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Chairwoman McSally, Ranking Member Payne, distinguished Members of the Subcommittee: Thank you for the opportunity to address you today on the Department of Defense's (DoD's) role in responding to man-made and natural disasters in the United States.

We would like to emphasize four key points for you today: (1) DoD plays a supporting but important role in the national response system; (2) DoD relies on a broad range of defense capabilities to provide support; (3) DoD has made significant improvements in its preparedness to support civil authorities; and (4) DoD is now better prepared to support civil authorities than at any other time in our Nation's history.

### **DoD's Role in the National Response System**

DoD is prepared to assist civil authorities in saving and sustaining lives after man-made and natural disasters, including extreme weather events, pandemics, and industrial accidents. DoD understands this and is well-prepared to meet this expectation.

As stated in the National Defense Strategy, while defending the homeland, the Department must also maintain the capacity to support civil authorities in times of national emergency such as in the wake of catastrophic man-made and natural disasters.<sup>1</sup> DoD refers to this support as "Defense Support of Civil Authorities" (or "DSCA"): support provided by U.S. Federal military forces, DoD civilians, DoD contract personnel, and DoD component assets 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.

DoD plays a supporting but important role in the national response system. As provided in the National Response Framework, the national response system and its protocols provide tiered levels of support when additional resources or capabilities are needed. Most incidents begin and end locally and are managed at the local level. Some may require additional support from neighboring jurisdictions or State governments.

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<sup>1</sup> Department of Defense, *National Defense Strategy*, June 2008, page 7.

The Federal Government and many State governments organize their response resources and capabilities under the Emergency Support Function (ESF) construct. The 14 Federal ESFs bring together the capabilities of Federal departments and agencies and other national-level assets to perform such functions as transportation, public works and engineering, mass care and temporary housing, logistics, public health and medical services, and search and rescue. DoD is available to support all 14 Federal ESFs when requested.

A fundamental tenet of the national response system is that DoD is always in support of domestic civil authorities. It is also important to note that the chain of command always runs from the President to the Secretary of Defense to the Combatant Commander concerned. DoD fully supports the Incident Command System of the National Incident Management System. However, at no time does the supported agency exercise any formal command and control over DoD forces.

In this national response system, the National Guard serves as a critical State resource in disaster responses and can provide much-needed capabilities to State governors very quickly. The majority of National Guard support in disaster responses is performed at the direction of a State Governor and in a State Active Duty status as a State militia.

Normally, DoD provides DSCA in support of the Federal Emergency Management Agency (FEMA) or another lead Federal agency, when directed by the President or when the Secretary of Defense has approved a request for assistance pursuant to the Stafford Act<sup>2</sup> or the Economy Act<sup>3</sup>. This arrangement helps DoD ensure that its resources are used – lawfully – to satisfy prioritized Federal Government requirements as outlined by the President and the lead Federal agency. This arrangement is absolutely critical when DoD is supporting a Federal multi-state response so that lead

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<sup>2</sup> The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288), as amended.

<sup>3</sup> 31 U.S.C. §1535.

Federal agency requirements are appropriately prioritized and personnel and resources are deployed/employed in the affected region effectively.

There are, however, exceptions, including support provided under the immediate response authority or pursuant to a mutual and automatic aid agreement, as well as DoD organizations with independent authorities.

*Immediate Response Authority.* Under immediate response authority, Federal military commanders, Heads of DoD Components, and responsible DoD civilian officials may, in response to a request for assistance from a civil authority, under imminently serious conditions and if time does not permit approval from higher authority, may provide an immediate response by temporarily employing the resources under their control, subject to any supplemental direction provided by higher headquarters, to save lives, prevent human suffering, or mitigate great property damage within the United States. Support provided under the immediate response authority should be provided on a reimbursable basis, where appropriate or legally required, but will not be delayed or denied based on the inability or unwillingness of the requester to make a commitment to reimburse DoD.

*Mutual and Automatic Aid.*<sup>4</sup> Installation commanders may provide DSCA to local jurisdictions under mutual and automatic aid agreements (also known as reciprocal fire protection agreements), when requested. Support provided pursuant to a mutual and automatic aid agreement is not reimbursed with funding, but instead is reimbursed in-kind by reciprocal support.

