemented through the Secretary of the Department of Homeland Security (DHS) consistent with Homeland Security Presidential Directive #5 and the NRF. Other federal departments and agencies carry out their response authorities and responsibilities within this overarching construct. The DHS Secretary appoints a primary federal officer as the on-scene coordinator known as the federal coordinating officer (FCO). If DOD involvement is needed, the Secretary of Defense (SecDef) directs commander, US Northern Command (CDRUSNORTHCOM) or commander, US Pacific Command (CDRUSPACOM), as appropriate, to activate the defense coordinating officer (DCO) as the single voice for the DOD.

The DCO's role may vary depending upon the scale of an event. The DCO, along with the defense coordinating element staff, coordinates DOD capabilities between the FCO and DOD. Additionally, for a small event, the DCO may direct USNORTHCOM or USPACOM Service component response efforts. If DOD involvement becomes extensive, then CDRUSNORTHCOM or CDRUSPACOM may establish a joint task force (JTF) or response task force that would receive operational control of forces. In this case, the DCO becomes the JTF or response task force commander's liaison to the federal agencies.

Air Force Capabilities for DSCA

Most Air Force support to civil authorities will be in already familiar roles such as conducting airlift of supplies to affected areas or providing medical or engineering assistance to people in need. Examples of Air Force capabilities that may be requested in a domestic disaster or emergency may include:

- **Air mobility.** The Air Force may provide airlift to support local, state, DOD, or other federal agencies (e.g., aeromedical evacuation).

- **Airbase opening and sustainment.** The Air Force provides AETF modules to open an airbase, provide command and control, establish an airbase, generate the

mission, operate an airbase, and robust the airbase. These modules can be used to establish remote, abandoned, or inactive airfields with capabilities to accomplish an assigned mission; the capabilities can also be used to augment existing airfield facilities to handle the demands of a homeland security incident.

- **Communications.** Deployable Air Force communications systems can provide worldwide, single-channel, secure voice and record communications, and secure on-site communications at or away from home stations.

- **Incident Awareness and Assessment.** Incident awareness and assessment (IAA) refers to the Secretary of Defense (SecDef)-approved use of DOD intelligence, surveillance, and reconnaissance and other intelligence capabilities for domestic non-intelligence support for DSCA. When a Title 10 DOD intelligence component asset or capability is needed for a non-intelligence activity, specific SecDef authorization is required for both the mission and use of the DOD intelligence component capability or asset. The intelligence oversight rules do not apply to non-intelligence activities so the SecDef authorization includes any restrictions placed on the assets or capabilities used in a domestic support operation. Examples of IAA capabilities include monitoring floodwaters and wildfires, or assessing natural disasters. Whether DOD intelligence components are conducting an intelligence activity or a non-intelligence activity, certain rules universally apply to data and imagery collected from overhead and airborne sensors. No intelligence activities should take place while conducting DSCA unless authorized by appropriate authorities in accordance with Executive Order 12333, *United States Intelligence Activities*; DODD 5240.01, *Defense Intelligence Activities*; and DOD 5240.1-R, *Procedures Governing the Activities of DOD Intelligence Components that Affect United States Persons*.

- **Space and cyberspace support.** The Air Force has extensive space communications and situational awareness infrastructure on orbit, as well as both defensive and offensive cyberspace operational capabilities. These assets can provide valuable support to civil authorities if agreements are arranged with DOD authorities in advance.

- **Investigative support.** Air Force Office of Special Investigations (AFOSI) can provide investigative expertise to support criminal investigations and counterintelligence services.

- **Search and rescue.** Air Force assets can provide rapid response capability for search, transportation, insertion, and extraction functions in support of rescue activities, as well as initial treatment of medical and other needs.

- **Civil engineer support.** Air Force civil engineer forces are capable of rapidly responding to worldwide contingency operations. Capabilities include operation and maintenance of facilities and infrastructure; aircraft rescue and facility fire suppression; construction management of emergency repair activities; emergency

management program integrating preparedness, response, recovery, and mitigation activities in an all-hazards threat environment helping commanders maintain and restore mission capability; and explosive ordnance disposal (EOD). EOD responds to all incidents involving military munitions and provides assistance to federal, state, and local law enforcement agencies with EOD matters when determined to be in the interest of public safety. EOD supports specialized JTF operations and hazardous materials response for incidents involving explosives.

- **Health Services.** Air Force Medical Service capabilities, while primarily designed to meet a wartime mission, are easily adaptable for civil disaster response. Small, incremental packages of tailored medical capability can be rapidly deployed to meet immediate and short-term civilian requirements.

The list above is intended to provide examples of the breadth of capabilities the Air Force can bring to its DSCA role. It is not all-inclusive, but conveys the large variety of responses to DSCA needs the Air Force can perform.

Opportune Law Enforcement Agency Support

The Posse Comitatus Act restricts direct military involvement for law enforcement purposes, except as authorized by Congress and the US Constitution. If Air Force forces are used in a law enforcement role they must be in compliance with law and policy. Normally Air Force force protection assets, such as Security Forces and AFOSI, may be called on for their expertise and the tactical level employment of these forces should be in accordance with their training. Intelligence components and intelligence component capabilities may also be used to support law enforcement agencies. Such support requires SecDef approval unless information is acquired in an incidental manner.[21] Additionally, other support can also be provided (training, expert advice, etc.) per applicable authorities.[22]

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[21] See DoDD 5240.01, *DOD Intelligence Activities;* DoDI 3025.21, *Defense Support of Civilian Law Enforcement Agencies*; and AFI 14-104, *Oversight of Intelligence Activities*
[22] DoDD 3025.18, *Defense Support of Civil Authorities (DSCA)*; and AFI 10-801, *Defense Support of Civil Authorities (DSCA)*

COMMAND RELATIONSHIPS

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In order to properly plan and execute homeland operations, an understanding of command relationships is required. The information below outlines the roles and responsibilities of relevant command elements.

