

STATEMENT

OF

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BEFORE  
THE

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SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND  
COMMUNICATIONS  
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WASHINGTON, D.C.

**“DEFENSE SUPPORT OF CIVIL AUTHORITIES:  
A VITAL RESOURCE IN THE NATION’S HOMELAND SECURITY MISSIONS”**

Submitted  
By

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## **Introduction**

Chairman McSally, Ranking Member Payne, and Members of this distinguished Subcommittee, I am Robert J. Fenton, Deputy Associate Administrator for the Office of Response and Recovery of the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA). I am grateful for the opportunity to be here today.

In this testimony, I will discuss how the Department of Defense (DoD) supports FEMA under Defense Support of Civil Authorities (DSCA). FEMA and DoD work closely together to ensure that our efforts are well orchestrated and that DoD capabilities are available to support states and tribes as they respond to and recover from disasters. DoD is always in support of a lead Federal agency in providing DSCA.

## **Collaboration between FEMA and the Department of Defense**

Past incidents highlighted specific limitations under Federal law and Federal response doctrine that resulted in the slow application of resources during initial phases of disaster response. Over the last decade, FEMA has made significant strides to mitigate these limitations and enhance operational preparedness for future catastrophic events. DoD policies, processes, and procedures have evolved to incorporate these changes.

By leveraging the authorities of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) and the mandates set forth in Presidential Policy Directive (PPD) 8 on National Preparedness, FEMA improved planning and coordination among state, local, tribal, and Federal stakeholders to include the DoD. Moreover, both FEMA and DoD have been heavily involved in the exchange of subject matter expertise through the use of liaison officers (LNOs) and through DoD's Defense Coordinating Officer (DCO) program that maintains a presence in each of the ten FEMA regions.

In order to compress DoD response timelines and expedite the mission assignment request and approval process, FEMA and DoD developed 28 Pre-Scripted Mission Assignments (PSMAs) that remain working drafts based on lessons learned from previous disasters. Although not pre-approved, PSMAs facilitate a more rapid response by standardizing the process of developing Mission Assignments. They specify what type of assistance is required (personnel and equipment), identify a statement of work, and provide projected costs.

Through PKEMRA, these mission assignments can be authorized in advance of known events such as hurricanes.

## **FEMA Mission Assignment Authorities**

### *Stafford Act*

The Stafford Act constitutes the statutory authority for most Federal disaster response activities, especially as they pertain to FEMA programs in support of state and tribal governments. It vests responsibility for emergency preparedness jointly in the Federal government, state, tribal and territorial governments and their political subdivisions. It also gives FEMA responsibility for coordinating Federal government response to support state, local, tribal, and territorial efforts.

### *Post-Katrina Emergency Management Reform Act of 2006*

PKEMRA gives FEMA the authority needed to lean forward and leverage the entire emergency management team in response and recovery efforts. This team includes not only government, but also private, non-profit, and citizen partners to successfully prevent, protect against, respond to, recover from and mitigate all hazards.

PKEMRA also requires that each Federal agency with responsibilities under the National Response Framework (NRF) develop operational plans to ensure a coordinated Federal response.

### *Presidential Policy Directive 8: National Preparedness*

After the policy changes ushered in following PKEMRA, PPD-8 was released with the goal of strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the nation.

PPD-8 defines five mission areas, including: prevention, protection, mitigation, response, and recovery. It mandates the development of policy and planning documents to guide the nation's approach for ensuring and enhancing national preparedness.

### *National Preparedness Goal*

While PPD-8 describes the nation's approach to preparing for threats and hazards that pose the greatest risk to the security of the United States, the National Preparedness Goal defines success by increased security and resilience through the use of core capabilities.

The National Planning Frameworks, which are part of the National Preparedness System, set the strategy and doctrine for building, sustaining, and delivering the core capabilities identified in the National Preparedness Goal.