*Organizations with Independent Authorities and Agreements.* Many DoD organizations possess independent authorities to provide DSCA. For example, the U.S. Army Corps of Engineers (USACE) has independent statutory authorities regarding emergency management, such as section 5 of the Flood Control Act of 1941 (Public Law 84-99) (e.g., providing technical assistance; direct assistance such as providing sandbags, pumps, and other types of flood fight materials, emergency contracting; and emergency

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<sup>4</sup> Sections 300hh-ll and 5121 et. seq. and Chapter 15A of title 42, U.S. Code.

water assistance due to contaminated water source). Under the National Response Framework, USACE is assigned as the primary agency for Emergency Support Function #3 – Public Works and Engineering. USACE assists FEMA by coordinating Federal public works and engineering-related support, as well as providing technical assistance, engineering expertise, and construction management to prevent, prepare for, respond to, and/or recover from domestic incidents. Likewise, the National Geospatial-Intelligence Agency (NGA), in accordance 50 U.S.C. §3045, is authorized to provide geospatial intelligence support to other Federal departments and agencies, including FEMA.

Other DoD organizations have unique agreements for support. For instance, the Defense Logistics Agency (DLA) has an interagency agreement with FEMA to provide commodities including fuel to civil authorities responding to disasters.

**DoD relies on a broad range of defense capabilities to provide DSCA (support to Superstorm Sandy as an example)**

DoD supports disaster response with a broad range of defense capabilities, including the Total Force (Active and Reserve Components, including the National Guard), DoD civilians, and the significant capabilities of the Defense Agencies.

During the response to Superstorm Sandy in 2012, for example, USACE unwatered the longest tunnel in North America – the Brooklyn-Battery tunnel – and did the same for other vital tunnel and subway lines, at a scale and on a pace never before seen in a disaster. USACE also installed 198 generators in critical locations (e.g., hospitals, shelters, and other facilities at the Hoboken Ferry Terminal, Long Island, and Indiantown Gap, as well as first responder operating locations) and sent power experts and generators to support New York Public Housing. At peak capacity, USACE generated 55 megawatts of power, enough to support the power needs of 50,000 families.

During the Superstorm Sandy response, DLA, under its interagency agreement with FEMA, provided 9.3 million gallons of fuel to over 300 gas stations and emergency vehicle fueling depots, and, together with USACE and the U.S. Transportation

Command, provided essential support for restoring the electric grid, the gasoline distribution system, and other critical infrastructure. DLA also used 500 trucks to distribute 6.2 million meals, 92,000 Meals-Ready-to-Eat, 72,000 bottles of water, 172,500 blankets, 4,000 cots, 18,734 mats, 6 portable x-ray machines, 51 generators (with a 71,250 kilowatt capacity), and 107 unwatering pumps (providing a 1 million gallons per minute capacity).

Prior to Sandy's landfall, NGA reviewed more than 21,000 square miles of satellite data to produce pre-strike hurricane products that included images of 24 coastal cities whose critical infrastructures and key resources would be susceptible to damage if a hurricane landed in their vicinity. NGA also deployed teams of analysts to support FEMA in Boston, New York City, and Philadelphia. After landfall, NGA worked closely with FEMA and the U.S. Coast Guard to provide mission-essential support by enabling access to and supplying analyzed images to improve situational awareness, including flooding and damage assessments, monitoring energy distribution centers, and evaluating airfields for possible evacuation and relief missions.

### **DoD Has Made Significant Improvements in its Preparedness to Provide DSCA**

DoD continually pursues improvements in its ability to provide DSCA when needed, and to work closely with its domestic agency partners.

*Strategic Guidance.* DoD's strategic guidance recognizes DSCA as a priority mission.<sup>5</sup> One of the three pillars emphasized by the Defense Strategy is protecting the homeland – deterring and defeating attacks and supporting civil authorities in mitigating the effects of potential attacks and natural disasters.

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<sup>5</sup> The 2012 Defense Strategic Guidance designated DSCA as a primary DoD mission. The Unified Command Plan assigned DSCA as a core mission of two geographic combatant commands: U.S. Northern Command (responsible for DSCA in the 48 contiguous States, Alaska, the District of Columbia, and the territories of Puerto Rico and the U.S. Virgin Islands) and U.S. Pacific Command (responsible for DSCA in Hawaii and the territory of Guam). The Defense Planning Guidance for Fiscal Years 2017-2021 prioritizes the capabilities, capacities, and readiness of the Joint Force to perform the DSCA mission.

*Integrated Regional Planning.* Consistent with the Presidential Policy Directive 8 (PPD-8) on National Preparedness, FEMA initiated a deliberate planning process to ensure integrated regional plans are in place for each FEMA region. The purpose of these plans is to speed disaster responses by enabling quick decisions based on pre-determined plans. DoD has worked closely with FEMA to integrate planning efforts and identify both response requirements and coordination challenges during major disasters.

*Complex Catastrophe Initiative.* DoD has taken steps to improve its preparedness to help civilian authorities save and protect lives during a complex catastrophe. The Complex Catastrophe Initiative directed improvements in DSCA for regional planning and plans integration, force sourcing, training and exercises, and the role of military installations and Defense Agencies in emergency response operations.