Geographic Combatant Commanders

Commander, US Northern Command (CDRUSNORTHCOM) and commander, US Pacific Command (CDRUSPACOM) are geographic combatant commanders with responsibilities for conducting homeland operations. USPACOM is unique in that the forces in Alaska are under the combatant command (COCOM) of CDRUSPACOM, but Alaska is in the USNORTHCOM area of responsibility (AOR). The 11 AF commander employs the 611th Air Operations Center (AOC) to support Alaskan Command missions as well as Alaska North American Aerospace Defense Command (NORAD) region missions. This arrangement allows for retention of unity of command and effort in presenting Air Force forces to CDRUSNORTHCOM. If additional forces are needed for a mission under USNORTHCOM control, the Secretary of Defense (SecDef) may direct the attachment of forces from another command.

Incidents occurring in the homeland within the USPACOM AOR are normally organized around the JTF construct with forces attached from USPACOM's assigned forces. But, as in any other operation, if USPACOM does not have the resident capability required to handle the situation, the SecDef may attach forces from elsewhere as necessary. USNORTHCOM has very few assigned forces, so in most cases the SecDef will attach forces from another combatant command, or forces which are normally Service retained.

If a domestic incident occurs, CDRUSNORTHCOM or CDRUSPACOM may establish a JTF to provide command and control for the Department of Defense (DOD) response force. In the USNORTHCOM AOR, the air component to the JTF would normally be in the form of an air expeditionary task force (AETF) and the Air Forces–North (AFNORTH) commander, or his designee, would be the commander, Air Force forces (COMAFFOR). In some situations there may not be a need to attach Air Force forces to the JTF and AFNORTH may assume a direct support role to the JTF. In the USPACOM AOR, the Pacific Air Forces (PACAF) commander designates the COMAFFOR. In Alaska, where USNORTHCOM has responsibility for homeland security but forces are

under the COCOM of CDRUSPACOM, PACAF provides the 11 AF commander as the COMAFFOR supporting the USNORTHCOM's Alaskan Command.

There are instances where the military capability for an incident resides in a single Service and it makes sense to create a task force for only that one Service's forces. If the Air Force is so tasked, it may establish an AETF. In this case, due to the established relationships and role previously described, the AETF commander would not serve as the COMAFFOR but remain subordinate to the current designated COMAFFOR. As in all other task forces, command arrangements are approved by the combatant commander (CCDR). See Annex 3-30, *Command and Control*.

Functional Combatant Commanders

In the area of Homeland Defense (HD), US Strategic Command (USSTRATCOM) may expect to be the supported command for DOD space and information operations. USSTRATCOM is responsible for warning and, if necessary, assessing missile attack to the other CCDRs. It is tasked as a supporting command to NORAD to provide missile warning and space surveillance in furtherance of NORAD's mission of aerospace control of North America. In addition, USSTRATCOM would support USNORTHCOM and USPACOM in the event military operations are required to protect the homeland. Moreover, US Cyber Command, a subordinate unified command under USSTRATCOM, has a support relationship to homeland defense through the DOD's Integrated Cyber Center that supports the Department of Homeland Security National Cyber Security and Communications Integration Center.

US Transportation Command (USTRANSCOM) serves as the DOD single manager for transportation, providing common-user air, land, and sea transportation and terminal services to meet national security objectives. These security objectives can occur in the homeland and USTRANSCOM will normally be in a supporting role. Air Mobility Command (AMC) is USTRANSCOM's air component, and the Air Force's manager for air mobility. Its mission is to provide airlift, air refueling, special air missions, and aeromedical evacuation in support of national objectives. These capabilities support humanitarian, HD, defense support of civil authorities (DSCA), and other operations. Through 18 AF, AMC provides these capabilities to USTRANSCOM, and in turn, to other commands.

The Commander, US Special Operations Command (CDRUSSOCOM) is responsible for planning, synchronizing, and executing global special operations against terrorist networks in coordination with other combatant commanders. During homeland defense operations, CDRUSSOCOM may provide special operations forces and expertise to the commanders of USNORTHCOM and USPACOM, as required.

North American Aerospace Defense Command

NORAD has responsibility for providing air sovereignty, air warning, and air defense of the North American continent, specifically the continental United States (CONUS),

Alaska, Canada, Puerto Rico, and the US Virgin Islands. NORAD is a binational command, with two chains of command. One chain of command goes to the Canadian Prime Minister and the other to the President of the United States. **Air Force air assets supporting NORAD fall under the operational control (OPCON) of the NORAD commander in his role as commander, US Element NORAD, with OPCON delegated to the respective NORAD regional air defense commanders.** Each region has a commander triple-hatted as joint force air component commander (JFACC), airspace coordination authority, and area air defense commander for executing defensive counterair (DCA) missions. The commanders of Alaskan NORAD Region and CONUS NORAD Region do not have OPCON over entire Air Force units; rather, once forces are attached, they have OPCON over specific personnel and assets conducting the DCA mission. NORAD air defense sectors execute tactical control of DCA assets as designated in the regional air tasking order. USSTRATCOM supports NORAD by providing the necessary missile warning and space surveillance.

Other Elements of the Air Component

Below are standing Air Force organizations which aid in homeland operations:

- **National Security Emergency Preparedness Program (NSEP).** This AFNORTH directorate is responsible for integrating DSCA mission considerations into contingency plans and exercise scenarios. They also coordinate mission requirements with combatant commands and civilian agencies for planning, training, and execution. During DSCA events, they provide trained emergency preparedness liaison officers (EPLOs) to represent the Air Force to the defense coordinating officer (DCO) and civilian agencies. To support USPACOM, NSEP deploys EPLOs to Hawaii, Guam, and other US territories and commonwealths in the Pacific when required. AFNORTH maintains OPCON of the EPLOs, and transfers tactical control to the DCO.[23]

- **Civil Air Patrol/United States Air Force Auxiliary (CAP/AFAUX).** Civil Air Patrol (CAP) is a federally supported, congressionally chartered non-profit corporation that may be used as a civilian volunteer auxiliary of the Air Force. The Secretary of the Air Force (SECAF) can employ the services of CAP, while acting in its capacity as an Air Force auxiliary, in lieu of or to supplement Air Force resources to fulfill the noncombat programs and missions of the Air Force. 10 U.S.C. §9442 identifies CAP as an auxiliary of the Air Force when its services are used by any department or agency in any branch of the federal government, including the Air Force. CAP is deemed to be an instrumentality of the United States while carrying out missions assigned by the Secretary and as such is required to comply with the Posse Comitatus Act and intelligence oversight restrictions. CAP/AFAUX is not authorized to perform Air Force assigned missions outside of the United States, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands without specific authorization from the Deputy Chief of Staff of the Air Force for Operations (AF/A3),

[23] All Air Force EPLOs are reservists, and therefore Air Force Reserve Command may have ADCON depending on duty status.

on behalf of the SECAF. USNORTHCOM or USPACOM may request assistance in support of DSCA during response and recovery operations, and other federal operations.