### *National Response Framework*

The NRF is a guide to how the nation responds to all types of disasters and emergencies. It is built on scalable, flexible, and adaptable concepts identified in the National Incident Management System (NIMS) to align key roles and responsibilities across the nation.

This Framework 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 NRF describes the principles, roles and responsibilities, and coordinating structures for delivering the core capabilities required to respond to an incident and further describes how response efforts integrate with those of the other mission areas.

The objectives of the response mission area define the capabilities necessary to save lives, protect property and the environment, meet basic human needs, stabilize the incident, restore basic services and community functionality, and establish a safe and secure environment moving toward recovery.

Under the NRF, Emergency Support Function (ESF) Annexes describe the Federal coordinating structures that group resources and capabilities into functional areas that are most frequently needed in a national response. The Federal government organizes response resources and capabilities under the ESF construct. ESFs have proven to be an effective way to manage resources to deliver core capabilities. The Federal ESFs bring together the capabilities of Federal departments and agencies and other national-level assets. ESFs are not based on the capabilities of a single department or agency, and the functions for which they are responsible cannot be accomplished by any single department or agency. Instead, Federal ESFs are groups of organizations that work together to deliver core capabilities and support an effective response.

DoD, through the U.S. Army Corps of Engineers (USACE) is a lead and coordinating agency for ESF #3 – Public Works and Engineering and is a support agency for every ESF. The ESFs are vital structures for responding to Stafford Act incidents; however, they may also be used for other incidents.

#### *Response Federal Interagency Operational Plan*

In addition to the National Planning Frameworks, FEMA completed the Federal Interagency Operational Plans (FIOPs) as part of the National Planning System. This includes one for each mission area to provide further detail regarding roles and responsibilities, specify the critical tasks, and identify resourcing and sourcing requirements for delivering core capabilities.

The Response FIOP builds upon the NRF, which sets the strategy and doctrine for how the whole community builds, sustains, and delivers the response core capabilities identified in the National Preparedness Goal.

This plan describes how the Federal government delivers core capabilities for the response mission area. Specifically, the response FIOP is an all-hazards plan that describes how the Federal government, pursuant to the Stafford Act, supports state, local, tribal, territorial, and insular area efforts to save lives, protect property and the environment, and meet basic human needs following an emergency or disaster.

## **Defense Support of Civil Authorities**

Like any lead or supporting agency under the NRF/ESF construct, the DoD is mission assigned when their assets or capabilities would best meet FEMA requirements in support of state requested assistance. This process pertains to DSCA as it is defined by DoD Directive 3025.18 as “Support provided by U.S. Federal military forces, DoD civilians, DoD contract personnel, DoD Component assets, and National Guard forces (when the Secretary of Defense, in coordination with the Governors of the affected States, elects and requests to use those forces in title 32, U.S.C., status) 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. Also known as civil support.”

### *Process*

The Defense Coordination Element (DCE) is an integral part of a region’s all-hazards preparedness and response. The DCE participates in the development of regional plans, familiarizes regional staff with DSCA capabilities and maintains well-established relationships with DoD installations and National Guard leadership throughout the region. These relationships are critical since they allow the region to rapidly identify potential facilities to serve as Federal Staging Areas or Incident Support Bases.

During disasters, the response process begins when the President issues either an Emergency Declaration or a Major Disaster Declaration under the Stafford Act. After a declaration, the DCO and the DCE are activated in response to a FEMA Mission Assignment (MA), which are used by FEMA to request assistance from the DoD, to task other Federal agencies, and to provide reimbursement for direct assistance during emergencies and disaster.

The DCO is a member of the Unified Coordination Group and works alongside the state/tribal and Federal Coordinating Officer (FCO), state and regional partners, including ESFs, to identify capability gaps and either known or anticipated DoD requirements. FEMA Mission Assignments are generated by the FCO at the FEMA Joint Field Office. Those Mission Assignments requesting DoD assistance are validated by the DCO and then sent by the FCO through FEMA to the Secretary of Defense. PSMA’s for the most commonly requested assistance from DoD are available to significantly reduce processing delays.