*Pre-Scripted Mission Assignments.* DoD continues to work closely with FEMA to develop all-hazard, pre-scripted mission assignments (PSMAs). FEMA PSMAs translate civilian support requirements into military tasks to expedite the request for assistance process. Although more are in development, there are 28 all-hazards, PSMAs for DoD support, more than 30 PSMAs for USACE support, and 6 PSMAs for NGA support. These all-hazards PSMAs include:

- Heavy and medium rotary-wing lift;
- Tactical transportation;
- Strategic transportation;
- Communications support;
- Emergency route clearance;
- Damage assessment;
- Mobilization centers and operational staging areas;
- Airspace control;
- Deployable temporary medical facilities; and
- Rotary wing medical evacuation.

*DSCA Execute Order.* DoD published a standing DSCA Execute Order (EXORD) that provided the Commanders of U.S. Northern Command and U.S. Pacific Command – the two Combatant Commanders responsible for DSCA – more delegated authority to provide critical life-saving and life-sustaining capabilities faster, including:

- Defense Coordinating Officers and Defense Coordinating Elements;
- DoD installations that could have been used for FEMA mobilization centers;
- Medium- and heavy-lift helicopters;
- Search aircraft for disaster area reconnaissance;
- Robust, deployable communications support packages;
- Joint task forces to command and control Federal military forces;
- Combatant Commander Assessment Elements;
- Aeromedical patient evacuation/transportation;
- Forward Surgical Teams; and
- The DLA Deployment Distribution Center.

*Access to the Total Force.* The Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve – more than 365,000 men and women living in thousands of communities across our nation, who are ready on short notice to put on a uniform and serve when called – are an invaluable resource to our Nation.

For example, the Army Reserve provides a significant portion of the Army's disaster response capabilities, including mortuary affairs (75 percent), quartermaster (65 percent), medical (59 percent), transportation (44 percent), and engineer (31 percent) capabilities. In the National Defense Authorization Act for Fiscal Year 2012, Congress approved the Administration's request to grant the Secretary of Defense the authority to order to active duty this invaluable resource to provide assistance in responses to major disasters and emergencies in the United States. To maximize the value of this authority to mitigate human suffering and save lives, DoD established policies to expedite the

sourcing of these invaluable forces, including consideration of proximity to the region affected and time to employment.

*Chemical, Biological, Radiological, and Nuclear (CBRN) Response Enterprise.*

DoD has developed a wide range of CBRN response capabilities, and has trained to employ these capabilities rapidly in support to civil authorities to help save lives in the aftermath of a CBRN incident.

The CBRN Response Enterprise – almost 17,000 military personnel strong – currently consists of 57 National Guard Weapons of Mass Destruction Civil Support Teams (one in each State and territory and two in California, Florida, and New York), 17 National Guard CBRN Enhanced Response Force Packages (stationed in Alabama, Colorado, Florida, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maine, Minnesota, Nebraska, Nevada, Oregon, Puerto Rico, Virginia, West Virginia, and Wisconsin), 10 National Guard Homeland Response Forces (one stationed in each of the 10 FEMA regions), one Defense CBRN Response Force, and two Command and Control CBRN Response Elements.

The CBRN Response Enterprise provides such critical capabilities as detection and assessment of CBRN hazards; casualty search and extraction; casualty decontamination; emergency medical, patient triage, trauma care, and surgical and intensive medical care; fatality recovery; ground and rotary-wing air patient movement; security; command and control; engineering; logistics; transportation; and aviation lift.

DoD published a standing domestic CBRN Response EXORD that establishes a response posture system for the Federal components of the CBRN Response Enterprise, and provides the Commanders of U.S. Northern Command and U.S. Pacific Command with authorities to conduct Federal CBRN response operations in support of a lead Federal agency, such as FEMA.

*Defense Coordination and Liaison.* In addition to interagency planning and other initiatives, DoD has forged strong, direct, day-to-day relations with the Department of

Homeland Security (DHS) and FEMA, including full-time DoD advisers in DHS headquarters, Defense Coordinating Officers and Defense Coordinating Elements at each of the 10 FEMA regional headquarters, and DoD liaisons at FEMA's deployed joint field offices.

DoD also established a National Guard Joint Force Headquarters-State in all 54 States, territories, and the District of Columbia. These Joint Force Headquarters provide expertise and situational awareness to DoD authorities to facilitate integration of Federal and State-level activities. They also develop plans to support civil authorities in response to man-made or natural disasters, and coordinate these plans, through the National Guard Bureau and the Joint Staff, with U.S. Northern Command and U.S. Pacific Command.