> CAP/AFAUX assets, much like the ANG, can be classified into two categories within the law and can only be in one status at a time. The first category is Title 10, where these Air Force Auxiliary forces are deemed an instrumentality of the United States when carrying out a non-combat mission assigned by the Secretary of the Air Force. The second category is where these same individuals and equipment are acting in the CAP Corporate category under Title 36 as a federally sanctioned non-profit corporation.
>
> **—Information derived from Titles 10 and 36, U.S.C.**

- **Air Force Rescue Coordination Center (AFRCC).** CDRUSNORTHCOM delegates mission coordinator responsibilities for day-to-day search and rescue (SAR) to the COMAFFOR (AFNORTH/CC). The COMAFFOR, as JFACC, executes via the AFRCC located within AFNORTH's 601st Air Operations Center (601 AOC). The center coordinates all inland SAR response within the CONUS according to the national SAR plan. Duties include searching for missing/overdue aircraft, managing beacon alerts, and assisting the states with their SAR missions. The AFRCC validates all requests and brokers federal assistance on an "ask, not task" basis to save life and prevent undue suffering. Similarly, the 11th Rescue Coordination Center performs the same mission within Alaska.

In accordance with the national SAR plan, these functions are performed by the US Coast Guard for the state of Hawaii, and USPACOM for US territories in the Pacific.

Joint Task Forces

When a crisis requires a military response, the geographic CCDR will usually form a tailored JTF. If Air Force forces are attached to the JTF, they stand up as an AETF within the JTF. The AETF commander, designated as the COMAFFOR, provides the single Air Force face to the JTF commander. For example, USNORTHCOM's COMAFFOR, the AFNORTH commander, shares a relationship with state level JTFs when they are stood up and the AFNORTH/CC may use the 601 AOC, or other organic capabilities in the command, to support state level operations, as necessary.

Multiple COMAFFORs may be appointed within the homeland with each one assigned to a task- or event-specific JTF (e.g., JTF-Civil Support, JTF-North and JTF-National Capital Region all operate within the homeland). Coordination among all the JTFs should be taken into account when operations cross their respective geographic areas. The COMAFFOR (theater or JTF) should be cognizant of the multiple other JTFs and JTF-like entities in the interagency environment already existing in the AOR and should establish relationships with them.

OTHER AUTHORITIES

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Along with those command authorities already discussed, there are some other authoritative duties the commander, Air Force forces (COMAFFOR) should consider.

Airspace Coordination Authority

Unlike other areas where the COMAFFOR is normally delegated airspace **control** authority by the joint force commander (JFC),[24] in homeland operations the term airspace **coordination** authority or ACA is used.

The ACA is responsible for coordinating and deconflicting air traffic. This responsibility is almost always retained by the Federal Aviation Administration (FAA). All airspace planning is coordinated with and approved by the FAA. The FAA provides liaisons to US Northern Command and US Pacific Command to collaborate and minimize conflicts during mission execution. In the event the FAA is unable to uphold these responsibilities, the COMAFFOR should be prepared to take over the ACA role. The President may transfer any function of the FAA through executive order to the DOD in a time of war, as well.

Incident Awareness and Assessment

A variety of organizations, such as the Federal Bureau of Investigations, National Counterterrorism Center, Department of Homeland Security, as well as state and local law enforcement can provide much of the information normally required. Coordinating with these agencies is advised before collecting data independently.

Space Coordinating Authority

Space assets provide considerable capability to homeland operations, such as communications and imaging. Space coordinating authority is a specific authority delegated to a commander for coordinating specific space functions and activities. It is normally delegated from the JFC to the theater COMAFFOR. In order to plan, execute, and assess space operations, the COMAFFOR typically designates a director of space

[24] JP 3-30, *Command and Control for Joint Air Operations*

forces to coordinate and integrate space capabilities into an operation. For more information, see Annex 3-14, *Space Operations*.

HOMELAND DEFENSE PLANNING PURPOSE AND SUPPORT

Last Reviewed: 28 April 2016

Planning, execution, and assessment are critical to success in any endeavor. In relation to homeland operations, all three phases require an understanding of the threat, as well as the roles of various other government agencies. It is also important to understand the Air Force's role is broader than just air actions. The Service can employ a variety of other capabilities to support operations within the homeland.

The defense of the homeland is not entirely unique, and should primarily follow established warfighting doctrine. However, the command structure for homeland operations is more complex than in most areas of responsibility. North American Aerospace Defense Command (NORAD) and US Northern Command (USNORTHCOM) both have responsibilities within the same US air domain. The commander, USNORTHCOM and the commander, US Pacific Command (USPACOM) are geographic combatant commanders (GCC), each with a chain of command through the Secretary of Defense (SecDef) to the President. NORAD is a binational command, with two chains of command. One chain of command goes to the Canadian Prime Minister and the other to the US President. As a result, command and control (C2) relationships should be emphasized in planning to ensure people understand their chain of command, and who they take orders from during certain events.

Alaska in particular is an environment that requires C2 clarity. Air Force forces there are assigned to USPACOM, while the defense of Alaska is a USNORTHCOM responsibility. Clarity of command is provided through Alaskan Command. Similarly, while Hawaii, Guam, and other US territories in the Pacific are a part of the homeland, the commander of USPACOM is the GCC responsible for those locations.

The airpower tenet of centralized control and decentralized execution remains relevant in homeland operations. **Due to a variety of legal and political factors, homeland operations will very likely lean in the direction of "centralized execution" more than in operations outside the homeland.** Senior decision makers continually balance the need for aggressive and effective operations with the need to minimize collateral damage and casualties. They most effectively accomplish this through applying risk management controls and processes.