This process ensures that resources are coordinated and arrive at the disaster site as quickly and efficiently as possible.

## **Hurricane Sandy Successes and Lesson Learned**

FEMA deployed significant numbers of personnel, both before and after Hurricane Sandy made landfall, to support response and recovery efforts. At the peak of response and initial recovery efforts, more than 17,000 Federal personnel – including more than 7,500 FEMA staff – were

deployed. In addition, states deployed over 11,000 National Guard personnel in the impacted areas.

FEMA successfully used its mission assignment authority to provide coordinated, efficient response to survivors after the storm, issuing over \$6.3 million in mission assignments to Federal partners the day Hurricane Sandy made landfall, directing them to provide assets and services to support state, local and tribal efforts. Federal assets and services included communications system restoration, debris removal, aerial imaging and surveillance, as well as health and medical care.

Despite these successes, the significant response to Sandy also revealed notable challenges in how FEMA coordinates with its Federal partners, supports state, local, and tribal officials and disaster survivors, integrates with the whole community, and prepares and deploys its workforce. FEMA's Sandy After Action Report identified issuing timely mission assignments as an area for improvement.

Specific to DoD mission assignments, FEMA continues to work with DoD to develop PSMA's which enable FEMA to expedite resources to the affected communities during a disaster. These mission assignments were directed by law in PKEMRA and while they are not pre-approved, they instead provide a basis for language that is agreed to prior to an incident – promoting common understanding and reducing processing time.

FEMA currently has a total of 251 approved PSMA's for 31 departments and agencies. FEMA has a close partnership with the DoD as evidenced by the 28 PSMA's for DoD support, along with an additional 48 for the U.S. Army Corps of Engineers, and six for the National Geospatial Intelligence Agency. The PSMA catalogue will be continually updated based on experiences and lessons learned from disasters and simulation exercises.

FEMA recently revamped its PSMA review process and transferred the PSMA process to FEMA's WebEOC Crisis Management System to make tracking draft PSMA's, and accessing approved PSMA's, more visible to departments and agencies and to streamline their coordination within FEMA. A PSMA Technical Review Team was also created, made up of representatives from FEMA headquarters and the regions, to conduct a comprehensive review of each draft PSMA, ensuring eligibility, clarity, completeness, proper format, legality and cost efficiency. In addition, FEMA developed a new comprehensive Mission Assignment Guide to help clarify the mission assignment process, effectively managing the time required for issuing, executing, and financially closing out mission assignments.

### **Enhanced Partnerships, Integrated Planning and Exercises**

DoD and FEMA enjoy a very close relationship in deliberate planning and exercising for catastrophic incidents.

## *Doctrine, Guidance and Plans Guide Integration at the State, Regional and National Level*

A new “All-Hazards” planning construct is in place to execute PPD-8 and ensure that all ten FEMA regions are synchronized and using a single all-hazards FIOP. FEMA also develops incident-specific annexes to plan for unique situations or requirements that would not otherwise be addressed in the all hazard plan. A single five-year planning schedule enables FEMA to synchronize its planning efforts with other departments and agencies, including DoD, to ensure planning addresses regional Threat and Hazard Identification and Risk Assessments (THIRAs), as well as the Strategic National Risk Assessment.

We are proud of substantial improvements in the integration of planning assumptions, concepts of operations, and support requirements with the DoD represented in intergovernmental planning for catastrophic incidents.

Through the leadership of the Office of the Assistant Secretary of Defense for Homeland Defense and Global Security, NORTHCOM, the Joint Staff, National Guard Bureau, and other organizations, the *NORTHCOM CONPLAN 3500, DSCA Response* plan has been developed, which represents NORTHCOM’s plan for executing its supporting roles and responsibilities set forth by the NRF and the FIOP-Response.