*Exercises.* Exercises are critical to ensuring readiness and identifying gaps and potential weaknesses within and across agencies in responding to man-made or natural disasters. DoD has fully supported the FEMA-led National Exercise Program. For years, DoD has also hosted numerous exercises involving Federal, State, and local partners, including annual DSCA exercises such as Ardent Sentry 2014 (Alaska earthquake) and Ardent Sentry 2015 (California earthquake). In April of this year, the Commander of U.S. Northern Command hosted a Senior Leader Seminar with Federal, State, and local partners. This seminar used a large-scale California earthquake with a cascading effects scenario as a framework to integrate key State, interagency, and DoD perspectives on how best U.S. Northern Command can provide support.

*Dual-Status Commanders.* In 2010, DoD and the States agreed to utilize dual-status commanders in disaster responses. Until 2010, dual-status commanders had only been used in deliberately planned special events.

A dual-status commander is a military commander who may, in accordance with the law, serve in two statuses, State and Federal, simultaneously, while performing the duties of those statuses separately and distinctly. In State status, the dual-status commander is subject to the orders of the State Governor and Adjutant General, and, on their behalf, exercises command or control of State National Guard forces to execute

State missions. In Federal status, the dual-status commander is subject to the orders of the President, the Secretary of Defense, and the supported Combatant Commander, and, on their behalf, exercises command and control of Federal military forces for the purpose of executing DSCA missions. The appointment of a dual-status commander does not grant the President (or other Federal officials) command of non-Federalized State National Guard forces or a State Governor (or other State officials) command of Federal military forces.

The intended benefit of appointing a dual-status commander is to facilitate unity of effort within our national response system between State National Guard forces, operating on behalf of a State Governor, and Federal military forces, operating on behalf of the President, the Secretary of Defense, and the supported Combatant Commander in achieving common objectives in a disaster response or in securing a special event.

To expedite appointment of dual-status commanders, DoD has established standing memorandums of agreement with 52 of the 53 States and territories.

### **DoD is Better Prepared to Provide DSCA**

As a result of these advances, DoD is better prepared to defend the United States and assist civil authorities in the aftermath of a catastrophic incident than at any other time in our Nation's history.

DoD is prepared, when directed by the President or the Secretary of Defense, to provide, as part of the Federal Government's support of State and local emergency assistance efforts, capabilities and resources to save lives, sustain lives, and protect property and public health and safety, including search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, and other essential needs, including movement of supplies or persons.<sup>6</sup> DoD is well-prepared and has capabilities and forces postured to act, with a sense of urgency, when needed, to maximize the saving and sustaining of lives in the aftermath of a catastrophic disaster.

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<sup>6</sup> 42 U.S.C. §5170a, §5170b, §5192.

DoD maintains this high level of preparedness by continually investing in its preparedness, including through integrated planning, training, and exercises.

## **Conclusion**

DoD plays a supporting, but important role in the national response system.

DoD relies upon a broad range of defense capabilities to provide support. DoD has made significant advances in its ability to provide DSCA, when needed, by: (1) recognizing DSCA as a priority mission in DoD's strategic guidance; (2) working closely with FEMA to support the deliberate planning process to develop integrated regional plans for each FEMA region; (3) enhancing DSCA for regional planning and plans integration, force sourcing, training, and exercises, and the roles of installations and Defense Agencies through the Complex Catastrophe Initiative; (4) expediting the request for assistance process by establishing FEMA PSMAs; (5) empowering Combatant Commanders to provide DSCA via a standing DSCA EXORD; (6) incorporating the extensive capabilities and outstanding personnel of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve; (7) fielding the best funded, best equipped, and best trained CBRN response force in the world; (8) forging strong, direct, day-to-day relations with DHS and other partners; and (9) promoting unity of effort through such concepts as the use of dual-status commanders.

As a result, DoD – Active, Reserve, National Guard, and civilians and contractors – is better prepared to defend the United States and assist civil authorities in the aftermath of a catastrophic incident than at any other time in our Nation's history. DoD's men and women – both military and civilian – are well-prepared to act, with a sense of urgency, when needed.

To continue to meet interagency preparedness requirements, DoD will work with its partners to: (1) build and sustain partnerships; (2) establish well-developed networks for sharing information and setting joint priorities; (3) forge pre-arranged agreements; (4) continually improve on integrated planning; (5) train and exercise to execute integrated

plans; and (6) rapidly integrate national efforts. As then-Deputy Secretary Carter stated in DoD's 2013 after action report for Superstorm Sandy, "[t]his is a new frontier for the Department as counter-insurgency was...and we continue to learn and adapt."

Thank you for the opportunity to appear before you today. We appreciate your leadership, Chairwoman McSally, Ranking Member Payne, and distinguished Members of the Subcommittee, and your support for the Department of Defense. We look forward to your questions.