When execution is more centralized, the ability to engage fleeting targets decreases. One compensatory measure is to have well established and understood rules of

engagement (ROE) and rules for the use of force (RUF). ROE apply to air and sea forces in homeland defense whereas RUF apply to ground forces. To be effective, the ROE/RUF should be clearly understood and rapidly executable. For example, in a counterair role the shooter must receive approval in time to destroy the target. ROE/RUF should be clearly defined for the full spectrum of potential response actions.

DEFENSE SUPPORT OF CIVIL AUTHORITIES

Many of the capabilities inherent in air forces can also provide for rapid response to support civil authorities in cases of domestic emergencies and disasters. **In providing defense support of civil authorities and National Guard civil support, Air Force forces support federal, state, or local civil authorities in cases of natural or man-made domestic emergencies, civil disturbances, or authorized law enforcement activities.** Planning for and responding to these events should be a Total Force effort.

Acts of terrorism, natural disasters, and accidents involving hazardous materials can stretch local and state emergency response resources to the limit, and sometimes beyond. For acts or threats of terrorism in the US, the Department of Justice, acting through the Federal Bureau of Investigations, is the lead agency. When disasters or accidents occur, local authorities lead the effort and request assistance from state or federal agencies as needed. In both instances, regular and Reserve military units, including Air Force civilian personnel, may be tasked to assist in response and recovery efforts. In all cases, the Air Force is prepared to support homeland operations through intelligence and information sharing.

Installation commanders plan for situations that would require assigned units to assist local authorities. They and their staffs should be aware of the various industries or other facilities in the surrounding community, and should assess what potential hazard or threat these industries and facilities may pose to the installation. They should also determine what type of assistance each may require in the event of an emergency. The risk management process should be integral to any planning related to homeland operations. Installation commanders should also be aware of critical dependencies on the surrounding community and work with involved agencies to ensure the installation is capable of continuing minimum essential functions in an emergency. **Coordinated planning between the installation and the community is critical to a successful emergency response and should take into account the need to preserve the installation's ability to project and protect its forces when and where needed.** What occurs in the community may affect the installation's ability to perform its mission. In addition to providing support, Air Force installations should have plans and procedures in place for receiving aid and assistance from DOD or civil agencies when needed.

Memoranda of agreement or understanding (MOA/MOU) with the surrounding communities can clarify such issues as response procedures and capabilities, and reimbursement of costs. MOA and MOU provide a means to answer numerous questions before a disaster or accident occurs, and allow for planning as to how military

units will respond and what local authorities expect of them. Governors may also have emergency management assistance compacts.

Key agencies for planning include local fire, medical, and police forces. During off-base emergency situations, the Air Force may be able to provide assistance fighting fires, treating the injured, evacuating buildings, and establishing cordons. However, these should not be confused with law enforcement actions.

The national response framework (NRF) contains detailed guidance and planning considerations, and should be the primary reference in developing MOA/MOU. Refer to the NRF and take the following into consideration when drafting an MOA/MOU:

- **Installation commanders may provide immediate response to save lives, prevent human suffering, or mitigate great property damage resulting from any civil emergency or attack.** Immediate response authority only applies when local capability is overwhelmed, triggered by a request from civil authorities, under imminently serious conditions, and with no time to seek approval from higher authority. The requirement to employ assets under immediate response authority should be reassessed at least every 72 hours. Otherwise, SecDef approval is required prior to providing Air Force support. Commanders acting under immediate response authority notify the joint director of military support through command channels. In cases other than immediate response, installation commanders should seek legal advice before providing support as approval at SecDef level may be required.

- Circumstances should be identified under which mutual response will be requested and provided between the parties named in the memorandum. The circumstances vary from installation to installation depending on available capabilities for both the off-base and on-base organizations, as well as what types of industries are located in the off-base communities. Common examples of requested assistance are firefighting, explosive ordnance disposal, or hazardous materials handling.

- There should be a written set of instructions that civil authorities can follow when requesting assistance. This will standardize request procedures and clarify requirements for both the military and civilian organizations involved.

- Legal authority for Department of Defense (DOD) participation varies by the nature and severity of the incident, e.g., declaration of a major disaster, a request under the Economy Act, or a mutual aid request permitted by a specific regulation. These triggers are important, ensuring all parties understand when the MOA/MOU will apply and ensuring proper expenditure of DOD funds.

- Specific procedures should be provided for use by responding units when reporting to the scene of an emergency. Specify how the military organization will integrate with the civil authorities. A section within a MOA/MOU should also

include frequencies for radios, how to obtain spectrum support, radio procedures, equipment requirements, personnel requirements, force protection requirements, etc.

- A section within a MOA/MOU should contain instructions on how to track costs and request reimbursement. It applies to both the military and civilian agencies since most MOA/MOU are mutual response agreements.

- A MOA/MOU should specify such things as minimum notification time before assistance is withdrawn, maximum amount of time assistance can be provided, and procedures for transferring responsibilities to relieving units.

- Procedures for conducting joint exercises to familiarize all parties with the command structure and the scenarios in which assistance might be rendered should be incorporated into a MOA/MOU.[25]

- A section in a MOA/MOU should describe efforts to bring all DOD installations clustered in one greater community together into an integrated, community-wide support plan.

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[25] See AFI 10-2501, *Air Force Emergency Management (EM) Program Planning and Operations*, for emergency management, off-base exercise, and coordination requirements with local communities.

PLANNING, EXECUTION, AND ASSESSMENT

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PLANNING AND ASSESSMENT

Air Force forces (AFFOR) staffs and air operations centers (AOCs) provide the full spectrum of planning and assessment in support of homeland operations. A specific AOC provides support for each homeland AOR, aligned by both geographic combatant command and NORAD region. Geographically, US Northern Command (USNORTHCOM) is supported by Air Force-North's (AFNORTH's) 601 AOC, with the exception of Alaska. Alaskan operations are run by Alaskan Command, supported by the 611 AOC. US Pacific Command (USPACOM) is supported by Pacific Air Forces (PACAF) 613 AOC for the Pacific region.[26]

Additionally, each of these AOCs is in turn supported by US Transportation Command (USTRANSCOM) for air refueling, airlift, aeromedical evacuation, and specialized airlift missions. This support is provided by USTRANSCOM's air component via the 618 AOC (Tanker Airlift Control Center).