Similarly, NORTHCOM is beginning to develop incident-specific playbooks to execute DoD roles and responsibilities identified in Regional All Hazard Plans and their incident specific annexes. National Guard planning at the state and multi-state level help to close the loop on whole community integration of civilian and military emergency management concepts.

To illustrate our success in integration, new NORTHCOM Playbooks are under development now to specifically support the tasks and requirements set forth in the FEMA Region IX Southern California Earthquake Plan and the FEMA Region X Alaska and Cascadia Subduction Zone Annexes. The NORTHCOM Playbooks will function as annexes to the NORTHCOM CONPLAN 3500 (DSCA Response).

### *Embedded Partners*

To maintain momentum with the planning integration, FEMA and NORTHCOM are in the process of embedding officials to serve in each other’s Plans Divisions. A FEMA official was detailed to NORTHCOM last summer and currently serves as a Deputy Plans Chief to support the development of NORTHCOM playbooks.

DoD also supplies a number of personnel within FEMA headquarters and its regional offices to coordinate and synchronize its operations. Liaison officers from Office of the Undersecretary of Defense for Policy, the Joint Staff, and NORTHCOM permanently reside within the FEMA Response Directorate to coordinate and ensure situational awareness on a broad array of program efforts. These liaisons also serve in positions in the National Response Coordination Center

(NRCC) to coordinate operational support missions to the states and survivors during disasters. NORTHCOM also supplies permanent DCOs in each FEMA region and an operational planner within the FEMA Headquarters Response Directorate Planning Division. These personnel are engaged as part of the core planning team for each regional and national planning initiative. Routine coordination meetings, a NORTHCOM National Planning Integration Team, and other forums provide opportunities for our organizations to raise awareness of new and ongoing planning initiatives, to solicit formal feedback on planning products and to synchronize our collective planning efforts.

Additionally, FEMA is looking to enhance the capabilities of its Incident Management Assistance Teams (IMATs) by including some of our key interagency partners as members of the IMATs. This will enable the IMATs to more quickly establish an effective unified response with our state and local partners. DoD has provided two full time personnel to two of the national IMATs, (an Noncommissioned Officer and an Officer in the rank of Colonel). Their primary role will be as planners working closely to ensure that all DoD resources are properly integrated in the response and recovery efforts in support of the State objectives. When not engaged in a response, these individuals will also be engaged with FEMA's ongoing deliberative planning efforts. This will further enhance our abilities to fully understand the full capabilities of DoD in support of response operations.

#### *Exercising: National Exercise Program Capstone Event*

FEMA doctrine reflects that the planning process is not complete until after it has been validated through an actual event or exercise. Exercises are also the means to test Federal department and agency policies, procedures and capabilities. For instance, the National Exercise Program Capstone 14 exercise that was held March 27 through April 3 tested capabilities of the broad homeland security enterprise, as well as the specific capabilities of FEMA and DoD. Key DoD Components participated in the event which served to validate and improve upon the recent joint planning efforts conducted by FEMA, the state of Alaska, DoD Components, and other departments and agencies.

#### *Senior Leader Engagement*

FEMA engages senior leaders throughout the military community through:

- Quarterly senior leader video teleconferences, which include participation from the Deputy Commander of NORTHCOM and FEMA's Associate Administrator for the Office of Response and Recovery
- Quarterly dual status commander courses
- Monthly ESF Leadership Group
- Periodic senior executive DSCA course, which features FEMA instruction



- Participation in Capstone, which is a DoD General Officer senior leader development course

## **Conclusion**

FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards. FEMA coordinates with other departments and agencies, such as the DoD, which enables FEMA to better serve the nation. This supports FEMA's broad strategic goals as an Agency, including its strategic priority of posturing and building capability for catastrophic disasters. DoD is a key partner for FEMA and through liaisons, senior leadership engagement, and planning efforts, this relationship is strengthening.

Thank you for the opportunity to discuss this important authority.