Assessment procedures in accordance with Joint Publication 5-0, Joint Operation Planning should be used to determine the effectiveness and performance of mission execution in support of homeland operations.

PREPAREDNESS AND RESPONSE

Many events, from terrorist attacks to natural disasters, often occur with little or no warning. Terrorists attempt to hit quickly and decisively. A natural disaster, such as a hurricane, can begin as an event believed to be controllable, but rapidly spiral upward into one requiring greatly increased response needs. One of the best ways to mitigate those realities is to lean forward within the existing legal and policy framework. There are a number of options available for the Air Force to be fully prepared.

Installation commanders should possess a comprehensive and effective emergency management program. Preparation of standing orders provides for better readiness and faster response by the Air Force. These can include prepare-to-deploy orders,

[26] NORAD assists the defense of Canada via the Canada NORAD Region (CANR), supported by Canada's CANR AOC. The territories protected by PACAF's 613 AOC, such as Hawaii and Guam, do not fall within the auspices of NORAD and therefore do not have a parallel NORAD mission.

establishment of direct liaison authorized (DIRLAUTH) relationships or command relationships, and other responsibilities, all before an event occurs. They can also include force modules with unit type codes identified, sourced, and alerted to be ready for deployment within a certain notification window. DIRLAUTH allows subordinate echelons to establish relationships within the interagency community, crossflow information, and refine plans and potential support requests. Similarly, concepts of operation help the air component prepare to act by documenting various processes, policies, and plans well before an event takes place. Air Combat Command is the lead agent for the Air Force's homeland security concepts of operation. Lastly, the standing command and control elements previously discussed enable the air component to lean forward. Once identified, the commander, Air Force forces (COMAFFOR) and staff can become experts on the plans and policies affecting operations in the homeland, ones that are substantially different than those impacting traditional operations.

In anticipation of being tasked during an actual emergency, commanders can recall personnel, run mobility processes, palletize equipment, and accomplish any other preparatory actions that will minimize the response timeline. Existing rules prohibit actual deployment of personnel until a formal request has been made, unless an immediate response resulting from a civil emergency or attack is required to save lives, prevent human suffering, or mitigate great property damage.

IMMEDIATE RESPONSE

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 to take necessary action to respond to requests of civil authorities, with follow-on reporting up the appropriate command chain as soon as practicable.

INITIAL RESPONSE

The formal request for assistance process takes time. From the moment the initial request is sent to the DOD until military forces are on scene, critical time elapses that may result in extensive human suffering and property damage. There are actions the component commanders can take in the interim. The commanders of AFNORTH and PACAF are dual-hatted as component commanders and the Air Force regional planning agents for defense support of civil authorities (DSCA) in their respective combatant commander's (CCDR's) AORs. The respective AFNORTH and PACAF staffs and designated operations centers play a central role in providing component-level initial support to civil authorities.

In general, to execute a component-level initial response effort, the regional planning agents should:

- Quickly establish lines of communication to facilitate requests for assistance, as well as coordinate with the respective CCDR and civil authorities through the assigned defense coordinating officer and emergency preparedness liaison officer.

- Develop courses of action appropriate for Air Force support and response capabilities.

- Perform risk management categorizing hazards and assigning risk controls to the appropriate level of leadership.

- Identify potential Air Force capabilities.

- Establish lines of command and control for Air Force forces.

- Plan for the efficient hand-off to follow-on forces.

INCIDENT MANAGEMENT ACTIONS

When the Secretary of Defense approves use of military forces to aid in a domestic incident, the corresponding combatant command establishes a command structure to conduct the response, incorporating the appropriate Air Force response forces and capabilities. Air Force organizations use the Air Force Incident Management System structure to organize response forces for compatibility and integration with domestic response organization incident management systems. As the operation progresses, military forces will receive direction from civil authorities on how to respond; this will continue until the emergency subsides. Air Force forces should be used for what they have been trained. For example, civil engineer personnel can be used to help provide incident C2 in accordance with the National Incident Management System, perform hazardous materials response, and help move rubble in a natural disaster; medical professionals can treat the sick and wounded; airlift forces can be used to transport humanitarian supplies; and other forces can provide support in their areas of expertise.

SUPPORT TO CIVILIAN LAW ENFORCEMENT

The Posse Comitatus Act (PCA) restricts direct military involvement for law enforcement purposes, except as authorized by Congress and the US Constitution, called military support to civilian law enforcement agencies. For more information see the discussion on force presentation for DSCA.

NATIONAL SPECIAL SECURITY EVENTS

Terrorist attacks against highly visible, well-attended events can have a significant impact on our country because of the physical and psychological damage. When designated by the Secretary of Homeland Security, in accordance with 18 U.S.C. §3056, these events are called national special security events (NSSE).

Examples include the State of the Union Address and national political party conventions. Presidential Decision Directive 62, *Protection Against Unconventional Threats to the Homeland and Americans Overseas,* reaffirms the domestic lead agencies and their responsibilities. It outlines the roles and responsibilities of other federal agencies, including the Public Health Service, the Environmental Protection Agency, the Department of Energy, the Federal Bureau of Investigation, the US Secret Service, Federal Emergency Management Agency, and others. Air Force forces can provide a wide range of support, such as assisting in command and control; performing air patrols; and providing medical support, military working dogs, logistical support, and response if a crisis occurs. Many of the NSSE are vulnerable to air threats, so an air sovereignty mission is expected.

DEFENSE OF CRITICAL INFRASTRUCTURE ASSETS

Certain infrastructure within the US is critical to the defense and normal function of the nation. If this infrastructure were disrupted by a manmade or natural disaster, it could cause grave damage. Examples include national missile defense sites, the National Capital Region, communications and networking infrastructure, and electrical generation plants. DOD can be called on to help protect such installations from attack and to respond if a disaster occurs. The Air Force should be prepared in case it is called on to detect, preempt, respond to, mitigate, and recover from any potential threat to the nation's critical infrastructure.

MILITARY ASSISTANCE TO CIVIL DISTURBANCES

The Enforcement of the Laws to Restore Public Order Act is an exception to the normal prohibition of military forces performing direct law enforcement duties in the civilian communities. Under certain conditions the President may invoke this act to send in DOD forces to help control a situation. If Air Force forces are employed, they should normally be trained and equipped to handle civil disturbances and operate under very specific rules of engagement and rules for the use of force. Since National Guard forces in state status and under the control of a governor do not have the same restrictions (for PCA purposes) as active duty forces, they may be the force of choice.

INTERAGENCY COOPERATION

When a domestic incident occurs, many federal, state, and local agencies will be involved. Air Force personnel should be aware of the different agencies to facilitate effective and efficient support. With the exception of homeland defense missions, a civilian agency will be in charge of the incident and military assistance will be similar to a direct support role.

Although the Air Force can provide many capabilities, often there is another service or agency better suited to a particular mission. For example, the Air Force has the ability to respond with chemical, biological, radiological, and nuclear response forces and

medical teams. However, depending on the scenario, the Centers for Disease Control may be the more appropriate federal agency to lead a response to a biological event.

The COMAFFOR should have a clear understanding of the capabilities, shortfalls, and legal limitations on the use of forces. The COMAFFOR and staff should also have a similar understanding of other agencies in order to plan appropriately. By leveraging the strengths and weaknesses of all agencies, and building strong peacetime relationships, the COMAFFOR can help assure mission success as a whole.

LEAD FEDERAL AGENCIES

During an emergency or other event, there may be a lead federal agency (LFA) designated to lead and coordinate the overall federal response to an emergency. Designation and responsibilities of a lead federal agency vary according to the type of emergency and the agency's statutory authority. When planning Air Force responses to potential scenarios, Airmen should consider which agency could be designated as the LFA. Planners should discern the legal charge and authorities of LFAs to better understand how the COMAFFOR can seamlessly employ Airmen to assist during an incident.

EMERGENCY PREPARATIONS

Last Updated: 28 April 2016

A great deal of Department of Defense (DOD) planning efforts for homeland operations focus on defense support of civil authorities (DSCA), and more specifically, emergency preparedness (EP). Any Air Force capability, including intelligence capabilities, may be used in the DSCA context provided there is adherence to applicable federal law and there is no interference with military readiness or operations. Air Force leaders charged with an EP mission should anticipate what capabilities they could provide during an emergency, and how best to prepare.

LOCAL PREPARATIONS

At the local level, first responders will include fire, police, and medical personnel. They will initiate the incident command system in accordance with their local procedures. If the situation escalates and requires state or federal support on scene, the respective local, state, and federal chains of command remain separate. Local efforts remain under the control of their local leadership. State efforts are under the control of the governor and federal efforts ultimately fall under the control of the President but they will all work together within the unified management system to create a joint action plan as directed by the National Incident Management System and the national response framework (NRF).

Normal day-to-day preparation activities include the creation of memoranda of understanding/agreement between military installation commanders and local municipal leaders for capability support. Military and civilian units should test the functionality of these agreements through local response exercises. Personnel should also meet regularly to discuss relevant issues, such as training, manning, and funding. This also serves as a way to maintain relationships between the base and local community. Such partnerships can significantly reduce friction and increase effectiveness during an actual disaster response.

At the installation level, upgraded EP planning and training are coupled with other efforts, including counterterrorism, antiterrorism, critical infrastructure protection, mission assurance, and information assurance for Air Force infrastructure and personnel to ensure solid passive defense measures and allow a coordinated approach to installation and community protection. Combining these protection measures with the Air Force incident management system and continuity of operations planning gives local

base offices the tools to maintain or seize the initiative after attack. For the longer term, networks of DOD installations should be integrated into the local community's preparation and response scheme with rapid detection, response, and incident management capabilities.

Local base commanders may have their installation identified as a support location. Air Force commanders may be called upon to support in the following manners:

- **Incident Support Base.** An extension of the national distribution system which includes distribution centers as well as sites positioned to enable a resource management and provisioning capability. This is vital to ensure that resources are in or near the area of disaster impact for immediate distribution upon direction of the appropriate state and federal officials. These resources remain national assets until directed forward to points of distribution where the state takes control. When a DOD installation is selected as an incident support base, its purpose is to support the lead federal agent (LFA) and the supporting personnel and equipment.

- **Federal Team Staging Facility.** An installation or facility designated by the LFA and used by a supporting agency to mass responding forces for employment when the full responsibilities of an incident support base are not required.

- **Base Support Installation (BSI).** Normally a DOD installation with an airfield and suitable support facilities, the BSI is the domestic equivalent to a theater base in other areas of responsibility. It may be the aerial port of debarkation and may become the joint reception, staging, onward movement, and integration (JRSOI) facility for the joint forces. The US Northern Command or US Pacific Command commander designates the BSI after receiving concurrence of the owning military department Secretary. Not all states have a DOD facility capable of handling military or heavy commercial aircraft. Units should be prepared to conduct JRSOI from a civilian aerial port of debarkation and conduct further movement to a BSI or incident area.

- **Joint Reception, Staging, Onward Movement, and Integration.** The essential process that assembles deploying forces, consisting of personnel, equipment, and materiel arriving in theater, into forces capable of meeting the CCDR's operational requirement. During JRSOI, responsibilities are delineated, communications frequencies are deconflicted, and incoming personnel are fed and housed prior to departure to forward areas. The reception process varies by mission but always has accountability for personnel and equipment as key concerns. Various briefings such as a local area orientation, safety, communications, and logistics support may be provided. Personnel should also be briefed on chain of command, rules of engagement, rules for the use of force, and any legal restrictions to operations.

STATE PREPARATIONS

Each state has an agency comparable to the Federal Emergency Management Agency (FEMA) designed to direct a response. During an incident, the command and control function is run by the state's emergency operations center, led by the Governor. A parallel structure for a state government is the National Guard's joint operations center (JOC), within the state's joint force headquarters. It is led by the Adjutant General, who reports to the Governor. This provides a close connection between the state's political and National Guard leadership. Other state agencies, including law enforcement and natural resource management could also become involved. Other members of the emergency operations center/JOC include the NRF emergency support and joint staff functions.

At the JOC, the Air National Guard (ANG) determines its current capabilities based on its inventory of personnel and equipment, and categorizes that capability by FEMA NRF emergency support function. Based on the National Guard Empowerment Act of 2008 and the ANG domestic operations equipment requirements process, the ANG identifies "non-standard" equipment requirements for domestic responses. Also, each JOC should have a thorough understanding of local agencies, their capabilities and limitations, and any local factors (terrain, weather, legal issues, etc.) that may impact their ability to respond. Therefore, the JOC should serve as the focal point for local preparation and any later federal involvement. Installation commanders should interact with their respective JOC to ensure proper local planning and any response actions are coordinated.

REGIONAL PREPARATIONS

Requests for state support should be made to the state coordination officer (SCO) typically at the state emergency operations center. The SCO coordinates with state agencies to determine which agency is best to respond to a request. An emergency management assistance compact (EMAC) can exist between States. EMAC covers a wide range of disciplines to include law enforcement, legal, fire, emergency medical service, and ANG capabilities. For example, a limited number of states have C-130 aircraft equipped for airborne firefighting operations, but several states call on this capability periodically. Other examples include expeditionary medical support (EMEDS) which has a basic capability in every state, but the larger EMEDS bedded hospitals reside for ANG use on the east coast (Pennsylvania), central plains (Kansas) and west coast (Washington) to support the entire national system.

FEMA's guidance is to create a response system that stabilizes an event within 72 hours. Preplanning with FEMA, the ANG has identified 38 percent of its force inventory directly matching the specific FEMA core capabilities.

FEDERAL PREPARATIONS

The NRF and annexes outline which agency will take the lead for various events, and how the leadership transition from one agency to the other takes place. FEMA also has standing plans which identify expected support from the DOD. These support requirements are pre-identified and prioritized, which aid planning, training, and actual response efforts.

The air component staff should work with FEMA, the defense coordinating officer and defense coordinating element, emergency preparedness liaison officers (EPLOs), and related state JOCs to ensure proper integration of Air Force capabilities into response plans. Air component staff members should work through the state EPLO to assist states in developing disaster plans, identifying shortfalls, and gaining clearer understanding of capabilities across all levels of government.

One critical task is planning to assist in the continuity of government at the federal level. The Air Force currently has plans for continuity of operations (COOP) and has a significant input into the threat assessment process.

DOD-level policies mandate that COOP plans are developed and maintained to ensure essential functions continue unabated during national emergencies. These plans integrate with, and are required to support, overarching and enduring constitutional government, continuity of the presidency, resilient command and control channels of communication, and continuity of government programs. Current guidelines require an "all hazards" approach to continuity planning covering any contingency, from natural or man-made disasters to a general nuclear war. COOP plans support centers of gravity and enduring Constitutional government programs.

Historical events indicate the disruption of Air Force operations is a distinct possibility. Survival of the Air Force is critical to the defense of the nation. As such it is crucial that each echelon of the Air Force understand its role in supporting Air Force mission essential functions. All Airmen should be prepared and know what actions to take when COOP is implemented.

AFI 10-208, *Air Force Continuity of Operations (COOP) Program*, provides guidance for developing programs to ensure continuity of essential operations of the Air Force during an impending or actual national emergency. Headquarters Air Force, major commands, direct reporting units, and field operating agencies are required by DOD and Air Force guidance to possess a comprehensive and effective COOP program. All Air Force organizations are required to develop plans to ensure continuity of their essential functions, including alert and notification of personnel, movement of key personnel, and operational capability. COOP planning is best maintained by developing an integrated plan and solution among all efforts to ensure continuity of missions. These efforts include force protection, information assurance, counterterrorism, antiterrorism, mission assurance, critical infrastructure protection, and others.

APPENDIX – NATIONAL POLICY AND LAW

Last Updated: 28 April 2016

The Air Force carefully examines US policy, domestic law, and international obligations, where applicable, when planning homeland operations. There are two general points regarding homeland operations and the law:

First is the overall legal framework affecting the application of airpower in the homeland. There are restrictions on using the military to collect intelligence in the homeland. In addition, there are restrictions on using the military for direct law enforcement duties in the civilian community, with exceptions. Some examples include the President's ability to invoke the Enforcement of the Laws to Restore Public Order Act if needed and legislation permitting some use of the military in direct law enforcement roles to counter the influx of illegal narcotics.

Second are the law and its impact on potential financial reimbursement to the DOD. When managing the consequences of an event, the states normally exercise primacy over domestic incidents. Only when they ask for federal assistance, or in extraordinary circumstances, will the federal government get involved. The request process is key for the military because, except for immediate emergency situations, a formal request by the state followed by Presidential approval is necessary for the military Services to get financially reimbursed.

Because of the legal and policy complexities, prompt and frequent consultations with military legal experts are among the most important considerations in planning for and employing military assets. The homeland legal environment is very complex and dynamic. The following is a nonexclusive list of legal sources for homeland operations.

Anti-Deficiency Act, 31 U.S.C. §§1341-42, 1511-19: This act generally prohibits the obligation or expenditure of appropriated funds in advance of, or in excess of, an appropriation by Congress.

Defense Against Weapons of Mass Destruction Act, 50 U.S.C. Chapter 40: Requires DOD coordination with weapons of mass destruction (WMD) response agencies. Authorizes DOD support to Department of Justice when the Secretary of Defense (SecDef) and Attorney General jointly determine that a WMD threat exists and civil authorities lack sufficient capabilities.

Economy Act, 31 U.S.C. §1535: This act governs transfer of material between executive branch agencies within the federal government. The Economy Act does not apply to the transfer of material to non-federal law enforcement agencies. Reimbursement to the DOD from civilian law enforcement agencies is authorized under 10 U.S.C. § 377 to the extent such would be authorized under The Economy Act.

Enforcement of the Laws to Restore Public Order Act, 10 U.S.C. §§331-335: These statutes authorize the use of military forces by presidential order in response to civil disturbances, including rebellion, insurgency, insurrection, or domestic violence such that the state authorities cannot or will not enforce state or federal law. The statutes permit the President to use federal forces in response to a request from a state or territory, to enforce federal authority, or to protect Constitutional rights. (See DOD Instruction 3025.21, *Defense Support of Civilian Law Enforcement Agencies*)

Executive Order 12656, Assignment of Emergency Preparedness Responsibilities: The national security emergency preparedness policy of the US is to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. A national security emergency is any occurrence, including natural disaster, military attack, terrorist attack, technological emergency, or other emergency that seriously degrades or seriously threatens the national security of the US.

Executive Order 13228, Establishing the Office of Homeland Security and the Homeland Security Council: The Office of Homeland Security is headed by the Assistant to the President for Homeland Security. Its mission is to develop and coordinate the implementation of a comprehensive national strategy to secure the US from terrorist threats or attacks. The office coordinates the executive branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attack within the US.

Foreign Intelligence Surveillance Act of 1978 and Amendments, 50 U.S.C. §§1801 *et seq*.: The Foreign Intelligence Surveillance Act (FISA) establishes a legal framework for foreign intelligence surveillance separate from ordinary law enforcement surveillance. It is aimed at regulating the collection of foreign intelligence information in furtherance of US counterintelligence, while protecting the privacy interests of US citizens. Under FISA, surveillance is generally permitted based on a finding of probable cause that the surveillance target is a foreign power or an agent of a foreign power; in these cases, specific procedural processes must be adhered to.

Homeland Security Act of 2002, 6 U.S.C. §§101 *et seq*.: The Homeland Security Act established the Department of Homeland Security (DHS) by combining and consolidating previously existing agencies, such as the Coast Guard, Transportation Security Administration, Secret Service, Customs, and the Immigration and Naturalization Service, under one department. The DHS mission is to prevent terrorist attacks within the US; reduce the vulnerability of the US to terrorism; and minimize the

damage and assist in the recovery from terrorist attacks that occur within the US. DHS also has responsibility for investigating and prosecuting terrorism.

Military Cooperation With Civilian Law Enforcement Officials, 10 U.S.C. Chapter 18: These sections authorize support to civilian law enforcement agencies (LEA) and deal with the use of military information, equipment, facilities, and personnel.

> Military Information: Information collected during the normal course of military operations may be forwarded to federal, state, or local LEA if the information is relevant to a violation of criminal law. While the needs of the LEA may be considered when scheduling routine missions, missions may not be planned for the primary purpose of aiding LEA.
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> Intelligence: The USA Patriot Act removed some of the legal obstacles to the sharing of information between law enforcement and intelligence components. Intelligence is a specialized activity that is governed by multiple Congressional statutes, Executive Orders (EO), and DOD Directives. (See EO 12333, *United States Intelligence Activities*; DOD 5240.1, *DOD Intelligence Activities*; and AFI 14-104, *Oversight of Intelligence Activities*)
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> Military Equipment and Facilities: Military equipment and facilities may be made available to law enforcement agencies, subject to certain restrictions. (See DOD Instruction 3025.21, *Defense Support of Civilian Law Enforcement Agencies*) Generally, military working dogs can be used to support civilian LEAs. (See AFI 31-121, *Military Working Dog Program*)
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> Military Personnel: Except when authorized by statute or the Constitution, direct participation by military personnel in the execution or enforcement of the law is prohibited. Prohibited activities include interdiction, searches and seizures, arrests, and surveillance activities. Generally, the Air Force will not provide advanced military training to civilian law enforcement agencies. Permissible training includes basic marksmanship, patrolling, mission planning, medical, and survival skills. (See DOD Instruction 3025.21, *Defense Support of Civilian Law Enforcement Agencies*)

National Defense Authorization Acts: Since 1991, Congress has annually renewed military support for counterdrug operations. Under this, the SecDef may authorize support to federal, state, local, or foreign LEAs if requested. Types of support include maintenance and repair of DOD equipment, transportation of personnel and supplies for the purpose of facilitating counterdrug activities, counterdrug training activities, and aerial and ground reconnaissance, and provision of support for command and control networks. 10 U.S.C. §124 makes the DOD the lead federal agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the US. 32 U.S.C. §112 authorizes certain federal funding for the state counterdrug activities of the National Guard.

National Emergencies Act, 50 U.S.C. §§1601-1651: This act establishes a process for presidential declarations of emergencies. These declarations must be published in the Federal Register and Congress must review declarations every six months. Congress is also able to terminate these declarations. This act does not impact the President's Constitutional authority.

Posse Comitatus Act, 18 U.S.C. §1385: The Posse Comitatus Act (PCA) prohibits the use of the Army or the Air Force for law enforcement purposes, except as authorized by Congress and the United States Constitution. This prohibition applies to Navy and Marine Corps personnel as a matter of DOD policy. Prohibited direct support includes arrests, searches, and seizures. In addition, any form of indirect support that would subject civilians to a regulatory, prescriptive, proscriptive, or compulsory use of DOD power is prohibited. The PCA does not apply to National Guard units in non-federal status.

> Military Purpose: The PCA does not prohibit direct support to law enforcement agencies if the primary purpose is to further a military or foreign affairs function of the US. Actions that serve a primarily military purpose include investigations taken pursuant to the Uniform Code of Military Justice or other military administrative proceedings, and actions taken pursuant to a commander's inherent authority to protect military personnel, property, or guests, or to maintain order on an installation.
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> Emergency Authority: The PCA does not prohibit direct support in emergency situations when the action is taken under the inherent right of the US to preserve order and carry out government operations. During sudden or unexpected emergencies, responsible DOD officials or commanders may approve the use of military forces in a law enforcement capacity in order to prevent the loss of life or the wanton destruction of property, or to restore governmental functioning or order. This "immediate response" authority should be used with great caution and in extremely unusual situations.

Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 *et seq*. (Stafford Act): The statutory authority for federal disaster assistance. The act provides procedures for declaring an emergency or major disaster, as well as the type and amount of federal assistance available. The act authorizes the President to provide DOD assets for relief once a disaster is declared. After a presidential determination is made, DOD may use resources to "save lives, protect property," and avert future threats (see DOD Directive 3025.18, *Defense Support of Civil Authorities*).